

**FRUITLAND PARK CITY COMMISSION  
REGULAR MEETING AGENDA**

**July 22, 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 – Youth Minister Marty Clayton, Grace Bible Baptist Church

Pledge of Allegiance – Police Chief Erik Luce

**2. ROLL CALL**

**3. CONSENT AGENDA**

**Approval of Minutes** (city clerk)

July 8, June 24, 2021 regular and March 18, 2021 joint workshop

**4. REGULAR AGENDA**

**(a) Resolution 2021-029 – Proposed Millage FY 2021-22** (city treasurer)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A NOT TO EXCEED MILLAGE RATE OF 3.9134 LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2021-2022 AND SETTING THE DATE, TIME AND PLACE OF PUBLIC HEARING ON THE BUDGET FOR FISCAL YEAR 2021-2022 PROVIDING FOR AN EFFECTIVE DATE.

**PUBLIC HEARING**

**(b) Second Reading and Public Hearing – Ordinance 2021-009 SRF Revolving Loan 1<sup>st</sup> Am. Agreement** (city attorney/city manager)

AN ORDINANCE OF CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; APPROVING THE STATE REVOLVING FUND AMENDMENT 1 TO LOAN AGREEMENT WW350820 CITY OF FRUITLAND PARK; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. (First reading was held on July 8, 2021.)

**END OF PUBLIC HEARING**

- 5. (a) City Manager**
  - i. Economic Development Status Update**
  - ii. COVID-19 Status Update**
- (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**

**6. UNFINISHED BUSINESS**

**7. 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.

**8. COMMISSIONERS' COMMENTS**

- (a) Commissioner Mobilian**
- (b) Commissioner DeGrave**
- (c) Commissioner Bell**
- (d) Vice Mayor Gunter, Jr.**

**9. MAYOR'S COMMENTS**

**10. ADJOURNMENT**

**DATES TO REMEMBER**

- August 2 and 3, 2021 City Commission (FY 2021-22 Budget) Workshop at 6:00 p.m.
- August 9, 2021, Lake County Parks, Recreation and Trails Advisory Board, Office of Parks and Trails, Conference Room 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.
- August 10, 2021 Lake County Board of County Commission Budget Workshop (Infrastructure Sales Tax Capital Improvement Plan - NW Lake Community Park), Lake County Administration Building, 315 W Main Street, Tavares, Florida 32778 at 10:00 a.m.
- August 12, 2021, City Commission Regular – Cancelled
- August 12-14, 2021, Florida League of Cities Annual Conference, Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida 32821 at 8:00 a.m.;
- August 20, 2021, Lake County League of Cities (LCLC), *District School Update*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- August 25, 2021, Lake-Sumter Metropolitan Planning Organization Governing Board Meeting, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida 34748 at 2:00 p.m., and
- August 26, 2021, City Commission regular at 6:00 p.m.
  
- September 6, 2021, Labor Day, City Hall Closed;
- September 9, 2021, City Commission regular at 6:00 p.m.;
- September 10, 2021, LCLC *Sheriff's Update*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m. and
- September 23, 2021, 2021 Lake County/Municipal Economic Development Summit, Mission Inn Resort and Club, 10400 FL-48, Howey-in-the-Hills, Florida 34737 at 7:30 a.m., and
- September 23, 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  
CONSENT AGENDA ITEM SUMMARY SHEET  
Item Number: 3**

<b>ITEM TITLE:</b>	<b>Draft Regular Meeting Minutes</b>
For the Meeting of:	July 22, 2021
<b>Submitted by:</b>	City Clerk
<b>Date Submitted:</b>	July 15, 2021
<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>	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.

- July 8, 2021 regular,
- June 24, 2021 regular and
- March 18, 2021 joint workshop

**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  
DRAFT MEETING MINUTES  
July 8, 2021**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, July 8, 2021 at 6:00 p.m.

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

**Also Present:** City Manager Gary La Venia, Mr. Sandy Minkoff, representing City Attorney. Anita Geraci-Carver, City Treasurer Jeannine Racine; Police Chief Erik Luce, Public Works Director Robb Dicus; Community Development Director Dwyane Williams; Ms. Tracy Kelley, Community Development Deputy Director; Human Resources Director Jabari Hopkins, and City Clerk Esther B. Coulson.

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

After Mayor Cheshire called the meeting to order, The Reverend Dr. George A. Mulford III, Grace Bible Baptist Church, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:01:29 p.m. No action was taken.

**2. ROLL CALL**

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

ACTION: 6:03:21 p.m. **By unanimous consent, and upon Mayor Cheshire's suggestion, the city commission approved the addendum, under Agenda Item 4.(b), the City Attorney's Report.**

Mayor Cheshire acknowledged the presence of Mr. Minkoff at this evening's meeting who is attending in Ms. Geraci-Carver's absence.

**3. REGULAR AGENDA**

**(a) Resolution 2021-027 Soccer Field 4<sup>th</sup> Am. – Budget Amendment BT 2021-011 FY 2020-21**

Mr. Minkoff read into the record the title of proposed Resolution 2021-027, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY  
OF FRUITLAND PARK, FLORIDA, AMENDING THE  
2020/2021 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07  
OF THE CITY CHARTER TO INCREASE LAKE COUNTY  
SOCCER FIELD GRANT REVENUE BUDGET AND THE

RECREATION SOCCER FIELD EXPENSE BUDGET; AND  
PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:03:50 p.m. After Mr. La Venia gave a background, **a motion was made by Commissioner Bell and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-027 as previously cited.**

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

**(b) Resolution 2021-026 Urick Sewer Project (Engineering) - Budget Amendment BT 2021-010 FY 2020-21**

Mr. Minkoff read into the record the title of proposed Resolution 2021-026, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2020/2021 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE SRF SEWER LOAN REVENUE BUDGET AND THE SEWER SYSTEM IMPROVEMENT URICK SEWER EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:05:29 p.m. After Mr. La Venia gave a background, **a motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2021-026 as previously cited.**

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

**(c) Resolution 2021-028 – WWTP Metal Building - Change Order Request - Halff Associates Inc.**

Mr. Minkoff read into the record the title of proposed Resolution 2021-028, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE ADDITIONAL SERVICES CONFIRMATION DATED JUNE 11, 2021 FROM HALFF ASSOCIATES, INC. RELATING TO THE METAL BUILDING AT WWTP THEREBY INCREASING THE SCOPE OF WORK AND SERVICES AS WELL AS INCREASING THE FEES; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:07:11 p.m. After Mr. La Venia gave a background, **a motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2021-028 as previously cited.**

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

**(d) May 2021 Financial Report**

Ms. Racine reviewed the May 2021 financial report.

After discussion and in response to Chief Luce's explanation on the parked law enforcement vehicles at city hall; the officer's employment status and existing vacancies at the police department, the city commission agreed with Vice Mayor Gunter's suggestion that the vehicles be relocated.

**ACTION:** 6:09:51 p.m. After discussion, and **on motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved the May 2021 financial report as submitted.**

**By unanimous consent, Mayor Cheshire opened the following public hearing.**

**PUBLIC HEARING**

**(e) First Reading and Public Hearing – Ordinance 2021-009 SRF Revolving Loan 1<sup>st</sup> Am. Agreement**

Mr. Minkoff read into the record the title of proposed Ordinance 2021-009, the substance of which is as follows:

AN ORDINANCE OF CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; APPROVING THE STATE REVOLVING FUND AMENDMENT 1 TO LOAN AGREEMENT WW350820 CITY OF FRUITLAND PARK; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. (Second reading will be held on July 22, 2021.)

**ACTION:** 6:14:25 p.m. After Mr. La Venia gave the background, **a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission approve Ordinance 2021-009, as previously cited.**

There being no one from the public and **by unanimous consent, Mayor Cheshire closed the public hearing.**

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

## END OF PUBLIC HEARING

### 4. (a) City Manager

#### i. Economic Development Status Update

Mr. La Venia gave a report on the forthcoming proposed developments to be considered at a future meeting.

ACTION: 6:20;27 p.m. No action was taken.

#### ii. Street Resurfacing Bids Status Update

Mr. La Venia, reviewed the recent invoice for \$159,483 from Paqco Inc. (Paquette Company) outlining resurfacing and roadway improvement projects and referred to the recent report on the list of roads to be paved for FY 2020/21 from Mr. Dicus to be considered as a piggyback project with Paqco, a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. La Venia reported on his conversations held earlier this day with Mr. Richard J. Baier, Villages Community Development District (VCDD), confirming VCDD's responsibility to take care of the depression on Conservation Trail road surface in the Villages of Fruitland Park (Pine Ridge); referred to the June 30, 2021 letter from BESH-Halff (now known as *Halff Associates Inc.*, engineers, surveyors, and land planners retained by the city) together with photographs taken on the ongoing settlement issue, and the May 13, 2020 contract proposal for \$964.91. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

Mr. La Venia indicated that the Community Redevelopment Agency (CRA) will be holding a special meeting on August 22, 2021 on the roadways within the CRA and addressed the plan to report back on whether Paqco Inc. could carry out roadway widening improvements on Fountain Street

ACTION: 6:22:15 p.m. and 6:26:44 p.m. After further discussion, and **by unanimous consent, the city commission accepted the city manager's report as previously cited.**

#### iii. Professional Architectural Services Design - Public Works and Public Safety Buildings - GatorSketch Corporation Status Update

With respect to the proposed public safety building, Mr. La Venia referred to his July 7, 2021 meeting with the Lake County Fire Rescue Services management staff and relayed the following discussions held regarding:



- plans to improve Fountain Street;
- county fire rescue services staff to be stationed at the proposed site as the central and primary regional location;
- the bays' dimensions for the emergency medical and fire rescue services' vehicles;
- the outstanding amount for the fire truck purchased from the city which is being repaired, and
- Fire Chief James "Jim" Dickerson's preparation of the county's needs analysis, similar to the one provided by Chief Luce, before presenting same to GatorSkitch Corporation (architect retained by the city).

After discussion, Mr. La Venia addressed his intent to find out whether any county funding would be earmarked towards the proposed building.

With respect to the public works building, Mr. La Venia recalled the city commission's actions at its May 13, 2021 regular meeting to proceed with the development of the public works building; addressed his intent to inform GatorSkitch on the proposed material, and gave reasons why he is recommending construction of the building in block and the subsequent procurement of same.

**ACTION: 6:29:40 p.m. and 6:30:46 p.m. By unanimous consent, the city commission accepted the city manager's recommendation, as previously cited, and authorized the city manager to negotiate the construction and pricing of the public works building as split-based block before procurement of same.**

**iv. Traffic Movement Regulation (W Bidwell Street at Willard Avenue)**

After Mr. La Venia recollected the city commission's position taken at the May 13, 2021 regular meeting to review the traffic study within Mirror Lake Drive, Chief Luce outlined the traffic movement regulation and recommended that the city commission propose an ordinance to install a three-way stop sign at the intersection of West Bidwell Street and Willard Avenue.

After Mr. La Venia concurred with Mayor Cheshire's recognition of the future construction of the new Fruitland Park Elementary school in the area; the implications of potential increased vehicular traffic and the affected area residents on the need for stop signs, he agreed with Vice Mayor Gunter's suggestion to seek safe routes to school grants to install sidewalks to which Chief Luce recalled the county's safe routes for schools which was addressed at the April 27, 2017 regular meeting.

**ACTION: 6:33:40 After much discussion and by unanimous consent, the city commission accepted staff's recommendation to:**

- **consider a local traffic movement ordinance to install a three-way stop sign at the intersection of West Bidwell Street and Willard Avenue to be drafted by the city attorney;**
- **review a similar requirement for Mirror Lake Drive and the surrounding roadways;**
- **study the traffic on Urick Street when the Fruitland Park Elementary School is constructed, and**
- **direct the city manager to pursue a project development and environment study for the new school and the CR 468 corridor/Urick Street as addressed at the December 12, 2019 regular meeting.**

**v. Vacation**

Mr. La Venia reported that he will be away during the week commencing Sunday, July 18, 2021; will not be able to attend the next meeting, and that Mr. Hopkins will be representing him.

ACTION: 6:26:40 p.m. No action was taken.

**(b) City Attorney**

Mr. Minkoff referred to Ms. Geraci-Carver's report, a copy of which is filed with the supplemental papers to the minutes of this meeting, and relayed her comments that there is nothing to report other than what is indicated as shown below:

- City of Fruitland Park v. State of Florida Department of Management Services;
- Michael and Laurie Fewless v. City of Fruitland Park, and
- Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026

ACTION: 6:41:17 p.m. No action was taken.

**5. UNFINISHED BUSINESS**

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

ACTION: 6:41:26 p.m. No action was taken.

**6. PUBLIC COMMENTS**

There was no one from the public at this time.

ACTION: 6:41:27 p.m. No action was taken.

**7. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

Commissioner Mobilian requested that Mr. La Venia convey his gratitude to Lake County Emergency Medical Services personnel as a result of the services, care and attention extended to him and his wife from his home to the hospital in the City of Leesburg.

ACTION: 6:42:04 p.m. No action was taken.

**(b) Commissioner DeGrave**

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

ACTION: 6:42:55 p.m. No action was taken.

**(c) Commissioner Bell**

Commissioner Bell recommended that the city commission attend the August 10, 2021 county commission budget workshop -- the city's funding request of \$150,000 for the purchase and installation of the restroom facility -- Northwest Lake Community Park (Cales Memorial Athletic Complex) Multipurpose Soccer Field.

ACTION: 6:42:57 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: 6:43:22 p.m. No action was taken.

**8. MAYOR'S COMMENTS**

**(a) Letter of Support – Historical Records: Archival Projects FY 2022 Grant**

After Mayor Cheshire referred to the letter of support for Historical Records: Archival Projects FY 2022 Grant; Ms. Coulson requested the city commission's support of same. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

ACTION: 6:43:26 p.m. **By unanimous consent, the city commission approved the city clerk's request accepting the letter of support for the subject Historical Records: Archival Projects FY 2022 Grant.**

**(a) Dates to Remember**

Mayor Cheshire announced the following events:

- July 9, 2021, NIMBY, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;

- July 9, 2021 *Best of Enemies, Worst of Friends* Movie in the Dark Pool Party at Gardenia Recreation Complex, 205 W Berckman Street, Fruitland Park, Florida 34730 at 7:30 p.m.;
- July 22, 2021, City Commission Regular at 6:00 p.m.
  
- August 2 and 3, 2021 City Commission (FY 2021-22 Budget) Workshop at 6:00 p.m.
- August 9, 2021, Lake County Parks, Recreation and Trails Advisory Board, Office of Parks and Trails, Conference Room 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.
- August 10, 2021 Lake County Board of County Commission Budget Workshop (Infrastructure Sales Tax Capital Improvement Plan - NW Lake Community Park), Lake County Administration Building, 315 W Main Street, Tavares, Florida 32778 at 10:00 a.m.
- August 12, 2021, City Commission Regular – Cancelled
- August 12-14, 2021, Florida League of Cities Annual Conference, Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida 32821 at 8:00 a.m.
- August 25, 2021, Lake Sumter~Metropolitan Planning Organization Meeting, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida 34748 at 2:00 p.m., and
- August 26, 2021, City Commission regular at 6:00 p.m.

ACTION: 6:45:06 p.m. No action was taken.

**9. Adjournment**

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 6:47 p.m.

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

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

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

**FRUITLAND PARK CITY COMMISSION REGULAR  
DRAFT MEETING MINUTES  
June 24, 2021**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, June 24, 2021 at 6:00 p.m.

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

**Also Present:** City Manager Gary La Venia, City Attorney Anita Geraci-Carver, City Treasurer Jeannine Racine; Police Chief Erik Luce, Public Works Director Robb Dicus; Community Development Director Tracy Kelly; Administrative Assistant Sharon Williams; Human Resources Director Jabari Hopkins, Lake County Fire Rescue Lieutenant Mark Gato; Lake County Firefighters Kyle Smalt and John Pawlowski, and City Clerk Esther B. Coulson.

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

After Mayor Cheshire called the meeting to order, Pastor Marty Morelli, Life Church Assembly of God, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:00:30 p.m. No action was taken.

**2. ROLL CALL**

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

ACTION: 6:02:35 p.m. No action was taken.

**3. SPECIAL PRESENTATIONS**

**(a) James “Mark” Isom Sr. Memoriam – Proclamation**

On behalf of the city commission, Mayor Cheshire read into the record a proclamation in memory of Mark Isom; asked the citizens to join together to express condolences to the Isom family, and indicated that his presence at city commission meetings will be missed.

ACTION: 6:02:53 p.m. Ms. Dena Isom accepted the proclamation with gratitude.

**(b) Grant Writer Presentation**

Grant writer presentation by Ms. Katie Taff, Liberty Partners of Tallahassee LLC, gave a power-point on the current American Rescue Plan Act (ARPA) funding (a copy of which is filed with the supplemental papers to the minutes of this meeting) and provided a status update report with Mr. La Venia on the following grant opportunities in the city, the state 2021-22 budget and other matching grants:

- Community Development Block Grant CV Small Cities and Entitlement Pre-Application Program for \$825,000 for an emergency operation center and emergency equipment adopted by the city commission at its March 11, 2021 regular meeting where a positive review was received from the State of Florida Department of Economic Opportunity's June 16, 2021 Technical Assistance Letter; noted their findings and the process to move forward.
- Resilient Florida Grant Program, approved by the governor, to provide grants to local governments to fund the costs of community resilience planning such as statewide flooding and sea level rise and includes wastewater treatment facilities and lift stations and stormwater treatment facilities and pump stations,
- Job Growth Grant Fund Program (economic development infrastructure and job training to include transportation and utility needs) \$76 million which the city ought to pursue;

and

- Electronic Records
  - o Data Recovery Grant Program Years 2021-22
  - and
  - o Access to Historical Records: Archival Projects for FY 2022, National Historical Publications and Records Commission

ACTION: 6:07:26 p.m. No action was taken.

(c) **Rezoning (Ordinance 2019-003) Rezoning Ordinance 2019-003 (Petitioner: Leesburg Fruit Company Rufus M. Holloway, Trustee/Holloway Properties, Inc.)**

Rezoning Ordinance 2019-003 enacted on September 19, 2019, 177± acres from Commercial Planned Unit Development (PUD) to Mixed Use PUD and approving a master development agreement presentation by Mr. Charles "Chuck" C. Hoitt, BESH-Halff Inc.

Mr. William "Bill" Ray, Ray and Associates., acknowledged the presence of Mr. Hoitt at this evening's meeting, regarding the subject project and described the minor modifications to the previously approved PUD reducing the residential dwelling units by approximately 25 percent and the remaining properties will remain as open space.

After Commissioner DeGrave expressed concerns on the reduction identified as minor, Mr. La Venia indicated that the subject issue, after it is platted, will be considered before the city commission at a future meeting.

ACTION: 6:26:45 p.m. No action was taken.

**By unanimous consent, Mayor Cheshire took the following item out of order on this evening's agenda.**

**(d) Charity Event - Police Department**

Mr. Ron Cullum, Villages of Fruitland Park (Pine Hills) resident and a member of Village Vettes Corvette Club, recalled its recent charity event held at the Bushnell National Cemetery in honor of the veterans and expressed heartfelt appreciation to the Fruitland Park Police Department on the involuntarily and unexpected convoy services provided enroute.

**ACTION:** 6:05:50 p.m. No action was taken.

**4. CONSENT AGENDA**

**Approval of Minutes**

June 10, 2021, regular meeting minutes as submitted.

**ACTION:** 6:31:35 p.m. **On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda as previously cited.**

**5. REGULAR AGENDA**

**(a) Resolution 2021-024 - Preliminary Fire Assessment Rate - GSG Government**

Ms. Geraci-Carver read into the record proposed Resolution 2021-024, the substance of which is as follows:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES WITHIN THE VILLAGES OF FRUITLAND PARK BENEFIT AREA IN THE CITY OF FRUITLAND PARK; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**ACTION:** 6:31:48 p.m. After discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-024 as previously cited.

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

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

### **PUBLIC HEARINGS**

**(b) Second Reading and Public Hearing - Ordinance 2021-005 Lake County Countywide MSTU for Ambulance and EMS**

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the following title of proposed Ordinance 2021-005 and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONSENTING TO THE INCLUSION OF THE CITY OF FRUITLAND PARK, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT (MSTU) OF THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MSTU FOR A SPECIFIED TERM OF THREE (3) YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on May 27, 2021.)

**ACTION:** 6:33:30 p.m. A motion was made by Commissioner Bell and seconded by Commissioner Mobilian that the city commission enact Ordinance 2021-005 as previously cited to become effective immediately as provided by law.

There being no one from the public and by unanimous consent, the Mayor Cheshire closed the public hearing.

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

**(c) Second Reading and Quasi-Judicial Public Hearing Ordinance 2021-003 Master Development Agreement Am. – Westminster Pine Ridge PUD – Emergency Veterinary Clinic - Petitioner: First Baptist Church of Leesburg Inc.**

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the following title of proposed Ordinance 2021-003 and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE MASTER DEVELOPMENT



AGREEMENT CONDITIONS OF THE WESTMINSTER PINE RIDGE PLANNED UNIT DEVELOPMENT (PUD) TO PROVIDE FOR AN EMERGENCY VETERINARY CLINIC AS A PERMITTED USE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND SCRIVENER'S ERRORS; AND SETTING AN EFFECTIVE DATE. (The first reading was held on June 10, 2021.)

### **QUASI-JUDICIAL PUBLIC HEARINGS**

**ACTION:** 6:34:55 p.m. A motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission enact Ordinance 2021-003 as previously cited to become effective immediately as provided by law.

There being no one from the public and by unanimous consent, the Mayor Cheshire closed the public hearing.

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

**(d) Quasi-Judicial Public Hearing – Resolution 2021-022 Variance Request – 201 E LaVista Street Signs – Petitioner: New Life Presbyterian Church of Lake Co. Inc.**

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the following title of proposed Resolution 2021-022 and Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATION (LDR) REQUIREMENTS PERTAINING TO THE NUMBER OF SIGNS, MAXIMUM SIGN AREA AND SEPARATION DISTANCE, ON THE SUBJECT PROPERTY LOCATED AT 201 EAST LAVISTA STREET AND OWNED BY NEW LIFE PRESBYTERIAN CHURCH OF LAKE CO., INC., PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE. (Postponed from the June 10, 2021, regular meeting.)

Mr. "Richi" Richard Anderson, President, New Life Presbyterian Church, who was sworn-in by Ms. Geraci-Carver, described in response to Commissioner DeGrave's inquiry, the proposed variance request for three signs (for non-profit organizations) to be located on the subject property at 193, 197, and 201 E LaVista Street, respectively.

After discussion, Ms. Marybeth Harvey, New Life Presbyterian Church, sworn by Ms. Geraci-Carver, confirmed the problem of the motorists' speeds; the ability to see the posted signs and find the locations which she felt ought to be spaced for ease and safety.

Following further discussion and in noting the purpose for advertising sign design destination, Commissioner DeGrave cited the following reasons why he is against the proposition to be considered:

- one property with three buildings on city-owned streets which he believed would be setting a precedence;
- the proposed sign to be located on the rear of the subject property on a hill adjacent to US Highway 27/441; thus, the number of signs for the future business area potentially would pose a distraction for motorists travelling at a high rate of posted speed, and
- the placement of the proposed sign in question is undefined for the southern portion of the subject building.

After Mr. Richardson referred to one-sign variance dimensions, Ms. Kelley, who was sworn, depicted the provisions under subsection 163.060 of the LDRs.

After discussion, Ms. Geraci-Carver addressed, in response to Commissioner DeGrave's inquiry on the city commission's ability to approve one of the proposed variance request (the alternate plan) to replace the electric sign with one monument sign which lists all three non-profit organizations which would constitute a subsequent change in the body of the proposed resolution.

**ACTION:** 6:35:57 p.m. After discussion, **Commissioner DeGrave proffered a motion to adopt Resolution 2021-022 as previously cited granting the variance request changing it from *construct two (2) additional monument signs not to exceed 50- square feet of sign area each* to the alternate variance request reflecting a *single monument sign not to exceed 10' by 10', 100 square feet, accepted by the applicant.***

After discussion and **by unanimous consent, the city commission accepted staff's request, agreeable by the city attorney, to implement the proposed Electronic Message Boards language under subsection 163.070: c) 1) xvi), Sign Regulations from the Land Development Code endorsed at the March 18, 2021 joint planning and zoning board and city commission workshop to be conditional upon the city commission's approval.**

Upon Mayor Cheshire's request, **Commissioner DeGrave restated the motion, seconded by Vice Mayor Gunter that the city commission adopt aforementioned Resolution 2021- 022 granting the alternate variance request**

**for a single monument sign not to exceed 10' by 10', 100 square feet to replace the existing sign regulations for monument signs under Chapter 163, Sign Regulations of the Land Development Regulations and accepted staff's request to implement the Electronic Message Boards language under subsection 163.070: c) 1) xvi), Sign Regulations from the Land Development Code as previously cited.**

After discussion, **Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.** (The commission justified its action as non-president setting which was due to the subject property's elevated location.)

**(e) Second Reading and Quasi-Judicial Public Hearing - Ordinance 2021-008 - Rezoning – 212 E LaVista Street – Petitioner: New Life Presbyterian Church of Lake County Inc.**

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the following title of proposed Ordinance 2021-008 and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.25± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA FROM RESIDENTIAL PROFESSIONAL (RP) 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 first reading was held on June 10, 2021, affidavit revealed April 22, 2021 first reading and second reading May 13, 2021 which never occurred and there were no other public notices stating otherwise.)

**ACTION: 6:52:36 p.m. A motion was made by Commissioner Bell and seconded by Commissioner Mobilian that the city commission enact Ordinance 2021-008 as previously cited to become effective immediately as provided by law.**

There being no one from the public and **by unanimous consent, the Mayor Cheshire closed the public hearing.**

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

(f) **Second Reading and Quasi-Judicial Public Hearing - Ordinance 2021-004 – Rezoning 0.26+ Acres – RP-PFD – 115 S Villa Avenue – Petitioner: New Life Presbyterian Church of Lake County Inc.**

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the following title of proposed Ordinance 2021-004 and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.26 ± ACRES OF PROPERTY LOCATED AT 115 SOUTH VILLA AVENUE, FRUITLAND PARK, FLORIDA FROM PUBLIC FACILITIES DISTRICT (PFD) TO THE DESIGNATION OF RESIDENTIAL PROFESSIONAL (RP) 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 first reading was held on June 10, 2021.)

**ACTION:** 6:54:43 p.m. A motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that the city commission enact Ordinance 2021-004 as previously cited to become effective immediately as provided by law.

There being no one from the public and by unanimous consent, the Mayor Cheshire closed the public hearing.

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

**END OF PUBLIC HEARINGS**

**END OF QUASI-JUDICIAL PUBLIC HEARINGS**

6. (a) **City Manager**

i. **Economic Development Status Update**

Mr. La Venia introduced Mr. Dwayne Williams was present at this evening’s meeting who will begin his employment with the city as the city’s new community development director on July 6, 2021 and announced that Ms. Kelley will serve as the deputy.

**ACTION:** 6:55:03 p.m. No action was taken.

**ii. COVID-19 Status Update**

Since there has been no significant activities relating to COVID-19, Mr. La Venia addressed his preference for same to be removed from his future agenda reports.

**ACTION:** 6:56:10 p.m. **By unanimous consent, the city commission accepted the city manager's request as previously cited.**

**iii. Professional Architectural Services Design - Public Works and Public Safety Buildings - GatorSkitch Corporation**

Mr. La Venia addressed the following:

- Public Safety Building - the plan to meet with Lake County Manager Alan Rosen, Deputy Manager Jo Ann Drury, Fire Chief James "Jim" P. Dickerson, Emergency Management Division Director Thomas Carpenter, Chief Luce and himself; Chief Luce's prepared needs analysis for the building which will be addressed at the next meeting with the intent to request same and other matters from the county, and the anticipated ARPA to the county earmarked for infrastructure investments.
- Public Works Building
  - May 13 presentation given by Mr. Michael "Mike" B. Latham, GatorSkitch Architects and Planners;
  - city commission's consensus to proceed with the development of the public works building;
  - preference to utilize block for the building at an approximate cost of \$60,000;
  - acceptance at the June 10, 2021 regular meeting to design a sprinkler system for up to \$90,000;
  - plan to submit a change order for an additional site work for up to 150k for consideration on the July 8, 2021 regular agenda

**ACTION:** 6:56:20 p.m. and 7:07:47 p.m. No action was taken; however, Mayor Cheshire suggested that staff postpone the commencement of work until the fall in prices for construction materials.

**(b) City Attorney**

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

Ms. Geraci-Carver had no report to submit on the State of Florida Department of Management Services case.

**ACTION:** 7:11:10 p.m. No action was taken.

- ii. Michael and Laurie Fewless v. City of Fruitland Park**  
Ms. Geraci-Carver had no report to submit on the Michael and Laurie Fewless case.

ACTION: 7:11:10 p.m. No action was taken.

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

Ms. Geraci-Carver reported that she received notification earlier this day on the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026 that the plaintiff's attorney plans to file a motion to move the case along with the anticipation of scheduling soon.

ACTION: 7:11:10 p.m. No action was taken.

- iv. Financial Disclosure (Form 1, Statement of Financial Interests) 2020**

Ms. Geraci-Carver reminded the local officers and employees identified on the financial disclosure to file their Form 1, Statement of Financial Interests for 2020 before the July 1, 2021 with the local supervisor of elections.

ACTION: 7:11:35 p.m. No action was taken.

- v. RFP – Solid Waste Collection Services**

In response to Mr. La Venia's inquiry, Ms. Geraci-Carver reported on staff's compilation of the proposed request for proposal bid for residential and commercial solid waste collection services (garbage, yard trash, and recycling) and anticipated finalizing the changes to same for issuance in the very near future.

Mr. La Venia encouraged the city commissioner members to individually provide him with comments on same that were previously provided to them; a copy of which is filed with the supplemental papers to the minutes of this meeting. .

ACTION: 7:11:51 p.m. No action was taken.

- vi. Absence**

Later in the meeting, Ms. Geraci-Carver announced that she will not be in attendance for the July 8, 2021 regular meeting as she will be attending the Municipal Attorney's Association Annual Seminar in Palm Beach County.

ACTION: 7:14:43 p.m. No action was taken.

**7. UNFINISHED BUSINESS**

There was no unfinished business at this time.

ACTION: 7:12:15 p.m. No action was taken.

**8. PUBLIC COMMENTS**

There were no public comments at this time.

ACTION: 7:12:17 p.m. No action was taken.

**9. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian – LŠ~MPO**

Commissioner Mobilian reported that the Lake~Sumter Metropolitan Planning Organization held a virtual meeting on June 23, 2021; noted that the CR 466A (Phase 3 Roadway Improvement project for FY 2021-22), remains as number 1 on the priority project list.

ACTION: 7:12:45 p.m. No action was taken.

**(b) Commissioner DeGrave**

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

ACTION: 7:13:33 p.m. No action was taken.

**(c) Commissioner Bell – NW Lake Community Park**

Commissioner Bell encouraged the city commission to attend the August 10, 2021 Lake County Board of County Commissioners FY 2021-22 Budget workshop regarding the Office of Management and Budget's presentation on the list of capital projects recommended by the Parks, Recreation and Trails Advisory Board which includes Northwest Lake Community Park (Cales Memorial Athletic Complex) Multipurpose Soccer Field.

ACTION: 7:14:53 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: 7:13:36 p.m. No action was taken.

**10. MAYOR'S COMMENTS**

**Dates to Remember**

Mayor Cheshire noted the following events:

- July 5, 2021, City Hall Closed – Holiday Observed on July 4, 2021
- July 8, 2021, City Commission Regular at 6:00 p.m.

- July 9, 2021, LCLC *District School Update*, Diane Kornegay, Superintendent of Lake County Schools, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.
- July 22, 2021, City Commission Regular at 6:00 p.m.
  
- August 2 and 3, 2021 City Commission (FY 2021-22 Budget) Workshop at 6:00 p.m.
- August 9, 2021, Lake County Parks, Recreation and Trails Advisory Board, Office of Parks and Trails, Conference Room 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.
- August 10, 2021, LCBCC (NW Lake Community Park Presentation) TBD.
- August 12, 2021, City Commission Regular – Cancelled
- August 12-14, 2021, Florida League of Cities Annual Conference, Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida 32821 at 8:00 a.m.
- August 25, 2021, LS~MPO Meeting, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida 34748 at 2:00 p.m., and
- August 26, 2021, City Commission regular at 6:00 p.m. where he acknowledged that Commissioner Bell is expected to be absent.

Mayor Cheshire suggested that the city commission members forward their future schedules to Ms. Coulson in order to plan for forthcoming workshops.

ACTION: 7:13:38 p.m. No action was taken.

**12. ADJOURNMENT**

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 7:16 p.m.

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

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

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



**FRUITLAND PARK CITY COMMISSION JOINT WORKSHOP  
DRAFT MEETING MINUTES  
March 18, 2021**

A joint workshop meeting of the Fruitland Park City Commission and Planning and Zoning (P&Z) Board was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, March 18, 2021 at 6:00 p.m.

**Commission Members Present:** Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Chris Bell, Patrick DeGrave, and John Mobilian; **P&Z Board Members:** Al Goldberg, Chair; Vice Chair Dan Dicus, Carlisle Burch, Walter Birriel, and Fred Collins,

**Members Absent:** School Board Member Dr. Kristi Burns, Non-Voting Member

**Also Present:** City Manager Gary La Venia, City Attorney Anita Geraci-Carver; Community Development Director Tracy Kelley; Administrative Assistant Sharon Williams; Deputy City Clerk Jabari Hopkins, and City Clerk Esther B. Coulson.

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

ACTION: 6:00:23 PM After Mayor Cheshire called the meeting to order, 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**

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

ACTION: 6:00:05 p.m. No action was taken.

**3. LAND DEVELOPMENT REGULATIONS**

After Mayor Cheshire recognized the land development regulations (LDRs) to be in order at this day's meeting, Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., referred to Ms. Coulson's October 8, 2020 email regarding the proposed LDRs which has been reviewed by staff and Ms. Geraci-Carver; and confirmed that changes to the LDRs as a result were made as of this date. (A copy of the October 8, 2020 email is filed with the supplemental papers to the minutes of this meeting.)

Mr. Beliveau addressed the need to review the proposed changes under Chapter 163, Sign Regulations before commencing with the public hearing process for adoption and distributed the revised draft, a copy of which is filed with the supplemental papers to the minutes of this meeting. .

**Chapter 163, Sign Regulations**

Mr. Beliveau referred to consensus at the September 26, 2019 joint workshop on the changes made to sign spinners; the freestanding monument (multi-tenant) signs, and

change of occupancy triggering signage on the building structure. He pointed out the definitions language under the subject chapter which is also included under Chapter 151, Definitions and Interpretations; cited other versions of the definition that staff intends to include and noted that exemptions such as real estate signs on private property and political signs that were not addressed which ought to be considered.

**ACTION:** 6:04:06 p.m. and 7:19:53 p.m. Subsequent to extensive deliberations, **the city commission and the planning and zoning board, by unanimous consent accepted the recommendation of LPG Urban and Regional Planners Inc. to approve the following language under subsection 163.040: 21) a)-c).**

*Signs placed on a vehicle with a total sign area on any vehicle in excess of ten (10) square feet, where the vehicle is not “regularly used in the conduct of business” and:*

- a) Is visible from a street right-of-way within one hundred (100) feet of the vehicle, and;*
- b) Is parked for more than six (7) consecutive hours in any twenty-four (24) hour period within one hundred (100) feet of any street right-of-way.*
- c) A vehicle shall not be considered “regularly used in the conduct of the business” if the vehicle is used primarily (i) for advertising, or (ii) for the purpose of advertising. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal hours of business and which is currently licensed, insured, and operable; provided, however, that no such vehicle shall be parked on public or private property with signs attached 21or placed on such vehicle primarily for the purpose of advertising a business establishment or firm, or calling attention to the location of a business establishment or firm.*

After Mr. Beliveau reviewed, at length, the provisions under subsection 163-070: c) 1) xvi) c), Electronic Message Boards, Signs in Non-Residential Zoning Districts (Residential Processional, Central Business District Mixed Use, Neighborhood Professional, Highway Business, Industrial, Commercial Planned Unit Development District, Public Facilities District, Mixed Use Planned Unit Development, and Industrial Planned Unit Development), and following extensive deliberations **the planning and zoning board and the city commission, by unanimous consent, accepted the following provisions under subsection 163 070: c) 1) xvi), Electronic Message Boards:**

- a) the city attorney’s suggestion to determine the existing maximum copy area for electronic message board signs which exceeds 14 square feet as permitted guidelines;**

- c) **Commissioner Bell's request to strike the language: . . . *Shall only display text. The text shall be amber-colored or similar lettering with black background. . . .* ;**
- d) **revise the language to reflect dimming features and capabilities ought to be measurable at twenty percent (20%);**
- e) **revise the language to reflect dimming features and capabilities ought to be measurable at twenty percent (20%);**
- h) **revise the language to delete the words: . . . *5am to 11 pm* and replace the words: *from dawn to dusk*;**
- i) **strike the language: . . . *Illumination of any sign located as to be visible from any street or thoroughfare shall not exceed 0.3 foot-candles above ambient lighting conditions at any point along the paving or curb. . . .***  
and
- j) **strike the language: . . . *Electronic Message Boards are only permitted along US HWY 27. . . .***

With respect to the monument sign dimensions for the electronic message board **and by unanimous consent, the planning and zoning board and the city commission accepted Vice Chair Goldberg's suggestion to draft provisions identifying and determining the calculation and surcharge requirements.**

Later in the meeting, Ms. Kelley requested that building official be removed from the language under subsection 163.080: a) 3) Enforcement.

ACTION: 7:19:53 p.m. No action was taken.

#### 4. **OTHER BUSINESS**

##### **Chapter 151, Definitions and Interpretations, Bed and Breakfast Inn**

Commissioner Bell referred to Chapter 151, Definitions and Interpretations, Bed and Breakfast Inn.

ACTION: 7:17:11 p.m. and 7:26:20. After much discussion and **by unanimous consent, the planning and zoning board and the city commission accepted Commissioner Bell's request to change the language under Chapter 151, Definitions and Interpretations, Bed and Breakfast Inn to read: . . . *The owner/manager of the inn shall live on the premises. . . .*** and subsection a) to read: . . . ***Small Homestay – A single-family detached residential unit and related accessory structure totalling at least 1800 square feet of heated space with bedrooms. . . .***

**Chapter 160, Site Development Plan Approval**

Ms. Kelley distributed the proposed changes for Chapter 160, Site Development Plan Approval, a copy of which is filed with the supplemental papers to the minutes of this meeting.

ACTION: 7:17:11 p.m. No action was taken.

**5. ADJOURNMENT**

**The meeting adjourned at 7:28 p.m.**

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

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

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

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

**ITEM TITLE:** Resolution 2021-029 Proposed Millage FY 2021/22 3.9134

**For the Meeting of:** July 22, 2021

**Submitted by:** City Treasurer

**Date Submitted:** July 13, 2021

**Funds Required:**

**Attachments:** Yes – DR-420, MM-P

**Item Description:** Resolution 2021-029 Proposed Millage FY 2021-22.

The City of Fruitland Park Commission is required by law to establish the proposed operating millage in accordance with the Truth-In-Millage (TRIM) requirements set forth in Chapter 200 of the Florida Statutes. Once the proposed rate is established, the commission cannot exceed that rate, unless, each taxpayer is mailed a revised TRIM notice at the expense of Fruitland Park. By utilizing the same millage as last three years 3.9134, the city will generate an additional \$174,361 over the roll-back rate of 3.8365 which is a 2.00% increase over the roll-back rate. Below is a recap of voting requirements related to millage rate and the revenue it would generate:

Rate	Millage Rate	95% Revenue	Required Votes	Increase Last Year	Increase over Proposed
Proposed rate	3.9134	3,192,752	3	174,362	0
Roll-back rate	3.8365	3,130,013	3	111,623	-62,739
Majority Maximum	4.0744	3,324,104	3	305,714	131,352
2/3 Maximum	4.4818	3,656,482	4	638,092	463,730

**Action to be Taken:** Adopt Resolution 2021-029

**Staff's Recommendation:** Approve Resolution 2021-029 Proposed Millage FY 2021-22

**Additional Comments:**

**City Manager Review:** Yes

**Mayor Authorization:** Yes

## RESOLUTION 2021-029

### **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A NOT TO EXCEED MILLAGE RATE OF 3.9134 LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2021-2022 AND SETTING THE DATE, TIME AND PLACE OF PUBLIC HEARING ON THE BUDGET FOR FISCAL YEAR 2021-2022 PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, pursuant to section 200.065, Florida Statutes, after proper notice, a public hearing will be held at the City of Fruitland Park, Lake County, Florida, on September 9, 2021 at 6:00 p.m., at which time the general public will be given an opportunity to comment and ask questions pertaining to the tentative budget and millage rate; and

WHEREAS, pursuant to section 200.065, Florida Statutes, after proper notice a second public hearing will be held at the City of Fruitland Park on September 23, 2021 at 6:00 p.m. at which time the general public will be given an opportunity to comment and ask questions pertaining to the proposed final budget and millage rate; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within Lake County has been certified by the county property appraiser to the City of Fruitland Park as \$858,790,810.00.

WHEREAS, the City of Fruitland Park is prepared to set a proposed millage rate of 3.9134 mills; and

WHEREAS, the fiscal year 2021-22 operating proposed millage rate of 3.9134 mills is a 2.00% increase to the current year rolled-back rate of 3.8365.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA that:

1. The City Commission of the City of Fruitland Park, Florida does hereby ratify and set the proposed not to exceed ad valorem millage rate for the City of Fruitland Park, Lake County, Florida, for the fiscal year 2021-2022 at 3.9134 mills, which is greater than the rolled back of 3.8365 mills by 2.00%.
2. The tentative millage and budget hearings will be held on September 9, 2021 at 6:00 p.m. in the Commission Chambers at City Hall located at 506 W. Berckman Street, Fruitland Park, Florida.
3. The final millage and budget hearings will be held on September 23, 2021 at 6:00 p.m. in the Commission Chambers at City Hall located at 506 W. Berckman Street, Fruitland Park, Florida.
4. 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 22<sup>nd</sup> day of July, 2021, at 6:00 p.m., or as soon thereafter, by the City Commission of the City of Fruitland Park, Florida.

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

Attest:

\_\_\_\_\_  
Esther B. Coulson, MMC, 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)

First Reading \_\_\_\_\_

Approved as to form and legality:

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



# CERTIFICATION OF TAXABLE VALUE

Reset Form

Print Form

DR-420  
R. 5/12  
Rule 12D-16.002  
Florida Administrative Code  
Effective 11/12

Year : 2021	County : LAKE
Principal Authority : CITY OF FRUITLAND PARK	Taxing Authority : CITY OF FRUITLAND PARK

## SECTION I : COMPLETED BY PROPERTY APPRAISER

1.	Current year taxable value of real property for operating purposes	\$	850,769,033	(1)
2.	Current year taxable value of personal property for operating purposes	\$	8,021,777	(2)
3.	Current year taxable value of centrally assessed property for operating purposes	\$	0	(3)
4.	Current year gross taxable value for operating purposes <i>(Line 1 plus Line 2 plus Line 3)</i>	\$	858,790,810	(4)
5.	Current year net new taxable value (Add new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, annexations, and tangible personal property value over 115% of the previous year's value. Subtract deletions.)	\$	19,455,289	(5)
6.	Current year adjusted taxable value <i>(Line 4 minus Line 5)</i>	\$	839,335,521	(6)
7.	Prior year FINAL gross taxable value from prior year applicable Form DR-403 series	\$	811,323,834	(7)
8.	Does the taxing authority include tax increment financing areas? If yes, enter number of worksheets (DR-420TIF) attached. If none, enter 0	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Number 2 (8)
9.	Does the taxing authority levy a voted debt service millage or a millage voted for 2 years or less under s. 9(b), Article VII, State Constitution? If yes, enter the number of DR-420DEBT, <i>Certification of Voted Debt Millage</i> forms attached. If none, enter 0	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Number 0 (9)
<b>Property Appraiser Certification</b>		I certify the taxable values above are correct to the best of my knowledge.		
<b>SIGN HERE</b>	Signature of Property Appraiser:		Date :	
	Electronically Certified by Property Appraiser		6/28/2021 9:27 AM	

## SECTION II : COMPLETED BY TAXING AUTHORITY

If this portion of the form is not completed in FULL your taxing authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is not applicable, enter -0-.

10.	Prior year operating millage levy <i>(If prior year millage was adjusted then use adjusted millage from Form DR-422)</i>	3.9134	per \$1,000	(10)
11.	Prior year ad valorem proceeds <i>(Line 7 multiplied by Line 10, divided by 1,000)</i>	\$	3,175,035	(11)
12.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value <i>(Sum of either Lines 6c or Line 7a for all DR-420TIF forms)</i>	\$	241,923	(12)
13.	Adjusted prior year ad valorem proceeds <i>(Line 11 minus Line 12)</i>	\$	2,933,112	(13)
14.	Dedicated increment value, if any <i>(Sum of either Line 6b or Line 7e for all DR-420TIF forms)</i>	\$	74,811,339	(14)
15.	Adjusted current year taxable value <i>(Line 6 minus Line 14)</i>	\$	764,524,182	(15)
16.	Current year rolled-back rate <i>(Line 13 divided by Line 15, multiplied by 1,000)</i>	3.8365	per \$1000	(16)
17.	Current year proposed operating millage rate	3.9134	per \$1000	(17)
18.	Total taxes to be levied at proposed millage rate <i>(Line 17 multiplied by Line 4, divided by 1,000)</i>	\$	3,360,792	(18)



19.	TYPE of principal authority (check one)	<input type="checkbox"/> County	<input type="checkbox"/> Independent Special District	(19)
		<input checked="" type="checkbox"/> Municipality	<input type="checkbox"/> Water Management District	
20.	Applicable taxing authority (check one)	<input checked="" type="checkbox"/> Principal Authority	<input type="checkbox"/> Dependent Special District	(20)
		<input type="checkbox"/> MSTU	<input type="checkbox"/> Water Management District Basin	
21.	Is millage levied in more than one county? (check one)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	(21)

<b>DEPENDENT SPECIAL DISTRICTS AND MSTUs</b>		<b>STOP HERE - SIGN AND SUBMIT</b>
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22.	Enter the total adjusted prior year ad valorem proceeds of the principal authority, all dependent special districts, and MSTUs levying a millage. <i>(The sum of Line 13 from all DR-420 forms)</i>	\$	2,933,112	(22)
23.	Current year aggregate rolled-back rate <i>(Line 22 divided by Line 15, multiplied by 1,000)</i>		3.8365 per \$1,000	(23)
24.	Current year aggregate rolled-back taxes <i>(Line 4 multiplied by Line 23, divided by 1,000)</i>	\$	3,294,751	(24)
25.	Enter total of all operating ad valorem taxes proposed to be levied by the principal taxing authority, all dependent districts, and MSTUs, if any. <i>(The sum of Line 18 from all DR-420 forms)</i>	\$	3,360,792	(25)
26.	Current year proposed aggregate millage rate <i>(Line 25 divided by Line 4, multiplied by 1,000)</i>		3.9134 per \$1,000	(26)
27.	Current year proposed rate as a percent change of rolled-back rate <i>(Line 26 divided by Line 23, minus 1, multiplied by 100)</i>		2.00 %	(27)

<b>First public budget hearing</b>	Date :	Time :	Place :
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<b>S I G N  H E R E</b>	<b>Taxing Authority Certification</b>		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.		
	Signature of Chief Administrative Officer :			Date :	
	Title :		Contact Name and Contact Title :		
	GARY LAVENIA CITY MGR		Jeannine Racine, CITY FINANCE DIRECTOR		
	Mailing Address :		Physical Address :		
506 W BERCKMAN ST		506 W BERCKMAN ST			
City, State, Zip :		Phone Number :		Fax Number :	
FRUITLAND PARK, FL 34731		352-360-6545		352-360-6686	

# CERTIFICATION OF TAXABLE VALUE INSTRUCTIONS

“Principal Authority” is a county, municipality, or independent special district (including water management districts).

“Taxing Authority” is the entity levying the millage. This includes the principal authority, any special district dependent to the principal authority, any county municipal service taxing unit (MSTU), and water management district basins.

Each taxing authority must submit to their property appraiser a DR-420 and the following forms, as applicable:

- DR-420TIF, Tax Increment Adjustment Worksheet
- DR-420DEBT, Certification of Voted Debt Millage
- DR-420MM-P, Maximum Millage Levy Calculation - Preliminary Disclosure

## Section I: Property Appraiser

Use this DR-420 form for all taxing authorities except school districts. Complete Section I, Lines 1 through 9, for each county, municipality, independent special district, dependent special district, MSTU, and multicounty taxing authority. Enter only taxable values that apply to the taxing authority indicated. Use a separate form for the principal authority and each dependent district, MSTU and water management district basin.

### Line 8

Complete a DR-420TIF for each taxing authority making payments to a redevelopment trust fund under Section 163.387 (2)(a), Florida Statutes or by an ordinance, resolution or agreement to fund a project or to finance essential infrastructure.

Check “Yes” if the taxing authority makes payments to a redevelopment trust fund. Enter the number of DR-420TIF forms attached for the taxing authority on Line 8. Enter 0 if none.

### Line 9

Complete a DR-420DEBT for each taxing authority levying either a voted debt service millage (s.12, Article VII, State Constitution) or a levy voted for two years or less (s. 9(b), Article VII, State Constitution).

Check “Yes” if the taxing authority levies either a voted debt service millage or a levy voted for 2 years or less (s. 9(b), Article VII, State Constitution). These levies do not include levies approved by a voter referendum not required by the State Constitution. Complete and attach DR-420DEBT. Do not complete a separate DR-420 for these levies.

Send a copy to each taxing authority and keep a copy. When the taxing authority returns the DR-420 and the accompanying forms, immediately send the original to:

Florida Department of Revenue  
Property Tax Oversight - TRIM Section  
P. O. Box 3000  
Tallahassee, Florida 32315-3000

## Section II: Taxing Authority

Complete Section II. Keep one copy, return the original and one copy to your property appraiser with the applicable DR-420TIF, DR-420DEBT, and DR-420MM-P within 35 days of certification. Send one copy to the tax collector. “Dependent special district” (ss. 200.001(8)(d) and 189.403(2), F.S.) means a special district that meets at least one of the following criteria:

- The membership of its governing body is identical to that of the governing body of a single county or a single municipality.
- All members of its governing body are appointed by the governing body of a single county or a single municipality.
- During their unexpired terms, members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality.
- The district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.

“Independent special district” (ss. 200.001(8)(e) and 189.403 (3), F.S.) means a special district that is not a dependent special district as defined above. A district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.

“Non-voted millage” is any millage not defined as a “voted millage” in s. 200.001(8)(f), F.S.

### Lines 12 and 14

Adjust the calculation of the rolled-back rate for tax increment values and payment amounts. See the instructions for DR-420TIF. On Lines 12 and 14, carry forward values from the DR-420TIF forms.

### Line 24

Include only those levies derived from millage rates.



Reset Form


Print Form

# MAXIMUM MILLAGE LEVY CALCULATION PRELIMINARY DISCLOSURE

For municipal governments, counties, and special districts

DR-420MM-P  
R. 5/12  
Rule 12D-16.002  
Florida Administrative Code  
Effective 11/12

Year: <b>2021</b>	County: LAKE		
Principal Authority : CITY OF FRUITLAND PARK	Taxing Authority: CITY OF FRUITLAND PARK		
1. Is your taxing authority a municipality or independent special district that has levied ad valorem taxes for less than 5 years?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	(1)
<b>IF YES,</b> <b>STOP HERE. SIGN AND SUBMIT. You are not subject to a millage limitation.</b>			
2. Current year rolled-back rate from Current Year Form DR-420, Line 16	3.8365	per \$1,000	(2)
3. Prior year maximum millage rate with a majority vote from <b>2020</b> Form DR-420MM, Line 13	3.9747	per \$1,000	(3)
4. Prior year operating millage rate from Current Year Form DR-420, Line 10	3.9134	per \$1,000	(4)
<b>If Line 4 is equal to or greater than Line 3, skip to Line 11. If less, continue to Line 5.</b>			
<b>Adjust rolled-back rate based on prior year majority-vote maximum millage rate</b>			
5. Prior year final gross taxable value from Current Year Form DR-420, Line 7	\$	811,323,834	(5)
6. Prior year maximum ad valorem proceeds with majority vote <i>(Line 3 multiplied by Line 5 divided by 1,000)</i>	\$	3,224,769	(6)
7. Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value from Current Year Form DR-420 Line 12	\$	241,923	(7)
8. Adjusted prior year ad valorem proceeds with majority vote <i>(Line 6 minus Line 7)</i>	\$	2,982,846	(8)
9. Adjusted current year taxable value from Current Year form DR-420 Line 15	\$	764,524,182	(9)
10. Adjusted current year rolled-back rate <i>(Line 8 divided by Line 9, multiplied by 1,000)</i>	3.9016	per \$1,000	(10)
<b>Calculate maximum millage levy</b>			
11. Rolled-back rate to be used for maximum millage levy calculation <i>(Enter Line 10 if adjusted or else enter Line 2)</i>	3.9016	per \$1,000	(11)
12. Adjustment for change in per capita Florida personal income <i>(See Line 12 Instructions)</i>	<b>1.0443</b>		(12)
13. Majority vote maximum millage rate allowed <i>(Line 11 multiplied by Line 12)</i>	4.0744	per \$1,000	(13)
14. Two-thirds vote maximum millage rate allowed <i>(Multiply Line 13 by 1.10)</i>	4.4818	per \$1,000	(14)
15. Current year proposed millage rate	3.9134	per \$1,000	(15)
16. <b>Minimum vote required to levy proposed millage:</b> (Check one)			
<input checked="" type="checkbox"/> a. Majority vote of the governing body: Check here if Line 15 is less than or equal to Line 13. The maximum millage rate is equal to the majority vote maximum rate. <b>Enter Line 13 on Line 17.</b>			
<input type="checkbox"/> b. Two-thirds vote of governing body: Check here if Line 15 is less than or equal to Line 14, but greater than Line 13. The maximum millage rate is equal to proposed rate. <b>Enter Line 15 on Line 17.</b>			
<input type="checkbox"/> c. Unanimous vote of the governing body, or 3/4 vote if nine members or more: Check here if Line 15 is greater than Line 14. The maximum millage rate is equal to the proposed rate. <b>Enter Line 15 on Line 17.</b>			
<input type="checkbox"/> d. Referendum: The maximum millage rate is equal to the proposed rate. <b>Enter Line 15 on Line 17.</b>			
17. The selection on Line 16 allows a maximum millage rate of <i>(Enter rate indicated by choice on Line 16)</i>	4.0744	per \$1,000	(17)
18. Current year gross taxable value from Current Year Form DR-420, Line 4	\$	858,790,810	(18)

Taxing Authority : CITY OF FRUITLAND PARK		DR-420MM-P R. 5/12 Page 2	
19.	Current year proposed taxes <i>(Line 15 multiplied by Line 18, divided by 1,000)</i>	\$ 3,360,792	(19)
20.	Total taxes levied at the maximum millage rate <i>(Line 17 multiplied by Line 18, divided by 1,000)</i>	\$ 3,499,057	(20)
<b>DEPENDENT SPECIAL DISTRICTS AND MSTUs</b>			<b>STOP HERE. SIGN AND SUBMIT.</b>
21.	Enter the current year proposed taxes of all dependent special districts & MSTUs levying a millage. <i>(The sum of all Lines 19 from each district's Form DR-420MM-P)</i>	\$ 0	(21)
22.	Total current year proposed taxes <i>(Line 19 plus Line 21)</i>	\$ 3,360,792	(22)
<b>Total Maximum Taxes</b>			
23.	Enter the taxes at the maximum millage of all dependent special districts & MSTUs levying a millage <i>(The sum of all Lines 20 from each district's Form DR-420MM-P)</i>	\$ 0	(23)
24.	Total taxes at maximum millage rate <i>(Line 20 plus Line 23)</i>	\$ 3,499,057	(24)
<b>Total Maximum Versus Total Taxes Levied</b>			
25.	Are total current year proposed taxes on Line 22 equal to or less than total taxes at the maximum millage rate on Line 24? (Check one)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	(25)
<b>S I G N  H E R E</b>	<b>Taxing Authority Certification</b>		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.
	Signature of Chief Administrative Officer :		Date :
	Title : GARY LAVENIA CITY MGR	Contact Name and Contact Title : Jeannine Racine, CITY FINANCE DIRECTOR	
	Mailing Address : 506 W BERCKMAN ST	Physical Address : 506 W BERCKMAN ST	
	City, State, Zip : FRUITLAND PARK, FL 34731	Phone Number : 352-360-6545	Fax Number : 352-360-6686

**Complete and submit this form DR-420MM-P, Maximum Millage Levy Calculation-Preliminary Disclosure, to your property appraiser with the form DR-420, Certification of Taxable Value.**

**MAXIMUM MILLAGE LEVY CALCULATION  
PRELIMINARY DISCLOSURE  
INSTRUCTIONS**

**General Instructions**

Each of the following taxing authorities must complete a DR-420MM-P.

- County
- Municipality
- Special district dependent to a county or municipality
- County MSTU
- Independent special district, including water management districts
- Water management district basin

Voting requirements for millages adopted by a two-thirds or a unanimous vote are based on the full membership of the governing body, not on the number of members present at the time of the vote.

This form calculates the maximum tax levy for 2021 allowed under s. 200.065(5), F.S. Counties and municipalities, including dependent special districts and MSTUs, which adopt a tax levy at the final hearing higher than allowed under s. 200.065, F.S., may be subject to the loss of their half-cent sales tax distribution.

DR-420MM-P shows the preliminary maximum millages and taxes levied based on your proposed adoption vote. Each taxing authority must complete, sign, and submit this form to their property appraiser with their completed DR-420, Certification of Taxable Value.

The vote at the final hearing and the resulting maximum may change. After the final hearing, each taxing authority will file a final Form DR-420MM, Maximum Millage Levy Calculation Final Disclosure, with Form DR-487, Certification of Compliance, with the Department of Revenue.

Specific tax year references in this form are updated each year by the Department.

**Line Instructions**

**Lines 5-10**

Only taxing authorities that levied a 2020 millage rate less than their maximum majority vote rate must complete these lines. The adjusted rolled-back rate on Line 10 is the rate that would have been levied if the maximum vote rate for 2020 had been adopted. If these lines are completed, enter the adjusted rate on Line 11.

**Line 12**

This line is entered by the Department of Revenue. The same adjustment factor is used statewide by all taxing authorities. It is based on the change in per capita Florida personal income (s. 200.001(8)(i), F.S.), which Florida Law requires the Office of Economic and Demographic Research to report each year.

**Lines 13 and 14**

Millage rates are the maximum that could be levied with a majority or two-thirds vote of the full membership of the governing body. With a unanimous vote of the full membership (three-fourths vote of the full membership if the governing body has nine or more members) or a referendum, the maximum millage rate that can be levied is the taxing authority's statutory or constitutional cap.

**Line 16**

Check the box for the minimum vote necessary at the final hearing to levy your adopted millage rate.

**Line 17**

Enter the millage rate indicated by the box checked in Line 16. If the proposed millage rate is equal to or less than the majority vote maximum millage rate, enter the majority vote maximum. If a two-thirds vote, a unanimous vote, or a referendum is required, enter the proposed millage rate. For a millage requiring more than a majority vote, the proposed millage rate must be entered on Line 17, rather than the maximum rate, so that the comparisons on Lines 21 through 25 are accurate.

Millage for 2022 Max Levy TRIM

Description	Taxable Value	Millage Rate	Revenue	95% Revenue	Voting Requirement	Increase over last year's budgeted revenue	Increase in revenue over 3.9134 proposed millage
Proposed Rate	858,790,810	3.9134	3,360,792	3,192,752	Majority (3)	174,362	0
Rolled-Back-Rate	858,790,810	3.8365	3,294,751	3,130,013	Majority (3)	111,623	-62,739
Maximum Majority Rate	858,790,810	4.0744	3,499,057	3,324,104	Majority (3)	305,714	131,352
Maximum Two-third Rate	858,790,810	4.4818	3,848,929	3,656,482	4 Commissioners	638,092	463,730
Last Year's Rate	811,890,811	3.9134	3,177,253	3,018,390	4 Commissioners	0	

Millage for 2022 6.1.21

<b>Taxable Values</b>	Certified	FY2022 2021	FY2021 2020	FY2020 2019	FY2019 2018	FY2018 2017	FY2017 2016	FY2016 2015	FY2015 2014
Taxable Value		858,790,710	811,890,811	747,762,402	680,084,533	491,629,188	299,998,272	171,725,009	166,509,788
Tax Diff fm Last Year		46,899,899	64,128,409	67,677,869	188,455,345	191,630,916	128,273,263	5,215,221	10,888,887
% Change fm Prior Year		5.78%	8.58%	9.95%	38.33%	63.88%	74.70%	3.13%	7.00%
<b>Millage Rate</b>		<b>3.9134</b>	<b>3.9134</b>	<b>3.9134</b>	<b>3.9134</b>	<b>3.9863</b>	<b>3.9863</b>	<b>4.7371</b>	<b>4.7371</b>
RBR		3.8365	3.776	3.7965	3.9134	3.6696	3.2632	4.6185	4.509
Percentage of RBR		2.00%	3.64%	3.08%	0.00%	8.63%	45.17%	2.57%	11.71%
Proposed Millage		<b>3.9134</b>	<b>3.9134</b>	<b>3.9134</b>	<b>3.9134</b>	<b>3.9863</b>	<b>4.7371</b>	<b>4.7371</b>	<b>5.0371</b>
Ad Valorem Budgeted		3,192,752	3,018,391	2,779,979	2,528,371	1,861,792	1,136,089	797,209	772,998
<b>Tax Levied</b>		<b>3,360,792</b>	<b>3,177,253</b>	<b>2,926,293</b>	<b>2,661,443</b>	<b>1,959,781</b>	<b>1,195,883</b>	<b>813,479</b>	<b>788,774</b>
Collected			2,942,554	2,820,708	2,563,964	1,884,203	1,153,923	786,277	763,920
Delinquent Collected			0	0	3,685	618	2,597	269	1,538
% Collected			92.61%	96.39%	96.34%	96.14%	96.49%	96.66%	96.85%
<b>% Tax Levied</b>		<b>3,192,752</b>	<b>3,018,391</b>	<b>2,779,979</b>	<b>2,528,371</b>	<b>1,861,792</b>	<b>1,136,089</b>	<b>797,209</b>	<b>772,998</b>
% Budget/Levied		0.95	0.95	0.95	0.95	0.95	0.95	0.98	0.98
Additional Ad Valorem		174,361	238,412	251,608	666,578	725,703	338,880	24,211	50,550

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

**ITEM TITLE:** Second Reading and Public Hearing – Ordinance  
2021-009 – SRF Revolving Loan 1<sup>st</sup> Am.

**For the Meeting of:** July 22, 2021

**Submitted by:** City Manager/City Attorney

**Date Submitted:** July 1, 2020

**Funds Required:**

**Account Number:** N/A

**Amount Required:** N/A

**Balance Remaining:** N/A

**Attachments:** Proposed ordinance, first amendment to agreement, amortization schedule, and affidavit

**Item Description:** Ordinance 2021-010 State Revolving Loan Program. (The first reading was held on July 8, 2021.)

**Action to be Taken:** Enact Ordinance 2021-009 to become effective immediately as provided by law.

**Staff's Recommendation:** Approval

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes



**ORDINANCE 2021-009**

**AN ORDINANCE OF CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; APPROVING THE STATE REVOLVING FUND AMENDMENT 1 TO LOAN AGREEMENT WW350820 CITY OF FRUITLAND PARK; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide for loans to local government agencies to finance the construction of wastewater treatment facilities; and

**WHEREAS**, Florida Administrative Code rules require authorization from local government governing bodies to enter into a loan agreement; and

**WHEREAS**, the State Revolving Fund loan priority list designated Project No. WW350820 as eligible for available funding and funding was awarded; and

**WHEREAS**; the City of Fruitland Park, Florida, entered into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing and it is necessary to approve Amendment 1 to Loan Agreement.

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

**SECTION I.** The foregoing findings are incorporated herein by reference and made a part hereof.

**SECTION II.** State Revolving Fund Amendment 1 to Loan Agreement WW350820 City of Fruitland Park, a copy of which is attached hereto, is approved.

**SECTION III.** All ordinances or parts of ordinances, all resolutions or part of resolutions in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION IV.** If any section or portion of a section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Ordinance.

**SECTION V** This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

Approved as to Form:

---

Esther Coulson, MMC, City Clerk

Anita Geraci-Carver, City Attorney

(SEAL)

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)

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_

**STATE REVOLVING FUND  
AMENDMENT 1 TO LOAN AGREEMENT WW350820  
CITY OF FRUITLAND PARK**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the CITY OF FRUITLAND PARK, FLORIDA, (Local Government) existing as a local governmental entity under the laws of the State of Florida. Collectively, the Department and the Local Government shall be referred to as “Parties” or individually as “Party”.

The Department and the Local Government entered into a State Revolving Fund Loan Agreement, Number WW350820, authorizing a Loan amount of \$85,000, excluding Capitalized Interest, including a Principal Forgiveness amount of \$59,500; and

The Parties hereto agree as follows:

1. The total amount awarded is \$85,000 of which the Principal Forgiveness portion is \$59,500 and the Loan amount is \$25,500.
2. The Loan Service Fee is \$1,700. The fee represents two percent of the Loan amount excluding Capitalized Interest; that is, two percent of \$85,000.
3. The total amount of the Loan is \$27,200, which consists of \$25,500 disbursed to the Local Government, \$0 of accrued Capitalized Interest and \$1,700 of service fee charges all at a Financing Rate of 0 percent per annum (the interest rate is 0 percent per annum, and the Grant Allocation Assessment rate is 0 percent per annum).
4. The Semiannual Loan Payment amount shall be in the amount of \$680. Such payments shall be received by the Department on August 15, 2021 and semiannually thereafter on February 15 and August 15 of each year until all amounts due hereunder have been fully paid.
5. All other terms and provisions of the Loan Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 1 to Loan Agreement WW350820 may be executed in two or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Secretary or Designee and the Local Government has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Department.

for  
CITY OF FRUITLAND PARK

\_\_\_\_\_  
Mayor

Attest:

Approved as to form and legal sufficiency:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

SEAL

for  
**STATE OF FLORIDA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

\_\_\_\_\_  
Secretary or Designee

\_\_\_\_\_  
Date

Calculation of Semiannual Payment for Remaining Years

Sponsor: Fruitland Park  
 Beginning of Repayment Period: 02/15/2021

Funding Number: 350820  
 Payments Remaining: 40

Original Loan Combined Rate: 0

Date	Disbursement Or Serv. Fee	Cap. Int. At 08/15/2021	Amount To Repay	Interest At 08/15/2021	Total Owed At 08/15/2021	Present Value* At 02/15/2021	Payment Amount
06/07/2021	25,500.00	0.00	25,500.00	0.00	25,500.00		
06/10/2021	1,700.00	0.00	1,700.00	0.00	1,700.00		
Subtotals:	27,200.00	0.00	27,200.00	0.00	27,200.00	27,200.00	680.00

\*Present value is the total owed divided by  $(1+(\text{Combined interest rate})/2)$   
 The Payment Amount is computed using the present value.

State Revolving Fund Loan  
 \*\*\* Amortized Repayment Schedule \*\*\*

Sponsor: Fruitland Park

Funding Number: 350820

Original Loan		Interest: 0	GAA Rate: 0						
Date	Pmt. No.	Payment	Serv. Fee Paid	SF Interest	Interest	Grt. All. Assmt.	Principal Paid	Total to Pay*	
02/15/2021		0.00	0.00	0.00	0.00	0.00	0.00	27,200.00	
08/15/2021	1	680.00	680.00	0.00	0.00	0.00	0.00	26,520.00	
02/15/2022	2	680.00	680.00	0.00	0.00	0.00	0.00	25,840.00	
08/15/2022	3	680.00	340.00	0.00	0.00	0.00	340.00	25,160.00	
02/15/2023	4	680.00	0.00	0.00	0.00	0.00	680.00	24,480.00	
08/15/2023	5	680.00	0.00	0.00	0.00	0.00	680.00	23,800.00	
02/15/2024	6	680.00	0.00	0.00	0.00	0.00	680.00	23,120.00	
08/15/2024	7	680.00	0.00	0.00	0.00	0.00	680.00	22,440.00	
02/15/2025	8	680.00	0.00	0.00	0.00	0.00	680.00	21,760.00	
08/15/2025	9	680.00	0.00	0.00	0.00	0.00	680.00	21,080.00	
02/15/2026	10	680.00	0.00	0.00	0.00	0.00	680.00	20,400.00	
08/15/2026	11	680.00	0.00	0.00	0.00	0.00	680.00	19,720.00	
02/15/2027	12	680.00	0.00	0.00	0.00	0.00	680.00	19,040.00	
08/15/2027	13	680.00	0.00	0.00	0.00	0.00	680.00	18,360.00	
02/15/2028	14	680.00	0.00	0.00	0.00	0.00	680.00	17,680.00	

State Revolving Fund Loan  
 \*\*\* Amortized Repayment Schedule \*\*\*

Sponsor: Fruitland Park

Funding Number: 350820

Original Loan		Interest: 0	GAA Rate: 0						
Date	Pmt. No.	Payment	Serv. Fee Paid	SF Interest	Interest	Grt. All. Assmt.	Principal Paid	Total to Pay*	
08/15/2028	15	680.00	0.00	0.00	0.00	0.00	680.00	17,000.00	
02/15/2029	16	680.00	0.00	0.00	0.00	0.00	680.00	16,320.00	
08/15/2029	17	680.00	0.00	0.00	0.00	0.00	680.00	15,640.00	
02/15/2030	18	680.00	0.00	0.00	0.00	0.00	680.00	14,960.00	
08/15/2030	19	680.00	0.00	0.00	0.00	0.00	680.00	14,280.00	
02/15/2031	20	680.00	0.00	0.00	0.00	0.00	680.00	13,600.00	
08/15/2031	21	680.00	0.00	0.00	0.00	0.00	680.00	12,920.00	
02/15/2032	22	680.00	0.00	0.00	0.00	0.00	680.00	12,240.00	
08/15/2032	23	680.00	0.00	0.00	0.00	0.00	680.00	11,560.00	
02/15/2033	24	680.00	0.00	0.00	0.00	0.00	680.00	10,880.00	
08/15/2033	25	680.00	0.00	0.00	0.00	0.00	680.00	10,200.00	
02/15/2034	26	680.00	0.00	0.00	0.00	0.00	680.00	9,520.00	
08/15/2034	27	680.00	0.00	0.00	0.00	0.00	680.00	8,840.00	
02/15/2035	28	680.00	0.00	0.00	0.00	0.00	680.00	8,160.00	
08/15/2035	29	680.00	0.00	0.00	0.00	0.00	680.00	7,480.00	

State Revolving Fund Loan  
 \*\*\* Amortized Repayment Schedule \*\*\*

Sponsor: Fruitland Park

Funding Number: 350820

Original Loan		Interest: 0	GAA Rate: 0						
Date	Pmt. No.	Payment	Serv. Fee Paid	SF Interest	Interest	Grt. All. Assmt.	Principal Paid	Total to Pay*	
02/15/2036	30	680.00	0.00	0.00	0.00	0.00	680.00	6,800.00	
08/15/2036	31	680.00	0.00	0.00	0.00	0.00	680.00	6,120.00	
02/15/2037	32	680.00	0.00	0.00	0.00	0.00	680.00	5,440.00	
08/15/2037	33	680.00	0.00	0.00	0.00	0.00	680.00	4,760.00	
02/15/2038	34	680.00	0.00	0.00	0.00	0.00	680.00	4,080.00	
08/15/2038	35	680.00	0.00	0.00	0.00	0.00	680.00	3,400.00	
02/15/2039	36	680.00	0.00	0.00	0.00	0.00	680.00	2,720.00	
08/15/2039	37	680.00	0.00	0.00	0.00	0.00	680.00	2,040.00	
02/15/2040	38	680.00	0.00	0.00	0.00	0.00	680.00	1,360.00	
08/15/2040	39	680.00	0.00	0.00	0.00	0.00	680.00	680.00	
02/15/2041	40	680.00	0.00	0.00	0.00	0.00	680.00	0.00	
Subtotals:		27,200.00	1,700.00	0.00	0.00	0.00	25,500.00		
*Total to pay may reflect activity during repayment term									



State Revolving Fund Loan  
 \*\*\* Amortized Repayment Schedule \*\*\*

Sponsor: Fruitland Park

Funding Number: 350820

All Increments Combined

Date	Pmt. No.	Payment	Serv. Fee Paid	SF Interest	Interest	Grt. All. Assmt.	Principal Paid	Total to Pay*
02/15/2021		0.00	0.00	0.00	0.00	0.00	0.00	27,200.00
08/15/2021	1	680.00	680.00	0.00	0.00	0.00	0.00	26,520.00
02/15/2022	2	680.00	680.00	0.00	0.00	0.00	0.00	25,840.00
08/15/2022	3	680.00	340.00	0.00	0.00	0.00	340.00	25,160.00
02/15/2023	4	680.00	0.00	0.00	0.00	0.00	680.00	24,480.00
08/15/2023	5	680.00	0.00	0.00	0.00	0.00	680.00	23,800.00
02/15/2024	6	680.00	0.00	0.00	0.00	0.00	680.00	23,120.00
08/15/2024	7	680.00	0.00	0.00	0.00	0.00	680.00	22,440.00
02/15/2025	8	680.00	0.00	0.00	0.00	0.00	680.00	21,760.00
08/15/2025	9	680.00	0.00	0.00	0.00	0.00	680.00	21,080.00
02/15/2026	10	680.00	0.00	0.00	0.00	0.00	680.00	20,400.00
08/15/2026	11	680.00	0.00	0.00	0.00	0.00	680.00	19,720.00
02/15/2027	12	680.00	0.00	0.00	0.00	0.00	680.00	19,040.00
08/15/2027	13	680.00	0.00	0.00	0.00	0.00	680.00	18,360.00
02/15/2028	14	680.00	0.00	0.00	0.00	0.00	680.00	17,680.00

State Revolving Fund Loan  
 \*\*\* Amortized Repayment Schedule \*\*\*

Sponsor: Fruitland Park

Funding Number: 350820

All Increments Combined

Date	Pmt. No.	Payment	Serv. Fee Paid	SF Interest	Interest	Grt. All. Assmt.	Principal Paid	Total to Pay*
08/15/2028	15	680.00	0.00	0.00	0.00	0.00	680.00	17,000.00
02/15/2029	16	680.00	0.00	0.00	0.00	0.00	680.00	16,320.00
08/15/2029	17	680.00	0.00	0.00	0.00	0.00	680.00	15,640.00
02/15/2030	18	680.00	0.00	0.00	0.00	0.00	680.00	14,960.00
08/15/2030	19	680.00	0.00	0.00	0.00	0.00	680.00	14,280.00
02/15/2031	20	680.00	0.00	0.00	0.00	0.00	680.00	13,600.00
08/15/2031	21	680.00	0.00	0.00	0.00	0.00	680.00	12,920.00
02/15/2032	22	680.00	0.00	0.00	0.00	0.00	680.00	12,240.00
08/15/2032	23	680.00	0.00	0.00	0.00	0.00	680.00	11,560.00
02/15/2033	24	680.00	0.00	0.00	0.00	0.00	680.00	10,880.00
08/15/2033	25	680.00	0.00	0.00	0.00	0.00	680.00	10,200.00
02/15/2034	26	680.00	0.00	0.00	0.00	0.00	680.00	9,520.00
08/15/2034	27	680.00	0.00	0.00	0.00	0.00	680.00	8,840.00
02/15/2035	28	680.00	0.00	0.00	0.00	0.00	680.00	8,160.00
08/15/2035	29	680.00	0.00	0.00	0.00	0.00	680.00	7,480.00

State Revolving Fund Loan  
 \*\*\* Amortized Repayment Schedule \*\*\*

Sponsor: Fruitland Park

Funding Number: 350820

All Increments Combined

Date	Pmt. No.	Payment	Serv. Fee Paid	SF Interest	Interest	Grt. All. Assmt.	Principal Paid	Total to Pay*
02/15/2036	30	680.00	0.00	0.00	0.00	0.00	680.00	6,800.00
08/15/2036	31	680.00	0.00	0.00	0.00	0.00	680.00	6,120.00
02/15/2037	32	680.00	0.00	0.00	0.00	0.00	680.00	5,440.00
08/15/2037	33	680.00	0.00	0.00	0.00	0.00	680.00	4,760.00
02/15/2038	34	680.00	0.00	0.00	0.00	0.00	680.00	4,080.00
08/15/2038	35	680.00	0.00	0.00	0.00	0.00	680.00	3,400.00
02/15/2039	36	680.00	0.00	0.00	0.00	0.00	680.00	2,720.00
08/15/2039	37	680.00	0.00	0.00	0.00	0.00	680.00	2,040.00
02/15/2040	38	680.00	0.00	0.00	0.00	0.00	680.00	1,360.00
08/15/2040	39	680.00	0.00	0.00	0.00	0.00	680.00	680.00
02/15/2041	40	680.00	0.00	0.00	0.00	0.00	680.00	0.00
Totals:		27,200.00	1,700.00	0.00	0.00	0.00	25,500.00	

\*Total to pay may reflect activity during repayment term

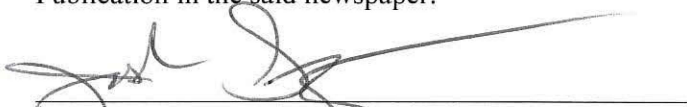
# The Villages<sup>®</sup> DAILY SUN

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

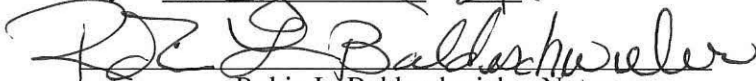
Before the undersigned authority personally appeared **Joseph Szabo**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #1012767 in the matter of **NOTICE OF ORDINANCE 2021-009**

**JULY 12, 2021**

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.

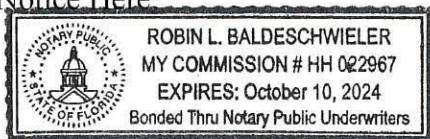
  
(Signature Of Affiant)

Sworn to and subscribed before me this 16  
day of July 2021.

  
Robin L. Baldeschwieler, Notary

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

Attach Notice Here:



ORDINANCE 2021-009

AN ORDINANCE OF CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; APPROVING THE STATE REVOLVING FUND AMENDMENT 1 TO LOAN AGREEMENT WW350820 CITY OF FRUITLAND PARK; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. (Second reading will be held on July 22, 2021.)

This ordinance will be presented for public hearing by the City of Fruitland Park City Commission at its regular meeting to be held on Thursday, July 22, 2021 at 6:00 p.m. in the commission chambers of city hall, 506 West Berckman Street, Fruitland Park, Florida 34731. This meeting is open to the public and hearings may be continued as determined by the commission from time to time to a time certain This ordinance may be reviewed or copies of same obtained from the city clerk's office at city hall.

Anyone requiring special accommodations at this meeting because of disability or physical impairment should contact the city clerk's office at city hall (352) 360-6727 at least at least forty-eight (48) hours prior to the hearing. (Florida Statutes 286.26). Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the city commission with respect to any matter considered at such meeting or hearing, he or she 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 record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (Florida Statutes 286.0105) #1012767 July 12,2021

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

**ITEM TITLE:** CITY MANAGER'S REPORT  
**For the Meeting of:** July 22, 2021  
**Submitted by:** City Manager  
**Date Submitted:** July 13, 2021  
**Funds Required:** None  
**Attachments:**

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

**Economic Development Status Update**

**Action to be Taken:** None

**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: 5b**

ITEM TITLE: CITY ATTORNEY REPORT  
For the Meeting of: July 22, 2021  
Submitted by: City Attorney  
Date Submitted: July 15, 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 was held June 7 -9, 2021 by the State of Florida, Division of Administrative Hearings. The parties' proposed Recommended Orders are due 10 days from the filing of the transcript, which is estimated to be around July 9. As of July 15<sup>th</sup> the transcript has not yet been filed; however, the court reporter's invoice was recently circulated, therefore, it is anticipated to be filed soon.

**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. On February 24, 2021 Plaintiff sent a discovery request to the City requesting documents. The city manager is working with attorney Thomas to complete all outstanding discovery and then Mr. Thomas will schedule the Motion to Dismiss for hearing. On May 6, 2021 the City filed responses to discovery requests. No update 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 again reached out to Plaintiff's counsel to discuss the case. We are waiting a response from Plaintiff's lead attorney. As of the date of this report Plaintiff's counsel has not responded. I will provide an update at the meeting. On July 12, 2021 Plaintiff

City Attorney Report

filed its Motion for Summary Final Judgment of Mortgage Foreclosure. A hearing date is pending.  
If Plaintiff's Motion is granted then the property will be scheduled for a foreclosure sale.

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

**CITY OF FRUITLAND PARK**  
**AGENDA ITEM SUMMARY SHEET**  
**Item Number: 7**

<b>ITEM TITLE:</b>	<b>Public Comments</b>
<b>For the Meeting of:</b>	July 22, 2021
<b>Submitted by:</b>	City Clerk
<b>Date Submitted:</b>	July 13, 2021
<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 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

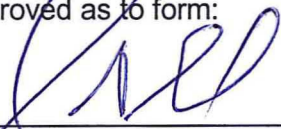
ATTEST:

  
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

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[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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