

**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

October 14, 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 – Pastor Allen T. Tillman, New Salem Missionary Baptist Church of Fruitland Park Inc.

Pledge of Allegiance – Lieutenant Henry Rains

2. ROLL CALL

3. SPECIAL PRESENTATIONS

(a) **Proclamation – White Cane Safety Day October 15, 2021** (city clerk)

Proclamation recognizing October 15, 2021 as *White Cane Safety Day* for persons who are blind and visually impaired.

(b) **Public Works and Public Safety Buildings Presentation - GatorSkitch Corporation** (city manager)

Public Works and Public Safety Buildings Presentation by Mr. Michael B. Latham, GatorSkitch Corporation

4. CONSENT AGENDA

(a) **Approval of Minutes** (city clerk)

i. **August 2, workshop**

ii. **August 3, workshop**

(b) **Resolution 2021-040 City Treasurer Appointment** (city attorney/city clerk)

A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY TREASURER, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.

(c) **Resolution 2021-041 City Attorney Appointment** (city attorney/city clerk)

A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY ATTORNEY, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.

- (d) **Resolution 2021-042 City Clerk Appointment** (city attorney/city clerk)

A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY CLERK, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.

- (e) **Resolution 2021-043 - LCLC Membership** (city attorney/city clerk)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER AND ALTERNATE TO THE LAKE COUNTY LEAGUE OF CITIES, INC.; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

- (f) **Wreaths Across America Day Program** (city manager)

Motion to grant John Gella Memorial Unit 219 of the American Legion Auxiliary's request permitting them to hold the ninth annual Wreaths Across America Ceremony at Shiloh Cemetery on Saturday, December 18, 2021.

5. REGULAR AGENDA

- (a) **Resolution 2021-034 Soccer Field 5th Am. - NW Lake Community Park** (city attorney/city manager/parks and recreation director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FIFTH AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK REGARDING JOINT DEVELOPMENT OF A SOCCER FIELD AT NORTHWEST LAKE COMMUNITY PARK; PROVIDING FOR AN EFFECTIVE DATE. (Postponed from the September 9, 2021 regular meeting.)

- (b) **Resolution 2021-039 Fire Department State Pension Budget Amendment FY 2020-2021** (city manager/city treasurer/city attorney)

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 FIRE INSURANCE PREM TAX PENSIONS REVENUE BUDGET AND THE STATE FIREFIGHTER RETIRMENT

CONTRIBUTION EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING

- (c) **First Reading and Public Hearing - Ordinance 2021-014 SRF Loan Program Project #WW350821/SG350822 - FY 2022 - FDEP** (city attorney/city manager/city treasurer)

AN ORDINANCE OF CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

END OF PUBLIC HEARING

QUASI-JUDICIAL PUBLIC HEARING

- (d) **Second Reading and Quasi-Judicial Public Hearing - 2021-010 Private Property Rights Element - Comprehensive Plan Amendment** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF FLORIDA STATUTE 163.3184; AMENDING THE CITY'S COMPREHENSIVE PLAN; ADDING AND ADOPTING, PRIVATE PROPERTY RIGHTS ELEMENT OF THE COMPREHENSIVE PLAN; DIRECTING THE CITY CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE SECRETARY OF STATE FLORIDA; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on August 26, 2021.)

END OF QUASI-JUDICIAL PUBLIC HEARING

6. (a) **City Manager**
i. **Economic Development Status Update**
ii. **Events - Parks and Recreation**

- (b) City Attorney**
 - i. City of Fruitland Park v. State of Florida Department of Management Services**
 - ii. Michael and Laurie Fewless v. City of Fruitland Park**
 - iii. Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026**

7. UNFINISHED BUSINESS

8. PUBLIC COMMENTS

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

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

9. COMMISSIONERS' COMMENTS

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

10. MAYOR'S COMMENTS

11. ADJOURNMENT

DATES TO REMEMBER

- October 27, 2021, Lake~Sumter Metropolitan Planning Organization (LS~MPO) Governing Board Meeting, MPO Board Room Suite 175, 1300 Citizens Boulevard, Leesburg, Florida 34748 at 2:00 p.m.;
- October 28, 2021, City Commission regular at 6:00 p.m.;

- November 8, 2021, Lake County Parks, Recreation and Trails Advisory Board, Office of Parks and Trails Conference Room, 2401 Woodlea Road, Tavares FL 32778 at 3:30 p.m.;
- November 11, 2021, Veterans' Day, City Hall Closed;
- November 11, 2021, City Commission regular at 6:00 p.m. – Cancelled;
- November 17, 2021, Thanksgiving Luncheon Community Center, 201 W Berckman Street, Fruitland Park, Florida 34731 at 12:00 p.m.;
- November 18, 2021, City Commission special at 6:00 p.m.;
- November 19, 2021, *Sponsor's Day Event*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:30 p.m.;
- November 25, 2021, Thanksgiving – City Hall Closed;
- November 26, 2021, Day After Thanksgiving – City Hall Closed;
- November 25, 2021, City Commission regular at 6:00 p.m. – Cancelled;

- December 2021, School Concurrency TBD;
- December 8, 2021, LS~MPO Governing Board Meeting, MPO Board Room Suite 175, 1300 Citizens Boulevard, Leesburg, Florida 34748 at 2:00 p.m.;
- December 9, 2021, City Commission regular at 6:00 p.m.;
- December 10, 2021 – *LCLC Housing and Transportation Presentation and Year-End Wrap-Up*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- December 23, 2021, City Commission regular at 6:00 p.m. – Cancelled;
- December 24, 2021, Christmas Eve – City Hall Closed, and
- December 25, 2021, Christmas Day – City Hall Closed

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

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

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

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 3a-b**

ITEM TITLE:	Special Presentations
For the Meeting of:	October 14, 2021
Submitted by:	City Clerk/City Manager
Date Submitted:	September 29, 2021
Funds Required:	No
Attachments:	Yes, proclamation

Item Description: **Special Presentations**

- (a) **Proclamation – *White Cane Safety Day*** October 15, 2021 (city clerk)

- (b) **Public Works and Public Safety Buildings Presentation - GatorSkitch Corporation** (city manager)

Action to be Taken: **None**

Staff's Recommendation: N/A

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes



Proclamation

WHEREAS, according to The American Foundation for the Blind®, more than 500,000 of Florida's citizens have vision difficulties; and

WHEREAS, persons with disabilities are a part of the community and have the right to safe and functional use of the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, places of amusement and other places to which the public is invited; and

WHEREAS, the white cane gives persons who are blind and visually impaired the freedom to travel independently and to participate in the life of their communities; and the white cane serves as a tangible reminder that persons who are blind and visually impaired are independent, self-reliant, mobile and capable; and

WHEREAS, the White Cane Law, FS316.1301, gives persons who are blind or visually impaired the same right as all citizens to the full and free use of the streets, highways, sidewalks and other public places; and

WHEREAS, by joint resolution approved on October 6, 1964 (Public Law 88-628, as amended), U.S. Congress designated October 15 of each year as White Cane Safety Day to recognize the contributions of Americans who are blind or have low vision;

NOW, THEREFORE, BE IT RESOLVED that I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida, on behalf of the city commissioners, do hereby proclaim October 15, 2021 as *WHITE CANE SAFETY DAY* and encourage the citizens to be aware and be responsible in upholding the White Cane Law; to be conscious that persons with disabilities have much to offer where their energy, creativity and hard work can greatly strengthen our city and our economy, and to be mindful that the white cane is an instrument of safety and independence for persons who are blind and visually impaired.

Dated this 14th day of October 2021.

Chris Cheshire, Mayor
Attest:

Esther B. Coulson, City Clerk

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

ITEM TITLE: Draft Meeting Minutes, Appointments, and Wreaths Across America
For the Meeting of: October 14, 2021
Submitted by: City Clerk/City Attorney/City Manager
Date Submitted: October 7, 2021
Funds Required: 4e. \$357.21 annually - -01511 - 30340 and 30544
Attachments: Draft minutes, proposed resolutions, LCLC Membership and Wreaths Across America letter

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.

- a. **Meeting Minutes** - Approve the August 2 and 3, 2021 workshop meeting minutes as submitted if there are no corrections.

- b. **Resolution 2021-040 – City Treasurer Appointment**
A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY TREASURER, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.

- c. **Resolution 2021-041 – City Attorney Appointment**
A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY ATTORNEY, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.

- d. **Resolution 2021-042 – City Clerk Appointment**
A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY CLERK, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.

- e. **Resolution 2021-043 – LCLC Membership**
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER AND ALTERNATE TO THE LAKE COUNTY LEAGUE OF CITIES, INC.; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

f. Wreaths Across America Day Program

Motion to grant John Gella Memorial Unit 219 of the American Legion Auxiliary's request dated September 23, 2021 permitting them to hold the ninth annual Wreaths Across America Ceremony at Shiloh Cemetery on Saturday, December 18, 2021.

Action to be Taken: Approve the consent agenda.

Staff's Recommendation: Approval

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

**FRUITLAND PARK CITY COMMISSION WORKSHOP
DRAFT MEETING MINUTES
August 2, 2021**

A workshop meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Monday, August 2, 2021 at 6:00 p.m.

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

Also Present: City Manager Gary La Venia; City Treasurer Jeannine Racine; Police Chief Erik Luce, Public Works Director Robb Dicus; Parks and Recreation Director Michelle Yoder; Community Development Director Dwayne Williams; and City Clerk Esther B. Coulson.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order, Chief Luce led in the Pledge of Allegiance to the flag.

2. ROLL CALL

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

By unanimous consent, the city commission accepted Mayor Cheshire's suggestion on the order of business for this evening's agenda.

3. FY 2021-22 PROPOSED BUDGET

Ms. Racine gave a power-point presentation and reviewed the following FY 2021-22 proposed budget:

- **General Fund** - millage rate 3.9134 same as the last three years two percent over the roll back rate of 3.8365 which increases the city's ad valorem by \$174,000 where the total budget for all funds to be \$13.5 million.
- **Law Enforcement** - Chief Luce addressed the changes as it relates to the increases or decreases in the proposed budget; outlined the reasons on the limited number of current law enforcement personnel, and expressed his desire to manage a future six-person assignment shift.

After much discussion and, **by unanimous consent, the city commission agreed with Commissioner DeGrave's suggestion for staff to develop a plan assessing the law enforcement positions required based on service needs.**

After Chief Luce pointed out the July 30, 2021 Daily Commercial newspaper article *Man Convicted of 2018 Fruitland Park Murder, Armed Burglary* and recognized the law enforcement personnel for their work on the matter, on behalf of the city commission, Commissioner DeGrave commended him on the work well done. (A copy of the article is filed with the supplemental papers to the minutes of this meeting.)

- **Contractual Services** - Chief Luce referred to and described the new request, CLEAR data investigative data base, an addition to the proposed FY 2021-22 budget.
- **Vehicles (Repairs and Maintenance)** - After Chief Luce explained the \$3,000 adjustment, he addressed his plan to utilize state bids to order police vehicles for \$98,004.16 for October 1, 2021 anticipated for delivery by August 1, 2022, Vice Mayor Gunter recalled the city commission's acceptance of Chief Luce's recommendation at its May 23, 2019 regular meeting authorizing the expenditure for two fully equipped patrol vehicles.

Following Ms. Racine's confirmation, Mr. La Venia recognized that the \$70,000 additional funds -- supplanted for the Michael Fewless case -- be set aside and designated as general surplus funds, if unused, for two vehicles and as such would remain in impact fees earmarked for the proposed public safety building.

With respect to the July 7, 2021 discussions with Mr. La Venia amongst the Lake County Fire Rescue Services management staff and GatorSkitch Corporation, architect retained by the city, Chief Luce explained how the estimated project costs have reduced since the May 13, 2021 Professional Architectural Services Design on the public works and public safety buildings presentation was made by GatorSkitch before the city commission.

By unanimous consent, the city commission accepted the city manager's suggestion, as previously cited, to designate a schedule for two law enforcement vehicles annually; agreed that the change be reflected in the FY 2021-22 proposed budget and accepted the city treasurer's recommendation for the reallocation to vehicle and police department impact fee be transferred.

Chief Luce addressed 15 Axon – Body Cameras Grant Assistance Program which is not included in the FY 2021-22 budget with a matching grant at \$2,000 per camera at \$149,000 for five years and \$33,000 and \$28,000 respectively for the remaining four years; an upgrade every 2.5 years on a new TASER and camera, and the integration at \$30,000 per annum with Evidence.com, a reporting management training program available for the police department records management liaison officer.

By unanimous consent and upon Commissioner DeGrave's suggestion, the city commission authorized staff to pursue the Body Cameras Grant Assistance program.

- **Fire Rescue Services** - Ms. Racine recognized that there is no personnel costs or capital purchases fire rescue services and relayed the request for her to allocate \$15,000 towards operating costs to maintain the facility.

Commissioner DeGrave referred to The Villages proposal (for state legislative approval) to create an independent special fire district and Sumter County's Ad Hoc Committee on Fire Emergency Medical Services and Medical Transport to study options and recommend ambulance service improvements; recognized Sumter County's management of the existing fire protection that the city's paying to Lake County as well as the municipal services taxing unit for ambulance and emergency medical service, and recommended that the city have a voice on the matter and place said issue on a future regular city commission meeting agenda.

- **Legislative** – reviewed by Ms. Racine.
- **Executive** - After reviewing the executive budget and following some discussion, Mr. La Venia referred to his memorandum dated July 28, 2021 regarding the increase of municipal match to the city manager's retirement plan; a copy of which is filed with the supplemental papers to the minutes of this meeting.

By unanimous consent, the city commission approved the same municipal matching contribution to the city manager's retirement fund, provided to all other non-public safety employees, to be included in the FY 2021-22 budget.

- **Finance** - After Ms. Racine addressed the addition of a finance clerk position to administer permits and related duties, she and Mr. La Venia outlined the transition from TRAKiT/Superion (Solutions) LLC Citizens' Engagement (CentralSquare Technologies) to Tyler Technologies Inc., MUNIS® Division system. He relayed City Attorney Anita-Geraci-Carver's concurrence in that regard.

Upon Commissioner DeGrave's suggestion and **by unanimous consent, the city commission directed the city treasurer to report back on the auditor's findings on billings for lien inspections as permit-related direct expense.**

- **Building and Zoning** – After Ms. Racine reviewed the increase in the building and zoning budget was due to personnel, Mr. La Venia gave reasons why the deputy community development position is eliminated as former Community Development Director Tracy Kelley recently elected to resign and described the changes in the department since Mr. Williams' employment.
- **Parks and Recreation** - After Ms. Racine reviewed the parks and recreation budget and following some discussion, Ms. Yoder recognized the 2021 sales tax rate collected for the swimming pool admission fee to \$3.21 and agreed with Mayor Cheshire's suggestion to propose for FY 2021-22 the fee of \$3.25 which includes tax and clarified the fee for movie night to be \$5.00 with the exception of individuals not utilizing the pool.

At Commissioner Mobilian's request, Ms. Yoder addressed the phases and design renderings for the skate park and grant funds sought for same to which Mr. La Venia reported on the competitive grant funds statewide with plans to possibly apply for same.

After Mr. La Venia voiced the need to change the focus to utilize a multi-use court as opposed to a tennis court and install cameras and gates, Ms. Yoder identified the necessity to replace the buildings (pool buildings, concession stands and pavilion) except the community center's roof which need to be repaired to which Ms. Racine recognized as Community Redevelopment Agency (CRA) funding.

After considerable discussion, Mr. La Venia:

- reported on the preliminary conceptual plans for the construction of the Fruitland Park Elementary School at Urick Street earmarked for Year 2024;
- confirmed that there are no immediate plans on the future use of the existing school site at 304 West Fountain Street;
- in response to Commissioner Bell's proposal to develop an interlocal agreement with the school district permitting the city to utilize the subject property, referred to Lake County's Community Development Block Grant (CDBG) program for development of an American Disabilities Act compliant playground for Northwest Lake Community Park (formerly known as Roy A.) Cales Memorial Athletic Complex) Multipurpose Soccer Field or *Recreation Complex* and repurposing said park which can be similarly implemented as dog parks based on interest from the residents for Olive Park and the land space near the public works building, and
- suggested waiting until October 2021 to determine the outcome of the CDBG program grant.

Mr. La Venia agreed that he would, with Mr. Dicus, explore the idea proposed by Vice Mayor Gunter to utilize the vacant parks and recreation building as restrooms to support the recreational activities in the respective area.

After Commissioner DeGrave referred to recent conversations he had with Mr. La Venia regarding conferences held out of state, he confirmed that the costs of flights are not included in the budget.

- **Interfund Transfers** - After Ms. Racine reviewed the interfund transfers and following considerable discussion on the need to prioritize the payment of debts and earmark funds for infrastructure improvements, **the city commission, by unanimous consent, accepted Commissioner DeGrave's suggestion encouraging the city manager to work with the public works director to contact the University of Wisconsin regarding the use of the PASERWARE computerized pavement management data system to evaluate, assess and rate roadway conditions for local**

governments; develop a schedule on the roadway projects and set aside funds for discussion in the FY 2022-23 budget.

After discussion, **the city commission, by unanimous consent agreed with Commissioner DeGrave's suggestion that the Land Development Regulations be amended to include a provision for roadway construction standards and requirements for consideration before adoption.**

- **FY 2021-22 CRA Budget** – After Ms. Racine reviewed the FY 2021-22 CRA budget and **by unanimous consent, the city commission agreed to address the FY 2021-22 CRA budget at the August 3, 2021 workshop.**
- **Capital Improvement Program (CIP) and Equipment** – After Ms. Racine reviewed the CIP and equipment budget, **by unanimous consent, the city commission agreed to address the Capital Improvement Program and equipment budget at the August 3, 2021 workshop.**

4. OTHER BUSINESS

There was no other business to address at this time.

5. ADJOURNMENT

The meeting adjourned at 8:20 p.m.

The minutes were approved at the October 14, 2021 regular meeting.

Signed _____
Esther B. Coulson, City Clerk, MMC

Signed _____
Chris Cheshire, Mayor

**FRUITLAND PARK CITY COMMISSION WORKSHOP
DRAFT MEETING MINUTES
August 3, 2021**

A workshop meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Monday, August 3, 2021 at 6:00 p.m.

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

Also Present: City Manager Gary La Venia; City Treasurer Jeannine Racine; Police Chief Erik Luce, Public Works Director Robb Dicus, Library Director JoAnn Glendinning, 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, Chief Luce led in the Pledge of Allegiance to the flag.

2. ROLL CALL

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

3. FY 2021-22 PROPOSED BUDGET -

Ms. Racine gave a power-point presentation and reviewed the following FY 2021-22 proposed budget.

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

- **Library** – After reviewing the library's budget, Ms. Glendinning addressed the following items which added \$11,000 and removed \$5,100, a difference of \$6,200:

Not included in the budget:

- o \$2,500, rack/shelving;
- o \$3,000, mulch and flowers from the public works department's budget as agreed to by Mr. Dicus,
- o \$828, Microsoft 365® for four licenses;
- o \$700 per annum, fire sprinklers and inspection service and
- o \$900, interior ceiling fans that were placed on the exterior which are damaged

Remove from the budget:

- o \$1,470, double face wood shelving in the children's room
- o \$2,500, e-readers for children, and
- o \$1,203 data bases where funds were received through Lake County from the Florida Department of State, Division of Libraries, where the city's portion is no longer required.

- **Public Works**

- o **Other General Government** – reviewed by Ms. Racine.

- o **Solid Waste Disposal**– After reviewing the solid waste disposal budget, Mr. La Venia, recognized the current changes impacting the solid waste industry and the expiration of the solid waste collection franchise agreement with Waste Management Inc. (September 30, 2021). He addressed the opportunity to extend the current agreement; present a proposal eliminating the recycling program or procure residential and commercial solid waste collection services for the old section of the City of Fruitland Park.

Mr. Doug McCoy, Waste Management Inc., outlined the proposed elimination of the recycling program and the diversion to Covanta Energy Corporation's waste-to-energy facility (designed to convert waste after recycling under Florida Statutes); acknowledged the national trend in increased solid waste costs and services, and referred to the City of Crystal River's Residential Bid Rates; a copy of which is filed with the supplemental papers to the minutes of this meeting.

After noting the city's option to enter into negotiations or procure same, Mr. McCoy addressed Waste Management's preference, in good faith, to extend the contract for 90 days to the current terms and conditions.

After much discussion and **by unanimous consent, the city commission agreed to enter into negotiations with Waste Management Inc. for the solid waste collection franchise, without recycling, where the costs would be determined.**

By unanimous consent, Mayor Cheshire accepted the city manager's request to address the following item out of order on this evening's agenda.

- **Parks and Recreation - Fruitland Park Day** - After discussion and upon the city manager's request, **the city commission, by unanimous consent, agreed to cancel the September 18, 2021 Fruitland Park Day event.**

- **Stormwater** – After reviewing the stormwater budget, Mr. La Venia reported that State of Florida legislature passed House Bill 53 relating to public works (effective July 1, 2021) and reported that he has not yet had the opportunity to address stormwater in the city with Messrs. Dwayne Williams, Community Development Department, Duane K. Booth, Halff Inc. and Ms. Maryann Krisovitch. Florida Lake Management Society (The National Pollutant Discharge Elimination System Education and Outreach Coordinator) -- consultants retained by the city. Mr. La Venia noted the need for every municipality providing wastewater services to develop a needs analysis for review by Lake County and subsequent submittal to the State of Florida (Office Economic and Demographic Research) and depending on the scope of the plan and work involved, he addressed the possible expenditure within the first six months of 2022.

- **Roads and Streets** – After reviewing the roads and streets budget and following Mr. Dicus’ report on the inclusion of adding street sweeping services at The Villages and described the road resurfacing project utilizing Ventrac Tractor for \$16,000, available in the CIP budget, Mr. La Venia addressed the intent to verify terms of the State of Florida Department of Transportation’s (FDOT’s) Highway Maintenance memorandum of agreement for annual highway maintenance along US 441 and the quarterly compensation of \$8,264.25 totalling \$33,057 per annum and outlined FDOT’s Highway Beautification grant for \$250,000.

After Mr. Dicus addressed the county’s current road/transportation funding projects and pointed out the street repair maintenance list for roads in The Villages and Fruitland Park’s old section, he agreed with Commissioner DeGrave’s request to provide a spreadsheet identifying the total lane miles to roll over every 20 years. (A copy of the list is filed with the supplemental papers to the minutes of this meeting.)

With respect to the May 27, 2021 regular meeting (reiterated at the August 2, 2021 workshop) for the use of the PASERWARE computerized pavement management data system (to evaluate, assess and rate roadway conditions for local governments and develop a schedule on the roadway projects) and set aside funds for discussion in the FY 2022-23 budget, Mr. Dicus addressed his plan to review the existing list of roadway improvement projects and incorporate same on the spreadsheet referenced at the regular meeting.

Later in the meeting, Mr. La Venia mentioned the plan to address before the city commission the setting aside of funding for the FY 2022-23 proposed budget, pricing from a vendor for Moyer Loop roadway (micro-paving) improvements.

- **Parks and Recreation** – previously addressed at the August 2, 2021 workshop.
- **Community Redevelopment Agency** - Earlier in the meeting, Mr. Dicus confirmed, in response to Mayor Cheshire’s inquiry that the list of paving for old City of Fruitland Park roadways, with the exception of West Hilltop Street, will be included in the Community Redevelopment Agency (CRA).

After discussion, it was acknowledged that the CRA FY 2021-22 budget will be considered at the August 26, 2021 meeting.

- **Capital Improvement Program (CIP) Recreation** – After reviewing the CIP budget, Ms. Racine and Mr. La Venia relayed Parks and Recreation Director Michelle Yoder’s comments at the August 2, 2021 workshop on the need for the new metal roofs for Gardenia Park Swimming Pool and the concession stand at Northwest Lake Community Park (formerly known as Roy A.) Cales Memorial Athletic Complex) which have been priced-out.
- **Capital Revenue** – reviewed by Ms. Racine.

- **CIP Library** – reviewed by Ms. Racine.
- **Utility Revenue** – reviewed by Ms. Racine.
- **Water** – After reviewing the water budget, Mr. Dicus addressed the inclusion of increased costs for engineers, fuel prices and the inclusion of additional funding for a portable refueler tank to refill the water and wastewater generators biannually and accepted Commissioner DeGrave’s suggestion to leave the budget as is, provide further information on costs involved and piggybacking with the City of Tavares in that regard.

Mr. Dicus noted the safety concerns and problems experienced with existing 1992 Kubota (noting the mini-Bobcat tractor) and the deep-water mains in the city and addressed the intent to replace same with the Kubota Tractor with detachable backhoe to support the existing equipment during emergencies.

In response to Mayor Cheshire’s inquiry on the status of the city commission’s previous discussions at the September 11, 2014 regular meeting on pursuing grant funds for water meters from the St. John’s River Water Management District, Mr. La Venia reported on the lack of funding at that time and gave reasons on the preference to transition in future to the iPERL® smart water meters (previously addressed with Mr. Dicus and the late Public Works Director Dale Bogle) where Mr. Dicus described the existing problems and available computerized systems to mitigate same.

- **Sewer** – After reviewing the sewer budget, Mr. Dicus outlined the increase in the budget to be based on compliance training as a result of the city commission’s consensus at its August 3, 2020 workshop and addressed the anticipated arrival of the Vac-Tron equipment on Thursday, August 5, 2021.

After Mr. La Venia addressed his plan to find out more information as to whether the city’s insurance carrier, Public Risk Management of Florida (World Risk Management), would cover the equipment, he accepted Commissioner DeGrave’s suggestion for staff to report to the city commission to identify the certified training to be implemented for the operation of the Vac-Tron equipment.

Messrs. La Venia and Dicus addressed the extensive and ongoing problems experienced with Chelsea’s Run lift station connection line and the additional work performed on same; the intent to address with City Attorney Anita Geraci-Carver alternative solutions in resolving the issues, and the plan to communicate with Halff Inc. the most cost-effective method in that regard as well as infrastructure, expansion and design.

By unanimous consent, the city commission accepted Commissioner DeGrave’s suggestion to direct the city treasurer to designate, for the future, approximately

\$70,000 pertaining to the Michael Fewless case be from fund equity and if said funds are not required, earmark same as non-designated.

4. OTHER BUSINESS

a. Dates to Remember

Mayor Cheshire announced the following events:

- 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 (LCBCC) 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., where he encouraged everyone to attend;
- 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 24, 2021, LCBCC Public Hearing (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 25, 2021 *Operation Bless Fruitland Park Check Presentation* Fruitland Park Elementary School Library, at 9:30 a.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.,
- August 25, 2021 Safe Routes to School Online Training Workshop, District 5 <https://attendee.gototraining.com/r/5408578377703875073>, at 1:30 p.m. and
- August 26, 2021, City Commission regular at 6:00 p.m.
- August 31, 2021, District 5 Board of County Commissioner Community-Stakeholders Meeting, Community Center, 201 W Berckman Street, Fruitland Park, Florida 34731 at 1:00 p.m.

b. City Treasurer

Ms. Racine announced that she plans to retire on December 31, 2021 and addressed her intent to make arrangements to work with conditions after that time with the city commission before a replacement is found.

By unanimous consent, the city commission suggested that a search for a new experienced city treasurer will be implemented.

5. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 7:56 p.m.

The minutes were approved at October 14, 2021 regular meeting.

Signed _____
Esther B. Coulson, City Clerk, MMC

Signed _____
Chris Cheshire, Mayor

RESOLUTION 2020-040

**A RESOLUTION OF THE CITY OF FRUITLAND PARK,
APPOINTING A CITY TREASURER, PROVIDING FOR THE
TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Charter of the City of Fruitland Park provides that the City Treasurer shall be appointed annually; and

WHEREAS, the Charter of the City of Fruitland Park provides that the term of office of the City Treasurer shall coincide with the fiscal year;

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

1. Jeannine Racine is hereby appointed as the City Treasurer for the City of Fruitland Park.
2. The term of the office shall commence on October 1, 2021 and end September 30, 2022.

This resolution shall take effect immediately upon its final adoption by the City Commission.

PASSED AND RESOLVED this 14th day of October 2021, by the City Commission of the City of Fruitland Park, Florida.

Chris Cheshire, Mayor

ATTEST:

Esther 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)

(SEAL)

Approved as to form:

Anita Geraci-Carver, City Attorney

RESOLUTION 2020-041

**A RESOLUTION OF THE CITY OF FRUITLAND PARK,
APPOINTING A CITY ATTORNEY, PROVIDING FOR THE
TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Charter of the City of Fruitland Park provides that the City Attorney shall be appointed annually; and

WHEREAS, the Charter of the City of Fruitland Park provides that the term of office of the City Attorney shall coincide with the fiscal year;

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

1. Anita Geraci-Carver is hereby appointed as the City Attorney for the City of Fruitland Park.
2. The term of the office shall commence on October 1, 2021, and end September 30, 2022.

This resolution shall take effect immediately upon its final adoption by the City Commission.

PASSED AND RESOLVED this 14^h day of October 2021, by the City Commission of the City of Fruitland Park, Florida.

Chris Cheshire, City Mayor

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)

(SEAL)

Approved as to form:

Anita Geraci-Carver, City Attorney

RESOLUTION 2021-042

**A RESOLUTION OF THE CITY OF FRUITLAND PARK,
APPOINTING A CITY CLERK, PROVIDING FOR THE TERM OF
OFFICE; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Charter of the City of Fruitland Park provides that the City Clerk shall be appointed annually; and

WHEREAS, the Charter of the City of Fruitland Park provides that the term of office of the City Clerk shall coincide with the fiscal year;

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

1. Esther B. Coulson is hereby appointed as the City Clerk for the City of Fruitland Park.
2. The term of the office shall commence on October 1, 2021, and end September 30, 2022.

This resolution shall take effect immediately upon its final adoption by the City Commission.

PASSED AND RESOLVED this 14th day of October 2021 by the City Commission of the City of Fruitland Park, Florida.

Chris Cheshire, City Mayor

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)

(SEAL)

Approved as to form:

Anita Geraci-Carver, City Attorney

RESOLUTION 2021-043

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER AND ALTERNATE TO THE LAKE COUNTY LEAGUE OF CITIES, INC.; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake County League of Cities, Inc. bylaws provide for a member of the City of Fruitland Park Commission to serve as director and an alternate director (a commission member or staff member) to serve a one-year term of office; and

WHEREAS, the City Commission desires to appoint a member and alternate to represent the City of Fruitland Park.

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

1. Commissioner Chris Bell is hereby appointed to serve as director to the Lake County League of Cities, Inc. His term will commence December 31, 2021 and expire December 31, 2022, unless sooner terminated.
2. Vice Mayor John L. Gunter Jr. is hereby appointed to serve as alternate director to the Lake County League of Cities, Inc. His term will commence December 31, 2021 and expire December 31, 2022, unless sooner terminated.
3. This resolution shall take effect upon its adoption by the City Commission of the City of Fruitland Park, Florida.

APPROVED this 14^h day of October 2021, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park
Chris Cheshire, Mayor

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)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

Lake County League of Cities

Post Office Box 519
Eustis, Florida 32727-0519

Telephone (352) 223-0455
Email: Lakeleague1@comcast.net

August 1, 2021

To: City of Fruitland Park
Attn: Gary LaVenía, City Manager
506 Berckman Street
Fruitland Park, FL 34731-3239

Dues Invoice

The annual membership dues for the Lake County League of Cities for 2021-22 are due **no later than October 1, 2021**. Please send your check made payable as follows:

Lake County League of Cities, Inc.
Attn: Jim R. Myers, Jr., Executive Director
P.O. Box 519
Eustis, FL 32727-0519

Dues are based on a levy of 3.5 cents per capita of the member city. The minimum dues are \$ 125.00.

Your 2020 Estimated Population is: **10,206**

Your 2021-22 dues are: **\$357.21**

In order to have a current list of City Officials on file and to enhance communications, please complete the questionnaire below. Return this list at your earliest convenience. ***If new appointments are made at other times of the year, please make your payment promptly and mail the list at a later time, when new appointments are made.***

<u>Position</u>	<u>Name</u>	<u>Mailing Address/Zip</u>	<u>Phone/ E-Mail</u>
Mayor	Chris Cheshire	506 W Berckman St Fruitland Park, FL 34731	352 360 6727 ccheshire@fruitlandpark.org
Vice Mayor	John L. Gunter Jr	506 W Berckman St Fruitland Park, FL 34731	352 360 6727 jgunter@fruitlandpark.org
Commissioner/	Chris Bell	506 W Berckman St Fruitland Park, FL 34731	352 360 6727 cbell@fruitlandpark.org
Commissioner/	Patrick DeGrave	506 W Berckman St Fruitland Park, FL 34731	352 360 6727 pdegrave@fruitlandpark.org
Commissioner/	John Mobilian	506 W Berckman St Fruitland Park, FL 34731	352 360 6727 jmobilian@fruitlandpark.org
Commissioner/			
City Manager/	Gary La Venia	506 W Berckman St Fruitland Park, FL 34731	352 360 6727 glavenia@fruitlandpark.org
City Clerk	Esther Coulson	506 W Berckman St Fruitland Park, FL 34731	352 360 6727 ecoulson@fruitlandpark.org
City Attorney	Anita Geraci-Carver	1560 Bloxam Ave Clermont FL 34711	352 243 2801 anita@agclaw.net

Board of Director Appointment

(Please provide complete information requested below)

The By-Laws of the Lake County League of Cities provides that each member may designate one (1) elected official to serve as the Director, and that Director shall exercise that member city's vote on the Board of Directors.

Member City's Appointment as a Director

Name: _____
Title: _____
Address: 506 W Berckman Street
Fruitland Park, Florida 34731

Daytime Telephone: 352 360 6727
Fax # 352 360 6686
E-Mail Address _____

The By-Laws of the Lake County League of Cities provides that each member may designate one (1) elected official or staff member to serve as an Alternate Director, and that Alternate Director shall exercise that member city's vote on the Board of Directors in the absence of the Director.

Member City's Appointment as an Alternate Director

Name: _____
Title: _____
Address: 506 W Berckman Street
Fruitland Park, Florida 34731

Daytime Telephone: 352 360 6727
Fax # 352 360 6686
E-Mail Address _____

Preferred Staff Contact

Name: _____
Name: Esther Coulson
Title: City Clerk
Address: 506 W Berckman Street
Fruitland Park, Florida 34731

Daytime Telephone: 352 360 6727
Fax # 352 360 6686
E-Mail Address ecoulson@fruitlandpark.org



John Gella Memorial Unit 219, Inc.
American Legion Auxiliary
194 West Fountain Street
P O Box 904
Fruitland Park, FL 34731-0904
(352) 787-2338

September 23, 2021

Mayor Chris Cheshire
506 W. Berckman Street
Fruitland Park, FL 34731

Dear Mayor Cheshire:

On behalf of John Gella Memorial Unit 219 of the American Legion Auxiliary and the whole "219 Family," I am requesting permission from the City of Fruitland Park to hold the 9th Annual Wreaths Across America wreath laying at Shiloh Cemetery on Saturday, December 18, 2021. The ceremony, like hundreds of others across the nation, will be held at 12 noon.

It would also be great to have the day proclaimed as Wreaths Across America Day in Fruitland Park as has been done in past years.

Also, as in the past years, we will need the City's assistance with having bleachers brought in so that our citizens will have comfortable seating during the ceremony.

The City of Fruitland Park and its community members have been great in supporting this event each year. We hope citizens will come to participate and place the wreaths as they have done in the past.

I look forward to hearing from you. If you need more information and/or need me to attend a City Commission Meeting, please contact me.

For God and Country,

Diane Rousseau
Wreaths Across America Chairman
Home #352-360-0016
Cell #352-430-4714

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

ITEM TITLE: Resolution 2021-034 Soccer Field 5th Am. ILA

For the Meeting of: October 14, 2021

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

Date Submitted: June 24, 2021

Funds Required:

Attachments: Proposed resolution and ILA

Item Description: Resolution 2021-034 Soccerfield 5th Am. ILA regarding the joint development of a soccer field at Northwest Lake Community Park. (Postponed from the September 9, 2021 regular meeting.)

Action to be Taken: Adopt Resolution 2021-034

Staff's Recommendation: Approve Resolution 2021-034

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2021-034

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FIFTH AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK REGARDING JOINT DEVELOPMENT OF A SOCCER FIELD AT NORTHWEST LAKE COMMUNITY PARK; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland owns and operates Northwest Lake Community Park, located at 200 Shiloh Street, Fruitland Park, Florida (hereinafter referred to as the “Park”); and

WHEREAS, on December 20, 2016, the City of Fruitland Park and the Lake County entered into an Interlocal Agreement regarding the Joint Development of a Soccer Field at the Northwest Lake Community Park (“Interlocal Agreement”) which has been previously amended on February 27, 2018, June 5, 2018, March 20, 2020 and October 28, 2020; and

WHEREAS, the City has requested to amend the Interlocal Agreement for a fifth time to modify the contribution amount in order to provide for the complete purchase and installation of restroom facilities at the Northwest Lake Community Park; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida desires to enter into the Fifth Amendment to the Interlocal Agreement with Lake County.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Fifth Amendment to Interlocal Agreement between Lake County, Florida and the City of Fruitland Park Regarding Joint Development of a Soccer Field at Northwest Lake Community Park, **a copy of which is attached hereto**, is approved.

Section 2. The Commission authorizes the Mayor to execute the Fifth Amendment to Interlocal Agreement.

Section 3. 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 14th day of October 2021, by the City Commission of the City of Fruitland Park, Florida.

CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

SEAL

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

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

Approved as to form:

Anita Geraci-Carver, City Attorney

**FIFTH AMENDMENT TO INTERLOCAL AGREEMENT
BETWEEN LAKE COUNTY, FLORIDA AND
THE CITY OF FRUITLAND PARK
REGARDING JOINT DEVELOPMENT OF A SOCCER FIELD AT
NORTHWEST LAKE COMMUNITY PARK**

This is a Fifth Amendment to an Interlocal Agreement agreed to between Lake County, Florida, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereafter the “COUNTY”), and the City of Fruitland Park, Florida, a municipal corporation organized and existing under the laws of the State of Florida (hereafter the “CITY”).

WITNESSETH:

WHEREAS, the CITY owns and operates Northwest Lake Community Park, located at 200 Shiloh Street, Fruitland Park, Florida (hereinafter referred to as the “Park”); and

WHEREAS, the CITY desires to construct a soccer field at the Park (hereinafter referred to as the “Project”); and

WHEREAS, on December 20, 2016, the CITY and the COUNTY entered into an Interlocal Agreement regarding the Joint Development of a Soccer Field at the Northwest Lake Community Park (“Interlocal Agreement”); and

WHEREAS, on February 27, 2018, the CITY and the COUNTY entered into an Amendment to Interlocal Agreement Between Lake County, Florida and the City of Fruitland Park Regarding Joint Development of a Soccer Field at Northwest Lake Community Park (“First Amendment”) providing for an extension of time for the Project; and

WHEREAS, on June 5, 2018, upon request of the CITY, a Second Amendment to the Interlocal Agreement was executed by the parties so the City could purchase and install sports lighting on the newly constructed soccer field; and

WHEREAS, on March 20, 2020, upon request of the CITY, a Third Amendment to the Interlocal Agreement was executed by the parties so the City could install concrete walkways, bleacher pads, handicap accessible parking and other ancillary concrete work; and

WHEREAS, on October 28, 2020, upon request of the CITY, a Fourth Amendment to the Interlocal Agreement was executed by the parties to provide accessibility features and install concrete pads and walkways; and

WHEREAS, the CITY requests the Interlocal Agreement be amended for a Fifth Amendment to modify the contribution amount in order to provide restroom facilities on the soccer field site.

NOW, THEREFORE, for and in consideration of the mutual covenants, promises, conditions and payments contained herein, the parties agree as follows:

1. **Recitals.** The above recitals are true and correct and incorporated herein.

2. **Amendment.** The CITY and the COUNTY agree that the following sections of are hereby replaced and supersedes as follows:

Section 2. Obligations of COUNTY and CITY.

A. The COUNTY agrees to reimburse the CITY for a portion of the cost of the Project. The COUNTY's total funding reimbursement shall not exceed **Four Hundred Thousand Dollars (\$400,000.00)**, which shall be provided in six payments as specified herein.

1. The first payment in the amount of Fifty Thousand Dollars (\$50,000.00) shall be provided between October 1, 2017, and September 30, 2018, and the second payment in the same amount (\$50,000.00) shall be provided on or before September 30, 2019.

2. The third payment in the amount of Fifty Thousand Dollars (\$50,000.00) will be provided after installation by the CITY of sports lighting at the Park. Upon completion of the installation of the sports lighting the CITY will notify the COUNTY and if the lighting is installed to the satisfaction of the COUNTY, the COUNTY agrees to make the third payment.

3. The fourth payment in the amount of Fifty Thousand Dollars (\$50,000.00) will be provided after installation by the CITY of concrete walkways and bleachers pads, other ancillary concrete work, and handicap accessible parking at Northwest Lake Community Park. Upon completion of the installation of the concrete walkways and bleachers pads, other ancillary concrete work, and handicap accessible parking, the CITY will notify the COUNTY and if installed to the satisfaction of the COUNTY, the COUNTY agrees to make the fourth payment.

4. The fifth payment in the amount of Fifty Thousand Dollars (\$50,000.00) will be provided after installation by the CITY of the concrete walkways, fencing along the perimeter of the field and landscaping, including sod, plantings and ground cover. Upon completion of this work, the CITY will notify the COUNTY and if completed to the satisfaction of the COUNTY, the COUNTY

agrees to make the fifth payment.

5. The sixth payment totaling One Hundred Fifty Thousand Dollars (\$150,000.00) will be provided after purchase and installation of restroom facilities on the soccer field site. Upon completion of this work, the CITY will notify the COUNTY and if completed to the satisfaction of the COUNTY, the COUNTY agrees to make the sixth payment.

B. Funding payments made to the CITY by the COUNTY shall be subject to the following terms and conditions:

1. The CITY shall submit to the COUNTY an approved Park Master Plan for the Project prior to beginning construction on the Project.

2. The CITY shall submit requests for reimbursement to the COUNTY accompanied by documentary evidence of the CITY's expenditures incurred through construction of the Project. Such documentary evidence shall include a detailed description of the services provided, proof that payment has been made to all contractors, subcontractors and suppliers providing any labor, materials or equipment related to the Project, as well as acceptance and approval of such labor, materials or equipment from an authorized CITY representative. Under no circumstances shall the requests for reimbursement be submitted to the COUNTY in advance of the delivery and acceptance of the services.

3. Within thirty (30) days of receipt of the request for reimbursement and the accompanying documentary evidence, the COUNTY shall provide reimbursement to the CITY subject to the terms and conditions contained herein.

4. The time of payment and the amount of funds reimbursable to the CITY by the COUNTY at any one time during the term of this Agreement is directly dependent on the costs incurred by the CITY for the Project as evidenced by the corresponding documentation specified in paragraphs B.(1.) and B.(2.) above. Notwithstanding the foregoing, in no event shall the COUNTY be obligated to reimburse to the CITY total monies in excess of Four Hundred Thousand Dollars (\$400,000.00).

5. The CITY shall comply with all of the terms and conditions of this Agreement.

Section 3. Expenditure of Funds by the CITY. The CITY understands and agrees that the COUNTY shall only provide reimbursement for costs incurred by the CITY

1. On or before August 31, 2018, for the **first** payment of up to Fifty Thousand Dollars (\$50,000.00); and
2. On or before August 31, 2019, for the **second and third** payment of up to One Hundred Thousand Dollars (\$100,000.00), for the purposes enumerated herein; and
3. On or before December 31, 2020, for the **fourth** payment of up to Fifty Thousand Dollars (\$50,000.00), for the purposes enumerated herein.
4. On or before December 31, 2021, for the **fifth** payment of up to Fifty Thousand Dollars (\$50,000.00), for the purposes enumerated herein.
5. On or before August 31, 2023, for the **sixth** payment of up to One Hundred Fifty Thousand Dollars \$150,000.00, for the purposes enumerated herein.

3. **Effect of Amendment.** This Fifth Amendment shall be effective immediately upon execution. All other provisions of the Interlocal Agreement not specifically addressed above, will remain in full force and effect unless otherwise formally amended by the parties. To the extent that this Fifth Amendment conflicts with the Interlocal Agreement, this Fifth Amendment will govern.

{This section left intentionally blank.}

IN WITNESS WHEREOF, the parties hereto have made and executed this Fifth Amendment on the respective dates under each signature: Lake County, Florida, through its Board of County Commissioners, signing by and through its Chairman, and City of Fruitland Park, through its Mayor.

COUNTY

LAKE COUNTY, FLORIDA, through its Board of County Commissioners

ATTEST:

Gary J. Cooney, Clerk
Board of County Commissioners
of Lake County, Florida

Sean M. Parks, Chairman

This _____ day of _____, 2021.

Approved as to form and legality:

Melanie Marsh
County Attorney

CITY OF FRUITLAND PARK, FLORIDA

Christopher Cheshire, Mayor

This ____ day of _____, 2021.

ATTEST:

Esther Coulson, City Clerk

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

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

ITEM TITLE: Resolution 2021-039 and Budget Amendment BT2021-022 Fire State Pension Payment to FF Pension Fund

For the Meeting of: October 14, 2021

Submitted by: City Treasurer

Date Submitted: October 4, 2021

Funds Required: Yes (see below)

Attachments: Proposed resolution, budget amendment and supporting documents

Item Description: **Budget Amendment BT2021-022** adds \$12,265 to Fire Insurance Premium Tax Revenue (01001-31251), decreases Contingency expense (01513-90990) by \$16,000, and increases Fire State Firefighter Retirement Contribution (01522-10225) by \$28,265.

A payment was not anticipated from the state as the city had disbanded the fire department; however, the state's contribution payment is based on last year's (FY 2020-21) annual firefighter report hence a payment was made to the pension trust. Resolution 2021-039 covers the state firefighter retirement contribution payment made to the Firefighter Pension Trust Fund which is required by law.

Action to be Taken: **Adopt Resolution 2021-039**

Staff's Recommendation: Approve Resolution 2021-039 and Budget Amendment BT2021-022 Fire State Pension Payment to FF Pension Fund

Additional Comments: Supporting document (Vendor Payment History Records for FEID) SSN redacted, exempt from disclosure under 119.071(4), F.S.

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2021-039

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 FIRE INSURANCE PREMIUM TAX PENSION REVENUE BUDGET AND THE STATE FIREFIGHTER RETIRMENT CONTRIBUTION EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fiscal Year 2020-2021 budget of the City of Fruitland Park was adopted on September 24, 2020; and

WHEREAS, the State of Florida Department of Management Services paid the Fire Department \$28,264.62 for the Firefighters' Pension Trust; and

WHEREAS, it is necessary to increase revenues in the General Fund by \$12,265.00 for the Fire Insurance Premium Tax Pension; and:

WHEREAS, it is necessary to utilize Contingency funds; and

WHEREAS, it is necessary to transfer the funds to the Firefighter Trust Fund; and

WHEREAS, the City Commission desires to amend the 2020-2021 Fiscal Year budget to increase the Fire State FF Retirement Contribution Expense Budget by \$28,265.00;

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

Section 1. The 2020/2021 budget adopted on September 24, 2020 is amended as set forth in Exhibit "A" attached hereto.

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

PASSED AND RESOLVED this 14th day of October, 2021, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park
Chris Cheshire, Mayor

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)

Approved as to form and legality:

Anita Geraci-Carver
City Attorney

CITY OF FRUITLAND PARK

Interfund Budget Amendment: #

BT2021-022

To: CITY MANAGER

Date: 1-Oct-2021

Prepared by: Finance Director
Department Head

Approved: City Manager

REVENUES:

Object name & # 01001-31251 Fire Insurance Prem Tax Pensions Amount: 12,265 Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

EXPENDITURES:

Object name & # 01522-10225 State FF Retirement Contribution Amount: 28,265 Inc/Dec

Object name & # 01513-90990 Contingency Amount: 16,000 Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Explanation: Cover FY2021 State Pension Payment to the Pension Fund

State FL gave us \$28,265 for the Fire Pension which was subsequently sent to the Pension Fund. This caused an unexpected expense in the Fire Department budget. This amendment will cover that expense.

There is \$41,800 left in Contingency.

Approved by Commission: 10/14/2021
Date

City Clerk

City Finance Director

Mayor

PAYMENT DATE	PAYMENT NUMBER	PAYEE NAME	PAYMENT TYPE	AGENCY DOC.NBR.	INVOICE NUMBER	INVOICE AMOUNT
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FOR ADDITIONAL INFORMATION PLEASE CONTACT: DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES AT (850) 617-3301

2021/08/09	<u>0058917</u>	CITY OF FRUITLAND PARK	REGULAR EFT	V001567	EC080221	<u>10.00</u>
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FOR ADDITIONAL INFORMATION PLEASE CONTACT: DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES AT (850) 617-3301

2021/08/10	<u>0061484</u>	CITY OF FRUITLAND PARK	REGULAR EFT	VD20053	RvSh06/21	<u>63,394.43</u>
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GF # 25
PO 8/18/21

FOR ADDITIONAL INFORMATION PLEASE CONTACT: DEPARTMENT OF REVENUE AT (850) 617-8586

2021/08/11	<u>0063931</u>	CITY OF FRUITLAND PARK	REGULAR EFT	V001719	MH080421	<u>11.75</u>
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GF # 26
PO 8/18/21

FOR ADDITIONAL INFORMATION PLEASE CONTACT: DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES AT (850) 617-3301

2021/08/13	<u>0068612</u>	CITY OF FRUITLAND PARK	REGULAR EFT	V001875	EC080621	<u>10.00</u>
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GF # 57
Incident Report Request
PO 8/18/21

FOR ADDITIONAL INFORMATION PLEASE CONTACT: DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES AT (850) 617-3301

2021/08/19	<u>0077647</u>	CITY OF FRUITLAND PARK	REGULAR EFT	V000942	FIRE	<u>28,264.62</u>
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GF # 24
PO 8/18/21

FOR ADDITIONAL INFORMATION PLEASE CONTACT: DEPARTMENT OF MANAGEMENT SERVICES AT (850) 488-3053

2021/08/19	<u>0077869</u>	CITY OF FRUITLAND PARK	REGULAR EFT	VRI9007	CST 08/21	<u>24,849.58</u>
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GF # 8
PO 8/18/21

10/01/2021 11:31
808jmich

CITY OF FRUITLAND PARK
YEAR-TO-DATE BUDGET REPORT

THRU 9/30/2021 100% OF BUDGET LAPSED

1
|P
|glytbud

FOR 2021 12

JOURNAL DETAIL 2021 1 TO 2021 13

ACCOUNTS FOR: 001 GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
01522 FIRE CONTROL							
10 PERSONAL SERVICES							
10120 WAGES	198,502	-134,164	64,338	64,338.19	.00	.00	100.0%
10121 BONUS	1,100	-71	1,029	1,128.82	.00	-100.00	109.7%
10132 STIPENDS- FIREFIGHTERS	42,109	-30,221	11,887	12,537.37	.00	-650.00	105.5%
10210 FICA	18,490	-13,627	4,863	4,863.30	.00	.00	100.0%
10220 RETIREMENT	12,031	-8,904	3,127	3,127.38	.00	.00	100.0%
10225 STATE FF RETIREMENT CONTRIB	16,000	-16,000	0	28,264.62	.00	-28,264.62	100.0%
10233 LIFE INSURANCE	1,188	-1,188	0	.00	.00	.00	.0%
10240 WORKERS COMPENSATION	13,544	-7,721	5,823	5,823.00	.00	.00	100.0%
TOTAL PERSONAL SERVICES	302,964	-211,895	91,068	120,082.68	.00	-29,014.62	131.9%
30 OPERATING EXPENSES							
30313 PROFESSIONAL FEES	5,644	-5,644	0	.00	.00	.00	.0%
30340 CONTRACTUAL SERVICES	12,287	-9,411	2,876	2,875.89	.00	.00	100.0%
30345 CONTRACTUAL VILLAGES	352,291	0	352,291	347,749.90	.00	4,541.10	98.7%
30349 LAKE COUNTY FIRE CONTRACTUAL	0	645,246	645,246	645,246.00	.00	.00	100.0%
30400 TRAVEL/PER DIEM	260	-260	0	.00	.00	.00	.0%
30410 COMMUNICATIONS	13,228	-12,721	507	831.94	.00	-325.00	164.1%
30420 POSTAGE	263	-248	15	15.15	.00	.00	100.0%
30430 ELECTRIC	9,891	-7,888	2,003	2,002.75	.00	.00	100.0%
30431 WATER	1,386	-973	413	412.87	.00	.00	100.0%
30440 RENTAL OF EQUIPMENT	1,700	-1,700	0	.00	.00	.00	.0%
30450 INSURANCE	27,439	-12,913	14,527	12,744.51	.00	1,782.13	87.7%
30461 RADIO REPAIRS/MAINT	8,260	-5,628	2,632	2,632.00	.00	.00	100.0%
30462 VEHICLE REPAIRS/MAINT	15,000	-11,674	3,326	76.93	.00	3,249.31	2.3%
30463 EQUIPMENT REPAIRS/MAINT	10,390	-9,740	650	650.00	.00	.00	100.0%
30464 FACILITIES REPAIRS/MAINT	3,150	-2,452	698	698.15	.00	.00	100.0%
30465 SERVICE CONTRACTS	210	129	339	339.19	.00	-.19	100.1%
30481 GOODWILL	310	-310	0	.00	.00	.00	.0%
30490 MISC EXPENSE	600	-600	0	.00	.00	.00	.0%
30510 OFFICE SUPPLIES	896	-336	560	568.09	.00	-8.27	101.5%
30520 SUPPLIES	9,100	-6,434	2,666	2,994.95	.00	-328.99	112.3%
30521 UNIFORMS	8,875	-8,726	149	148.60	.00	.00	100.0%
30522 FUEL	9,560	-7,806	1,754	1,754.42	.00	.00	100.0%



- Detail
- Months
- Seg Find
- Totals
- Project Strings
- User Defined Fields

Account

Fund	001	...	GENERAL FU	Acct	001 -000-001-31251 -		
Org	01001	...	GENERAL FU	Acct name	FIRE INS PREM TAX PENSION		
Object	31251	...	FIRE INS P	Type	Revenue	Status	Active
Project		...		Rollup			
				Sub-Rollup			
				<input type="checkbox"/> MultiYr Fund			

4 Year Comparison	History		
Yr/Per 2021/12	Fiscal Year 2021	Fiscal Year 2020	Fiscal Year 2019
Original Budget	-16,000.00	-12,020.00	-15,435.00
Transfers In	.00	.00	.00
Transfers Out	.00	.00	.00
Revised Budget	-16,000.00	-12,020.00	-15,435.00
Actual (Memo)	-28,264.62	-28,742.76	-24,962.98
Encumbrances	.00	.00	.00
Requisitions	.00		
Available	12,264.62	16,722.76	9,527.98
Percent used	176.65	239.12	161.73

Display detail information for current account.

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

ITEM TITLE:	First Reading and Public Hearing – Ordinance 2021-014 – SRF Loan Program
For the Meeting of:	October 14, 2021
Submitted by:	City Manager/City Attorney/City Treasurer
Date Submitted:	October 7, 2021
Funds Required:	
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Proposed ordinance and opinion letter
Item Description:	Ordinance 2021-014 State Revolving Fund Loan Program. (The second reading will be held on October 28, 2021.)
Action to be Taken:	Approve Ordinance 2021-014.
Staff’s Recommendation:	Approval
Additional Comments:	None
City Manager Review:	Yes
Mayor Authorization:	Yes

ORDINANCE 2021-014

AN ORDINANCE OF CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; 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 to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS, the State Revolving Fund loan priority list designates Project No. WW350821/SG350822 as eligible for available funding; and

WHEREAS; the City of Fruitland Park, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing.

NOW, THEREFORE, BE IT RESOLVED 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. The City of Fruitland Park, Florida, by and through its city manager is authorized to apply for a loan to finance the Project.

SECTION III. The revenues pledged for the repayment of the loan are net water and sewer system revenues legally available to be so pledged.

SECTION IV. The City Manager is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

SECTION V. The mayor is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The City Manager is authorized to represent the City in carrying out the City's responsibilities under the loan agreement. The City Manager is authorized to delegate responsibility to appropriate City staff to carry out technical, financial, and administrative activities associated with the loan agreement.

SECTION VI. The legal authority for borrowing moneys to construct this Project is 166.111, Florida Statutes.

SECTION VII. 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 VIII. 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 IX. 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
(SEAL)

Anita Geraci-Carver, City Attorney

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 _____

October 8, 2021

Ms. Angela Knecht
Program Administrator
State Revolving Fund Management
3900 Commonwealth Blvd., Mail Station 3505
Tallahassee, Florida 32399-3000

Re: WW [REDACTED] – City of Fruitland Park
Clean Water System Improvements

Dear Ms. Knecht:

I serve as city attorney to the City of Fruitland Park and have served in this capacity since May 14, 2015. It is my understanding the City of Fruitland Park proposes to borrow funds in the amount of \$1,297,470.00 plus a loan service fee of [REDACTED] percent (_ %) and capitalized interest from the State Revolving Fund for construction of the City's wastewater infrastructure improvements. The loan will be secured by the net revenues of the City's wastewater system legally available to be so pledged. The City of Fruitland Park has the legal authority under general Florida law and it's adopted ordinances to increase rates to provide for repayment of the loan.

The pledge on revenues is subject to a prior lien with the following issues:

CITY - PLEASE PROVIDE ME EXISTING PLEDGES/LOANS

If you have any questions regarding this correspondence, or I can provide any further information, please do not hesitate to contact my office at the number listed below.

Sincerely,

Anita Geraci-Carver

cc: Gary La Venia, City Manager
Mayor and Council

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

ITEM TITLE: Second Reading and Quasi-Judicial Public Hearing 2021-010 Private Property Rights Element – Comprehensive Plan Amendment

For the Meeting of: October 14, 2021

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

Date Submitted: October 5, 2021

Funds Required: None

Attachments: Quasi-Judicial Hearing Establishment, Ordinance, FDEO Approval Letter, FDOT and SJRWMD comments, and advertisement affidavit

Item Description: **Ordinance 2021-010** to amend the 2035 City's Comprehensive Plan Amendment effective July 1, 2021 in accordance with Florida Legislature House Bill 59; adding Chapter 9, Private Property Rights Element. (The first reading was held on August 26, 2021)

Action to be Taken: **Enact Ordinance 2021-010 to become effective on the date when the state land planning agency issues a final order determining the Comprehensive Plan to be in compliance with Chapter 163, Florida Statutes, or the date the Division of Administrative Hearings issues a final order determining the adopted 2035 Comprehensive Plan to be in compliance with Chapter 163, Florida Statutes, whichever occurs first.**

Staff's Recommendation: Approval

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2004-014

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; RELATING TO QUASI-JUDICIAL HEARINGS; ESTABLISHING PROCEDURES FOR THE DISCLOSURE OF EX PARTE COMMUNICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute 286.0115 allows municipalities to remove the presumption of prejudice attached to ex parte communications with local public officials in quasi-judicial proceedings through the adoption of a resolution or ordinance establishing a process for the disclosure of such communications; and

WHEREAS, the City Commission of the City of Fruitland Park desires to implement the provisions of F.S. 286.0115 with respect to quasi-judicial proceedings which occur before the City Commission as well as city boards and committees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK:

Section 1. The following procedures shall apply with regards to any quasi-judicial matters before the City Commission or any board or committee of the City:

**Procedures for quasi-judicial hearings;
Disclosure of ex parte communications.**

(a) *Intent.* Pursuant to Section 286.0115(1), Florida Statutes, it is the intent of the city commission that this section is intended to remove the presumption of prejudice from *ex parte* communications with city officials and to permit, among other things, site visits, the receipt of expert opinion, and the review of mail and other correspondence relating to quasi-judicial proceedings by said city officials. .

(b) *Definitions.* As used in this section, the following terms shall be defined as follows:

- (1) "City official" means and refers to any elected or appointed public official holding a municipal position or office who recommends or takes quasi-judicial action as a member of a city board, commission, or committee, including, but not limited to, a member of the city commission, the code enforcement board, the planning and zoning board, or the local planning agency.
- (2) "*Ex parte* communication" means a communication involving a city official and a member of the public, regarding a pending quasi-judicial action, such that the city official may be exposed to only one perspective

or part of the evidence with regard to a quasi-judicial action pending before the commission or board on which the city official serves. *Ex parte* communications occur at other than a public meeting of the board on which the city official serves at which the quasi-judicial action discussed has been publicly noticed.

- (3) "Member of the public" refers to any person interested in a quasi-judicial action, including, but not limited to, an applicant, an officer or member of a homeowner's association, an officer or member of an environmental, homebuilding/development, or concerned citizen's organization, an official or employee of a governmental entity other than the City, a developer, a property owner, or an interested citizen, or a representative of or attorney for any of the foregoing.
- (4) "Quasi-judicial" refers to a land use, land development, zoning, or building related permit, application or appeal, as set forth below, in which city officials give notice and an opportunity to be heard to certain substantially affected persons, investigate facts, ascertain the existence of facts, hold hearings, weigh evidence, draw conclusions from the facts, and apply the law to the facts, as the basis for their decision.
- (5) "Site visit" means an inspection of real property subject to an application for any quasi-judicial action prior to a public hearing on the application conducted by a city official. The mere act of driving by a site in the daily course of driving to a particular location, such as work or a particular store, which act is not undertaken for the purpose of inspecting a particular parcel of real property is not a site visit for purposes of this section.

(c) *Ex parte communications between city officials and members of the public.*

- (1) A member of the public not otherwise prohibited by statute, charter provision or ordinance may have an *ex parte* communication with any city official regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below.
- (2) Except as otherwise provided by statute, charter provision, or ordinance, any city official may have an *ex parte* communication with any expert witness or consultant regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below. Nothing here,

however, shall restrict a city official access to city staff or expert witness or consultant retained by the City.

(3) Disclosure.

- (A) All city officials shall disclose the occurrence of all *ex parte* communications or discussions with a member of the public or an expert witness or consultant involving said city official which relate to the quasi-judicial action pending before the commission or board on which the city official serves.
 - (B) Disclosure shall occur by no later than the final public hearing, or if no formal public hearing is held, then any hearing at which the final decision regarding the quasi-judicial matter is made. The city official shall disclose the *ex parte* communication verbally or by memorandum. Any such memorandum disclosing the occurrence of the *ex parte* communication shall be placed in the official file regarding the pending quasi-judicial matter which file shall be maintained in the City Clerk's records.
 - (C) At the time of disclosure, the city official shall identify the person, group, or entity with whom the *ex parte* communication took place, the substance of the *ex parte* communication, and any matters discussed which are considered by the city official to be material to said city official's decision in the pending quasi-judicial matter.
- (d) *Oral or written communications between city staff and city officials.* City officials may discuss quasi-judicial matters pending before the commission or board on which said city official serves with city staff without the requirement to disclose pursuant to sub-section (c)(3) above.
- (e) *Site visits by city officials.* Any city official may conduct a site visit of any property related to a quasi-judicial matter pending before the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) above. Any disclosure of a site visit pursuant to sub-section (c)(3) shall disclose the existence of the site visit, and any information obtained by virtue of the site visit considered by the city official to be material to said official's decision regarding the pending quasi-judicial matter.
- (f) *Review of mail, correspondence, and written communications by city officials.* Any city official may review mail, correspondence, or written communications, related to a quasi-judicial matter pending before the commission or board on which the city official serves. Upon review of the mail, correspondence, or

written communication, the document shall be placed in the official file regarding the pending quasi-judicial matter and maintained in the city clerk's records.

- (g) *City clerk's file.* All correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter shall be placed in the official file regarding said matter and maintained by the city clerk. Said correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter, or any disclosure memoranda as described in sub-section (c)(3)(B), shall be available for public inspection. By no later than the final public hearing, or if no formal public hearing is held, then at any hearing at which the final decision regarding the quasi-judicial matter is made, the city clerk shall make said correspondence, mail, written communications, or other matters, and any disclosure memoranda placed in the official file, a part of the record. All of the foregoing documents shall be received by the commission or board as evidence, with the exception of disclosure memoranda, subject to any objections interposed by participants at the hearing.
- (h) *Opportunity to comment upon substance of disclosure.* At such time that a disclosure regarding an *ex parte* communication, receipt of an expert opinion, site visit, or review of mail, correspondence, or other written communication is made a part of the record at a hearing, persons who may have opinions or evidence contrary to those expressed in the *ex parte* communication, expert opinion, or mail, correspondence, or other written communication, or noted during the site visit, shall be given a reasonable opportunity to refute or respond and provide contrasting information, evidence, or views.

Section 2. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

Section 3. This resolution shall be effective upon passage.

PASSED AND RESOLVED this 24th day of June, 2004, by the City Commission of the City of Fruitland Park, Florida.



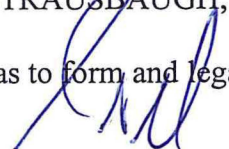
JOHN L. GUNTER, JR., VICE MAYOR

ATTEST:



MARGE STRAUSBAUGH, CITY CLERK

Approved as to form and legality:



Scott A. Gerken, City Attorney



Select Year: 2020

The 2020 Florida Statutes

[Title XIX](#)

PUBLIC BUSINESS

[Chapter 286](#)

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

[View Entire Chapter](#)**286.0115 Access to local public officials; quasi-judicial proceedings on local government land use matters.—**

(1)(a) A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(b) As used in this subsection, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(c) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.

1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

(2)(a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government land use matters, a person who appears before the decisionmaking body who is not a party or party-intervenor shall be allowed to testify before the decisionmaking body, subject to control by the decisionmaking body, and may be requested to respond to questions from the

decisionmaking body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decisionmaking body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(c) In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decisionmaking body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decisionmaking body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decisionmaking body. All decisions of the decisionmaking body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3) This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

History.—s. 1, ch. 95-352; s. 31, ch. 96-324.

Select Year:

The 2018 Florida Statutes

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

PUBLIC BUSINESS

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.0115 Access to local public officials; quasi-judicial proceedings on local government land use matters.—

(1)(a) A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(b) As used in this subsection, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(c) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.

1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

(2)(a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government land use matters, a person who appears before the decisionmaking body who is not a party or party-intervenor shall be allowed to testify before the decisionmaking

body, subject to control by the decisionmaking body, and may be requested to respond to questions from the decisionmaking body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decisionmaking body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(c) In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decisionmaking body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decisionmaking body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decisionmaking body. All decisions of the decisionmaking body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3) This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

History.—s. 1, ch. 95-352; s. 31, ch. 96-324.

ORDINANCE 2021-010

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF FLORIDA STATUTE 163.3184; AMENDING THE CITY'S COMPREHENSIVE PLAN; ADDING AND ADOPTING, PRIVATE PROPERTY RIGHTS ELEMENT OF THE COMPREHENSIVE PLAN; DIRECTING THE CITY CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park, Florida on November 26, 1991, by Ordinance No 91-016, adopted a Comprehensive Plan which incorporated a Future Land Use Element setting forth the goals, objectives, and policies to guide and direct future development and growth; and

WHEREAS, the City of Fruitland Park, Florida on March 19, 2017, by Ordinance No 2016-031 adopted a new Comprehensive Plan to govern land use and development through the year 2035;

WHEREAS, the City Commission has determined that it is in the best interest of the health, safety and welfare of the citizens of the City of Fruitland Park to adopt a new element to the Comprehensive Plan;

THEREFORE BE IT ORDAINED BY THE City Commission of the City of Fruitland Park, Florida, as follows:

SECTION 1. The adopted local Comprehensive Plan for the City of Fruitland Park, Florida, as hereby amended.

CHAPTER 9 **PRIVATE PROPERTY RIGHTS ELEMENT** **GOALS, OBJECTIVES, AND POLICIES**

GOAL 9-1: Private Property Rights. The City of Fruitland Park shall establish a private property rights statement of rights.

OBJECTIVE 9.1: Local Decision Making. To ensure that private property rights are considered in local decision making, complying with Florida Statute.

Policy 9.1.1: Property Owner Rights. The City will consider the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 9.1.2: Consistency with Local Ordinances. The City will consider the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances including but not limited to the City of Fruitland Park Comprehensive Plan and Land Development Code.

Policy 9.1.3: **Property Owner Privacy.** The City will consider the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property in accordance with Florida law.

Policy 9.1.4: **Disposal of Property.** The City will consider the right of a property owner to dispose of his or her property through sale or gift.

SECTION 2. With the recommendations of the City Commission, the proposed Comprehensive Plan Amendment are hereby transmitted by the City Commission to the Florida Department of Economic Opportunity for appropriate review and/or approval.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

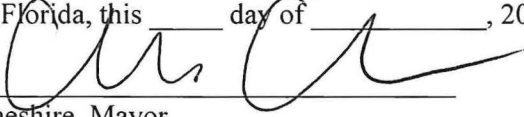
SECTION 4. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

SECTION 5. A copy of said Comprehensive Plan Amendment is filed in the Office of the City Clerk of the City of Fruitland Park as a matter of permanent record of the City and that matters and contents therein are made a part of this ordinance by reference as fully and completely as if set forth herein, and such copy shall remain on file in said office available for public inspection.

SECTION 6. That the City Clerk, after passage of this ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same in the Comprehensive Land Use Plan of the City of Fruitland Park.

SECTION 7. The effective date of this Ordinance shall be the date the state land planning agency issues a final order determining the Comprehensive Plan, as attached hereto and amended prior to this Ordinance becoming effective, to be in compliance with Chapter 163, Florida Statutes, or the date the Division of Administrative Hearings issues a final order determining the adopted 2035 Comprehensive Plan to be in compliance with Chapter 163, Florida Statutes, whichever occurs first.

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



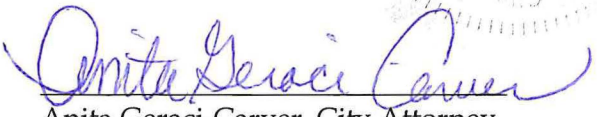
Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:



Esther Coulson, MMC, City Clerk

Approved as to Form:



Anita Geraci-Carver, City Attorney



The Villages
DAILY SUN

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

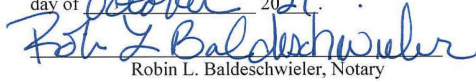
Before the undersigned authority personally appeared **Joseph Szabo**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #1026472 in the matter of **NOTICE OF PUBLIC HEARINGS** was published in said newspaper in the issues of

October 4, 2021

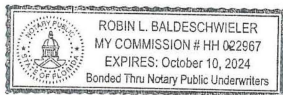
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, 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 4 day of October 2021.


Robin L. Baldeschwieler, Notary

Personally Known or
Production Identification _____
Type of Identification Produced _____



Attach

259-5377
7 a.m.: Walking Aerobics
8:30 a.m.: Billiards (Instruction)
9 a.m.: Village Art League
12:30 p.m.: Tap (Intermediate)
1:30 p.m.: Tap (Basic/Beginner)
3 p.m.: Aloha Friends of Hula
5:30 p.m.: Pokeno Twist
6:30 p.m.: Gospel Music

I will teach you to PLAY GOLF!
for only **\$99** Guaranteed!
Includes 5 Hours of Golf Lessons.
*Per Person-Groups Limited in Size.
RALPH CORSO
USGTF Certified Teaching Professional
PRIVATE LESSONS
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Call Today For Details! **751-1121**




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NOTICE OF PUBLIC HEARINGS

ORDINANCE 2021-010

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF FLORIDA STATUTE 163.3184; AMENDING THE CITY'S COMPREHENSIVE PLAN; ADDING AND ADOPTING, PRIVATE PROPERTY RIGHTS ELEMENT OF THE COMPREHENSIVE PLAN; DIRECTING THE CITY CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

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

Fruitland Park City Commission Meeting 2nd Reading on October 14, 2021 at 6:00 p.m.

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

A person who decides to appeal any decision made by any board, agency or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105). Persons with disabilities needing assistance to participate in any of these proceedings should contact Esther Coulson, City Clerk at (352) 360-6790 at least 48 hours before the date of the scheduled hearing.

September 29, 2021

The Honorable Chris Cheshire
Mayor, City of Fruitland Park
506 West Berckman Street
Fruitland Park, Florida 34731

Dear Mayor Cheshire:

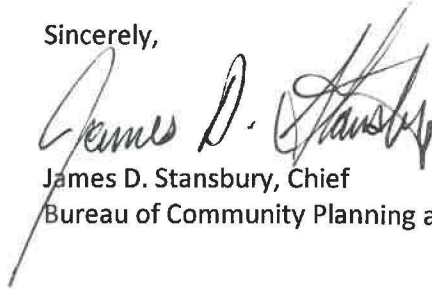
The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the City of Fruitland Park (Amendment No. 21-01ESR) received on August 30, 2021. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Dan Evans, Planning Analyst, by telephone at (850) 717-8484 or by email at dan.evans@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is written in a cursive style with a large, sweeping initial "J".

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/de

Enclosure(s): Procedures for Adoption

cc: Greg Bellveau, City Planner, City of Fruitland Park

Hugh Harling, Executive Director, East Central Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department’s electronic amendment submittal portal “**Comprehensive Plan and Amendment Upload**”

(<https://floridajobs.secure.force.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

719 S. Woodland Boulevard
DeLand, Florida 32720

KEVIN J. THIBAUT, P.E.
SECRETARY

September 1, 2021

Greg Beliveau
City Planner
City of Fruitland Park
LPG Urban and Regional Planners
2240 Minton Road
West Melbourne, Florida 32904

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENT
LOCAL GOVERNMENT: CITY OF FRUITLAND PARK
DEO #: 21-01ESR

Dear Mr. Beliveau,

The Department of Transportation has completed its review of the above Proposed Comprehensive Plan Amendment.

We appreciate the opportunity to participate in this review process. The proposed Property Rights Element is not anticipated to have significant adverse impacts to the State Highway System or the Strategic Intermodal System; therefore, the Department has no technical assistance comments.

If you have any questions, you may contact me by phone at 386-943-5457 or by email at Channing.Maiolo@dot.state.fl.us.

Sincerely,

M. Channing Maiolo
Systems Planning Coordinator

C: Tim McClendon, Lake County
Tara McCue, ECFRPC
Heather Garcia, FDOT
Steve Shams, FDOT

Jennifer Carver, FDOT
D. Ray Eubanks, DEO
Kelly Corvin, DEO

From: [Greg Beliveau](#)
To: [Sherie Lindh](#)
Subject: FW: [EXTERNAL] City of Fruitland Park proposed comprehensive plan amendment 21-1ESR (Property Rights Element)
Date: Monday, September 13, 2021 11:42:56 AM
Attachments: [image001.png](#)

From: Steve Fitzgibbons <SFitzgibbons@sjrwmd.com>
Sent: Monday, September 13, 2021 11:40 AM
To: Greg Beliveau <gregb@lpgurp.com>
Cc: DCPexternalagencycomments <DCPexternalagencycomments@deo.myflorida.com>
Subject: [EXTERNAL] City of Fruitland Park proposed comprehensive plan amendment 21-1ESR (Property Rights Element)

Dear Mr. Beliveau,

St. Johns River Water Management District (District) staff have reviewed City of Fruitland Park proposed comprehensive plan amendment 21-1ESR (Property Rights Element) in accordance with the provisions of Chapter 163, *Florida Statutes*. Based on review of the submitted materials, District staff have no comments on the proposed amendment. If you have any questions or need additional information, please contact me.

Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at sfitzgibbons@sjrwmd.com.

Sincerely,
Steve Fitzgibbons

Steven Fitzgibbons, AICP
Intergovernmental Planner
Division of Strategic Planning and Initiatives
St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256
Office (386) 312-2369
Website: www.sjrwmd.com
Connect with us: [Newsletter](#), [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [Pinterest](#)



www.sjrwmd.com/ePermit

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

Notices

- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of confidentiality or privacy.
- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwm.com/lobbyist/>

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

ITEM TITLE: CITY MANAGER’S REPORT
For the Meeting of: October 14, 2021
Submitted by: City Manager
Date Submitted: October 5, 2021
Funds Required: None
Attachments: Event Flyer

Item Description: City Manager’s Report

- i. Economic Development Status Update
- ii. Events – Parks and Recreation

Action to be Taken: None

Staff’s Recommendation: N/A

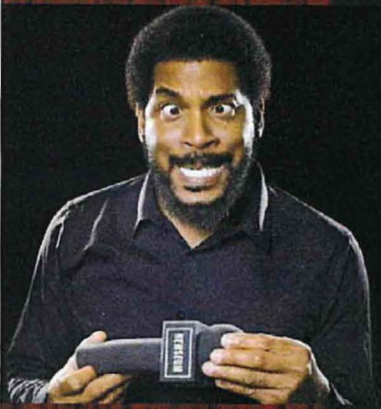
Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

ALEX SOTO COMEDY PRESENTS
THE FRUITLAND PARK COMMUNITY CENTER'S

COMEDY NIGHT



FEATURE
SOLO JONES



★ **HEADLINER**
VINCE TAYLOR

FRIDAY
OCTOBER

22

Show

8PM / \$20 GENERAL ADMISSION
VIP TABLE AND GROUP PRICES AVAILABLE
CONTACT 516-9149 FOR SPECIAL PRICING INFO

205 W. BERCKMAN STREET FRUITLAND PARK, FLORIDA



City of Fruitland Park

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

ITEM TITLE: CITY ATTORNEY REPORT
For the Meeting of: October 14, 2021
Submitted by: Anita Geraci-Carver
Date Submitted: October 4, 2021
Funds Required: None
Attachments: None
Item Description: City Attorney Report

City of Fruitland Park v. State of Florida – Department of Management Services: On September 15, 2021 attorney Thomas filed Petitioner’s Exceptions to Recommended Order on behalf of the City. A closed-session executive meeting is currently being scheduled.

Michael and Laurie Fewless v. City of Fruitland Park, Lake County Case No. 2020-CA-000104 (Judge Welke): On September 10, 2021 Plaintiffs filed a Motion for Case Management Conference. A case management conference has not been scheduled.

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. On July 12, 2021, Plaintiff filed its Motion for Summary Final Judgment of Mortgage Foreclosure. If Plaintiff’s Motion is granted, then the property will be scheduled for a foreclosure sale. A hearing on Plaintiff’s Motion for Summary Judgment has been scheduled to take place on March 1, 2022 at 1:30 PM.

City Seal/Logo: The City is authorized pursuant to s. 165.043, Florida Statutes, to designate a City seal. It precludes the manufacture, use, display, or other employment of any facsimile or reproduction of the seal, except by city officials and employees in the performance of their official duties, without the express approval of the City Commission. Direction is being requested from the Commission concerning designation and use of the City’s two logos as the City’s seal(s), and if there is a desire to designate one or both.

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

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

ITEM TITLE:	Public Comments
For the Meeting of:	October 14, 2021
Submitted by:	City Clerk
Date Submitted:	October 6, 2021
Funds Required:	None
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes, Resolution 2013-023, Public Participation Policy and Chapter 286 Florida Statutes

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

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

Action to be Taken: **None**

Staff’s Recommendation: N/A

Additional Comments: N/A

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2013 -023

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

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

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

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

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

Sec. 1. Citizen's Rights

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

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

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

Sec. 2. Suspension and Amendment of these Rules

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

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

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

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

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

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



Christopher J. Bell, Mayor

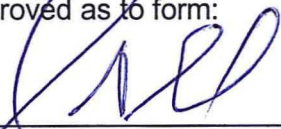
ATTEST:


MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:


SCOTT A. GERKEN, City Attorney

Select Year:

The 2020 Florida Statutes

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

PUBLIC BUSINESS

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

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

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

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

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

(a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;

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

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

(d) A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

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

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

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

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

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

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

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

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

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

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

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

History.—s. 1, ch. 2013-227.

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