

**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

October 28, 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 – Commander Larry Miller, John Gella Memorial Unit 219
American Legion

Pledge of Allegiance – Police Chief Erik Luce

2. ROLL CALL

3. CONSENT AGENDA

Approval of Minutes (city clerk)

- **September 9, regular and**
- **September 23, 2021 regular**

4. REGULAR AGENDA

(a) Resolution 2021-047 – Events Committee Creation (city attorney/city clerk)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CREATING THE CITY OF FRUITLAND PARK EVENTS COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

(b) Resolution 2021-048 – Events Committee Member Appointments (city attorney/city clerk)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING MEMBERS TO THE CITY OF FRUITLAND PARK EVENTS COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

(c) Resolution 2021-044 – Records and Archive Management Services - Professional Services Agreement – SML Inc. (city attorney/city clerk)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN SML, INC. AND CITY OF FRUITLAND PARK CONTRACT FOR RECORDS AND ARCHIVE

MANAGEMENT SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

- (d) **Police Department Vehicle Quote** (city manager/police chief)
Motion to approve the quote for two 2021 Ford Interceptor Utility patrol vehicles from Bartow Ford with lights package (piggyback contract from Charlotte County) for \$96,591.28.

QUASI-JUDICIAL PUBLIC HEARING

- (e) **Second Reading and Public Hearing – Ordinance 2021-006 - SSCPA – 115 S Villa Avenue – Petitioner: New Life Presbyterian Church of Lake County Inc.** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO TRANSITIONAL OF 0.26 ± ACRES OF PROPERTY LOCATED AT 115 SOUTH VILLA AVENUE, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on June 10, 2021.)

- (f) **Second Reading and Public Hearing - Ordinance 2021-007 - SSCPA – 212 E LaVista Street – Petitioner: New Life Presbyterian Church of Lake County Inc.** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO INSTITUTIONAL OF 0.25 ± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN

EFFECTIVE DATE. (The first reading was held on June 10, 2021.)

END OF QUASI-JUDICIAL PUBLIC HEARING

PUBLIC HEARING

- (g) **First Reading and Public Hearing – Ordinance 2021-016 Third Extension Solid Waste Collection Franchise Agreement – Waste Management Inc.** (city attorney/city manager)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING A THIRD EXTENSION OF ITS SOLID WASTE COLLECTION FRANCHISE AGREEMENT WITH WASTE MANAGEMENT, INC. OF FLORIDA; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on November 18, 2021.)

- (h) **Second 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. The first reading was held on October 14, 2021.)

END OF PUBLIC HEARING

5. (a) **City Manager
Economic Development Status Update**
- (b) **City Attorney**
- i. **City of Fruitland Park v. State of Florida Department of Management Services**
- ii. **Michael and Laurie Fewless v. City of Fruitland Park**

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

6. UNFINISHED BUSINESS

7. PUBLIC COMMENTS

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

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

8. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

(b) Commissioner DeGrave

(c) Commissioner Bell

(d) Vice Mayor Gunter, Jr.

9. MAYOR'S COMMENTS

10. ADJOURNMENT

DATES TO REMEMBER

- November 11, 2021, Veterans' Day, City Hall Closed;
- November 11, 2021, City Commission regular at 6:00 p.m. - Cancelled.
- 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 20, 2021, *Brews Blues & BBQ*, 201 W Berckman Street, Fruitland Park, Florida 34731 at 5:00 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 3, 2021 *Employee Christmas Party*, 205 W Berckman Street, Fruitland Park, Florida 34731 at 7:00 p.m.;
- 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 10, 2021, *Hometown Christmas*, outside City Hall, 506 W Berckman Street, Fruitland Park, Florida 34731 at 5:30 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
- December 27, 2021, Public Holiday – 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
CONSENT AGENDA ITEM SUMMARY SHEET
Item Number: 3**

ITEM TITLE:	Draft Regular Meeting Minutes
For the Meeting of:	October 28, 2021
Submitted by:	City Clerk
Date Submitted:	October 21, 2021
Funds Required:	No
Attachments:	Draft minutes

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

- September 9 and
- September 23, 2021 regular meeting minutes

Action to be Taken:	Approve the consent agenda.
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Staff's Recommendation:	Approve the meeting minutes as submitted, if there are no corrections.
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Additional Comments:	None
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City Manager Review:	Yes
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Mayor Authorization:	Yes
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**FRUITLAND PARK CITY COMMISSION REGULAR
DRAFT MEETING MINUTES
September 9, 2021**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, September 9, 2021 at 6:00 p.m.

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

Also Present: City Attorney. Anita Geraci-Carver, City Treasurer Jeannine Racine; Lieutenant Timothy “Tim” Ross, Police Department, Public Works Director Robb Dicus; Community Development Director Dwyane Williams; 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, Mr. Hopkins, gave the invocation and Lieutenant Ross led in the pledge of allegiance to the flag.

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

2. ROLL CALL

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

Mayor Cheshire addressed the following changes on this evening’s agenda:

4.(b) Resolution 2021-036 Liberty Partners of Tallahassee Contract Renewal

To be postponed at the city manager’s request, subject to receiving the contract.

4.(c) Resolution 2021-034 Soccer Field 5th Am.

To be postponed at the city manager’s request, subject to receiving the contract.

4.(n) Second Reading and Quasi-Judicial Public Hearing – Ordinance 2021-006 - SSCPA – 115 S Villa Avenue

To be continued to a time certain at staff’s request.

4.(o) Second Reading and Public Hearing - Ordinance 2021-007 - SSCPA – 212 E LaVista Street

To be continued to a time certain at staff’s request.

7. Public Comments

Ms. Cindy Kolevar, John Bartram Chapter of The National Society Daughters’ of the American Revolution, to recognize Constitution Week September 17 to 23, 2021 - city clerk request that it be moved up on the agenda.

ACTION: 6:02:09 p.m. **By unanimous consent, the city commission accepted the changes to this evening's agenda as previously cited.**

By unanimous consent, the city commission considered the following item out of order on this evening's agenda.

7. PUBLIC COMMENTS - SPECIAL PRESENTATION – CONSTITUTION WEEK PROCLAMATION September 17 to 23, 2021

On behalf of the city commission, Mayor Cheshire read into the record the proclamation proclaiming September 17 to 23, 2021 as *Constitution Week* and asked the citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

ACTION: 6:03:05 p.m. Ms. Cindy Kolevar, John Bartram Chapter of The National Society Daughters' of the American Revolution, accepted the proclamation with gratitude.

3. CONSENT AGENDA

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

Approval of Minutes - August 26, 2021 regular

ACTION: 6:04:38 p.m. **On motion of Commissioner Bell, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the consent agenda as previously cited.**

4. REGULAR AGENDA

(a) Resolution 2021-031 Opioid Settlement MOU-Unified Plan

Ms. Geraci-Carver read into the record the title of proposed Resolution 2021-031, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; AUTHORIZING CITY TO JOIN WITH THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN REGARDING OPIOID LITIGATION; PROVIDING FOR RECORDATION; PROVIDING FOR AN EFFECTIVE DATE. (Postponed from the August 26, 2021 regular meeting.)

Ms. Geraci-Carver reported on her recent participation on a call amongst the State of Florida Attorney General's Office and local government attorneys regarding the distributors and Johnson & Johnson settlement highlights on the subject issue. She outlined the criteria eligibility requirements, based on population, where the city is not but Lake County is a litigant to receive allocated settlement payments which

would be appropriated, managed and distributed over a period; and after describing the timeline on the process, she addressed the importance for the city to participate.

ACTION: 6:04:48 p.m. After discussion and **a motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2021-031 as previously cited.**

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

(b) Resolution 2021-036 Liberty Partners of Tallahassee Contract Renewal

Ms. Geraci-Carver read into the record the title of proposed Resolution 2021-036, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE CONTRACT RENEWAL FOR PROFESSIONAL GOVERNMENTAL CONSULTING SERVICES AND MANAGEMENT OF THE AMERICAN RESCUE PLAN ACT FUNDING BETWEEN LIBERTY PARTNERS OF TALLAHASSEE, LLC AND CITY OF FRUITLAND PARK; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.
(Postponed from the August 26, 2021 regular meeting.)

ACTION: 6:09:04 p.m. **On motion Commissioner Bell, seconded by Commissioner DeGrave and unanimously carried, the city commission postponed its consideration to adopt Resolution 2021-036 to the next meeting.**

(c) Resolution 2021-034 Soccer Field 5th Am.

Ms. Geraci-Carver read into the record the title of proposed Resolution 2021-034, the substance of which is as follows:

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.

ACTION: 6:09:42 p.m. After discussion and **on motion of Commissioner Bell, seconded by Commissioner DeGrave and unanimously carried, the city commission postponed its consideration to adopt Resolution 2021-034 to the next meeting.**

(d) **Resolution 2021-035 PRM Renewal**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2021-035, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING INSURANCE RENEWAL FROM PUBLIC RISK MANAGEMENT OF FLORIDA FOR COVERAGE EFFECTIVE OCTOBER 1, 2021; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:10:29 p.m. After discussion and **a motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission adopt Resolution 2021-035 as previously cited.**

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

(e) **TRAKiT/Superion (Solutions) LLC Citizens' Engagement – CentralSquare Technologies Discussion**

Mr. La Venia referred to previous discussions before the city commission regarding the TRAKiT/Superion (Solutions) LLC Citizens' Engagement, CentralSquare Technologies; acknowledged the finance department primary use of the Munis Software (now known as Tyler Technologies Inc., MUNIS® Division) and gave reasons why the community development department, who currently uses TRAKiT, would be able to convert, operate and work consistently with the existing MUNIS software (used since 1997) where the end of the month financial reports would be reconciled under one program.

After Mr. Williams confirmed the recent meeting held with MUNIS representatives; described his experience in utilizing the MUNIS software with other local governments appropriate for the community development department, and outlined the costs involved compatible with TRAKiT, in response to several inquiries posed by Commissioner DeGrave, Mr. Hopkins reported on his findings identifying the Florida municipalities who use the MUNIS software system.

ACTION: 6:13:32 p.m. Upon Commissioner DeGrave's suggestion and **by unanimous consent, the city commission directed staff to report back on references from municipalities who use the MUNIS software, provide the costs involved and present the contract before the city commission for consideration at a future meeting. .**

(f) **Financial Report – July 2021**

After Ms. Racine reviewed the July 2021 financial report, she addressed, in response to Commissioner DeGrave's inquiry, her intent to remove the negative in front of the positive numbers.

ACTION: 6:20:27 p.m. On motion Commissioner DeGrave, seconded by Vice Mayor Gunter and unanimously carried, the city commission accepted the July 2021 financial report as submitted.

PUBLIC HEARING

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

(g) Second Reading and Public Hearing – Ordinance 2021-011 – Second Extension Solid Waste Collection Franchise Agreement – Waste Management Inc.

It now being the time advertised to hold a public hearing on Ordinance 2021-011, Ms. Geraci-Carver read into the record the following title and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING A SECOND EXTENSION OF ITS SOLID WASTE COLLECTION FRANCHISE AGREEMENT WITH WASTE MANAGEMENT, INC. OF FLORIDA; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on August 26, 2021.)

ACTION: 6:23:45 p.m. A motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission enact Ordinance 2021-011, as previously cited, to become effective immediately as provided by law. (The solid waste collection franchise agreement is for 90 (ninety) days.)

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

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

(h) Second Reading and Public Hearing – Ordinance 2021-012 Fire Department Termination

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the title of Ordinance 2021-012, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, REPEALING SECTION 30.06 IN CHAPTER 30, AND SECTIONS 31.56 – 31.71, IN CHAPTER 31 ALL OF THE CODE OF ORDINANCES OF THE CITY OF FRUITLAND PARK, TO ELIMINATE THE FIRE DEPARTMENT OF THE CITY OF

FRUITLAND PARK; AMENDING SECTION 31.55, IN CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF FRUITLAND PARK TO PROVIDE FOR THE PROVISION OF FIRE SERVICES THROUGH INTERLOCAL AGREEMENT; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on August 26, 2021.)

ACTION: 6:24:55 p.m. **A motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission enact Ordinance 2021-012 as previously cited to become effective immediately as provided by law.**

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

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

(i) Second Reading and Public Hearing – Ordinance 2021-013 Traffic Movement Three-Way Stop Sign Installation – Bidwell Street and Willard Avenue

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the title of Ordinance 2021-013, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONTROLLING AND REGULATING TRAFFIC MOVEMENT BY DESIGNATING THE INTERSECTION OF WEST BIDWELL STREET AND WILLARD AVENUE AS A THREE-WAY STOP; PROVIDING FOR DIRECTIONS AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT HEREIN; SETTING AN EFFECTIVE DATE. (The first reading was held on August 26, 2021.)

ACTION: 6:26:14 p.m. **After much discussion, a motion was made by Vice Mayor Gutner and seconded by Commissioner Bell that the city commission enact Ordinance 2021-013 as previously cited to become effective immediately as provided by law.**

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

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

(j) Public Hearing - Resolution 2021-025 Fire Assessment FY 2021-22

It now being the time advertised to hold a public hearing on proposed Resolution 2021-025, Ms. Geraci-Carver read into the record the following title and Mayor Cheshire called for interested parties to be heard:

A RESOL UTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES WITHIN THE VILLAGE OF FRUITLAND PARK BENEFIT AREA IN THE CITY OF FRUITLAND PARK; ESTABLISHING THE ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ACTION: 6:29:46 p.m. After discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-025 as previously cited.

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

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

(k) First Reading and Public Hearing - Resolution 2021-032 FY 2021-22 Tentative Millage

Mayor Cheshire read into the record the city's preparedness to set the tentative millage rate of 3.9134 -- a two-percent (2%) increase over the roll back rate of 3.8365 mills which is the same rate as the last three years, and is a sixty-two thousand, seven hundred and thirty-nine dollar (\$62,739) increase in ad valorem taxes over the roll back rate, due to a 5.78% increase in taxable value due to development activity and the ad valorem increase is due to the value generated by new developments.. After Ms. Geraci-Carver read the following title on proposed Resolution 2021-032, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF 3.9134 LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2021-2022; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on September 23, 2021.)

ACTION: 7:13:12 p.m. **A motion was made by Commissioner Bell and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-032 (the millage rate of 3.9134 mills) as previously cited**

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

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

(l) First Reading and Public Hearing – Resolution 2021-033 – FY 2021-22 Tentative Budget

After Ms. Geraci-Carver read into the record the following title on proposed 2021-033, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2021-2022; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on September 23, 2021.)

ACTION: 6:32:59 p.m. **A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-033 as previously cited**

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

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

(m) Public Hearing - Resolution 2021-030 – Mirror Lake Village Phase II - Petitioner: Fruitland Park LLC

It now being the time advertised to hold a public hearing on proposed Resolution 2021-030, Ms. Geraci-Carver read into the record the following title and Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING PRELIMINARY PLAN APPROVAL OF MIRROR LAKE VILLAGE - PHASE II GENERALLY LOCATED SOUTHEAST OF MIRROR LAKE, AND WEST OF S. DIXIE AVENUE, FRUITLAND PARK, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

After Ms. Geraci-Carver confirmed, in response to Mr. La Venia's statements, that the plan submitted by the applicant is in accordance with The Mirror Lake Village Planned Unit Development (PUD) Ordinance 2019-001, the Land Development Regulations, (LDRs) and the comprehensive plan, he addressed the existing preliminary plan and the procedures to proceed on same and she recalled the city commission's actions at its February 28, 2019 regular meeting to revise the language in the March 26, 2018 letter of agreement among Avex Homes LLC and Avex Mirror Lakes LLC and Fruitland Park LLC regarding The Mirror Lake Village Storm Water Ponds PUD that the City of Fruitland Park will issue up to 10 additional building permits to 18 for Mirror Lakes Phase 1 Residential Development proposed project and the applicant would be required to remove the double silt fences at the bottom of Mirror Lake Drive and reinstall same upon city notification if there is a problem subject to receiving an amendment to Ordinance 2014-024 for Mirror Lake Village Project PUD; St. John's River Water Management District's (SJRWMD's) permit and related pond (system) modifications, which the applicant confirmed as acceptable, to attach the February 25, 2019 letter from Mary Demetree, Fruitland Park LLC, regarding Mirror Lake Village Phase 2 Project as a supplement, and to bring same back for city commission consideration (recognizing that said agreement is to be executed at a later date).

ACTION: 6:34:10 p.m. and 6:59:39 p.m. **A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-030 as previously cited**

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

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

As a result of the September 7, 2021 meeting with representatives from the developer and Halff Associates on the subject issue and Mr. La Venia's statements on the city's issues and the implications in that regard, **by unanimous consent, the city commission accepted Mayor Cheshire's request for Mr. J. Tobias, Halff Associates Inc. (consultants retained by the city), to appear before the commission.**

Mr. Tobias reviewed the preliminary (drainage) plans for Mirror Lake Village - Phase II; gave a detailed historical overview on the problems where Halff's request from the developer and SJRWMD's comments were not addressed, and provided a background report on the results of the pond's measured percolation rate received from the current developer.

In order that the system could be resolved in accordance to legal guidelines, Mr. Tobias addressed the need to review and develop new calculations to match

SJRWMD's design storm and determine whether the overflow structure could be modified which would increase the percolation rate in the underground swale and hold less water where the clay would be removed and replaced with clean dry sand.

Mr. Tobias recognized the responsibility of the homeowner's association on maintenance and acknowledged SJRWMD's requirement from qualified professional engineers on maintenance and operating procedures to implement proposed changes to the pond together with SJRWMD's pursuit of a non-compliance letter. He confirmed in the affirmative that non-development will be going into the swale and surrounding areas; as the repaired pond fills with natural rainwater and is added to the swale which would percolate eliminating it from run-off into the development.

With respect to the association's failure to comply, Ms. Geraci-Carver agreed in the affirmative to review the statutory requirement and the process to permit local governments to remedy the problem and apply a special assessment against those responsible to maintain the pond.

After much discussion and by **unanimous consent and upon Commissioner DeGrave's suggestion, the city attorney accepted the city commission's direction to research the statutory requirement where future developments coming before the city commission for consideration with storm water drainage issues that the city would have the legal remedy to abate the problem and recover its expenses if the responsible party does not meeting compliance and disregard St. John's Water Management District's proposed changes on maintenance and operating procedures.**

END OF PUBLIC HEARING

QUASI-JUDICIAL PUBLIC HEARING

- (n) **Second Reading and Quasi-Judicial Public Hearing – Ordinance 2021-006 - SSCPA – 115 S Villa Avenue – Petitioner: New Life Presbyterian Church of Lake County Inc.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO TRANSITIONAL OF 0.26 ± ACRES OF PROPERTY LOCATED AT 115 SOUTH VILLA AVENUE, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SCRIVENER'S

ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on June 10, 2021.)

ACTION: 7:01:34 p.m. After much discussion and, **on motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission continued the enactment of Ordinance 2021-006 as previously cited to a future meeting at staff's request.**

- (o) **Second Reading and Public Hearing - Ordinance 2021-007 - SSCPA – 212 E LaVista Street – Petitioner: New Life Presbyterian Church of Lake County Inc.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO INSTITUTIONAL OF 0.25 ± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on June 10, 2021.)

ACTION: 7:03:02 p.m. **On motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission continued the enactment of Ordinance 2021-007 as previously cited to a future meeting at staff's request.**

END OF QUASI-JUDICIAL PUBLIC HEARING

5. (a) **City Manager**

i. **Economic Development Status Update**

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

ACTION: 7:03:21 p.m. No action was taken.

ii. **District 5 County Commission – Community Meeting**

Mr. La Venia announced that District 5 Lake County Board of County Commissioner Josh Blake has cancelled the 1:00 p.m. August 31, 2021 public event planned to be hosted at the city's community center building with the community and stakeholders.

After Commissioner DeGrave addressed Mr. La Venia's request and desire (made at the June 24, 2021 and July 8, 2021 regular meetings) for the county to earmark the anticipated American Rescue Plan Act of 2021 for infrastructure investments or funding towards the public safety building, he mentioned the plan to address same at the community meeting, and his intent to send a letter to Commissioner Blake in that regard.

ACTION: 7:13:12 p.m. No action was taken.

iii. LDRs Status Update Report

Earlier in the meeting and at the city manager's request, Mr. Williams gave a status update report on the LDRs by LPG Urban and Regional Planners Inc. (consultants retained by the city) by November 2021 for consideration before the city commission early in January 2022.

ACTION: 6:20:02 p.m. No action was necessary.

(b) City Attorney

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

Ms. Geraci-Carver indicated that she provided the update relating to the State of Florida Department of Management Services case in the agenda item summary report.

ACTION: 7:03:24 p.m. No action was taken.

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

Ms. Geraci-Carver had nothing to report on the Michael and Laurie Fewless case.

ACTION: 7:03:24 p.m. No action was taken.

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

Ms. Geraci-Carver gave a report on the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County case that the schedule for the foreclosure sale matter is available on the judge's calendar; attempts are being made to coordinate with the attorney assigned by the city's insurance company later this year where, if successful, the anticipated foreclosure sale is expected to be scheduled early in 2022.

ACTION: 7:03:38 p.m. No action was taken.

6. UNFINISHED BUSINESS

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

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

7. PUBLIC COMMENTS

There were no public comments at this time.

ACTION: 7:03:45 p.m. No action was taken.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

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

ACTION: 7:05:03 p.m. No action was taken.

(b) Commissioner DeGrave

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

Later in the meeting, Mr. La Venia agreed with Commissioner DeGrave's request based on a telephone call he received that the September 18, 2021 Fruitland Park Day advertised on the library's website will be removed.

ACTION: 7:05:07 p.m. and 7:07:20 p.m. No action was taken.

(c) Commissioner Bell

Commissioner Bell requested that his absence be excused for the September 23, 2021 regular meeting and indicated that he is expected to return on October 14, 2021

ACTION: 7:05:12 p.m. No action was taken.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter expressed appreciation for the prayers and well wishes due to his absences from the xxx regular city commission meetings.

ACTION: 7:05:44 p.m. No action was taken.

9. MAYOR'S COMMENTS - Dates to Remember

Mayor Cheshire announced the following dates:

- September 10, 2021, Lake County League of Cities (LCLC) *Sheriff's Update*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- September 10, 2021, Movie in the Dark, Pool Party, Gardenia Park Swimming Pool, 205 W Berckman Street, Fruitland Park, Florida 34731 at 7:00 p.m.;
- September 18, 2021, Fruitland Park Day and Annual BBQ Cook-off at 10:00 a.m. - cancelled;

- September 23, 2021, 2021 Lake County/Municipal Economic Development Summit, Mission Inn Resort and Club, 10400 FL-48, Howey-in-the-Hills, Florida 34737 at 7:30 a.m.;
- September 23, 2021, City Commission regular at 6:00 p.m.;

- October 6, 2021 Annual Public Meeting - Lake County Legislative Delegation – 2022 Session/Hearings, Venetian Center, 1 Dozier Circle, Leesburg, Florida 34748 at 9:00 a.m.;
- October 8, 2021, LCLC Congressman Daniel Webster *Washington Update*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- October 14, 2021, City Commission regular at 6:00 p.m.;
- October 23, 2021, Trick or Trot TBD;
- 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 11, 2021, Veterans’ Day, City Hall Closed;
- November 11, 2021, City Commission regular at 6:00 p.m. - Cancelled.
- 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

ACTION: 7:06:08 p.m. Upon Mayor Cheshire’s request and **by unanimous consent, the city commission approved holding November 18, 2021 special meeting**

10. ADJOURNMENT

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 7:08 p.m.

The minutes were approved at the October 23, 2021 regular meeting.

Signed _____
Esther B. Coulson, City Clerk, MMC

Signed _____
Chris Cheshire, Mayor

**FRUITLAND PARK CITY COMMISSION REGULAR
DRAFT MEETING MINUTES
September 23, 2021**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, September 23, 2021 at 6:00 p.m.

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

Members Absent: Commissioner Chris Bell

Also Present: City Attorney. Anita Geraci-Carver, City Treasurer Jeannine Racine; Senior Finance Specialist Christine Hoop, Finance Department; Police Chief Erik Luce, Public Works Director Robb Dicus; Community Development Director Dwyane Williams; 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, Associate Pastor Mike Benintende, Trinity Assembly of God, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:00:02 p.m. No action was taken.

2. ROLL CALL

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

ACTION: 6:01:33 p.m. **By unanimous consent, the city commission excused the absence of Commissioner Bell from this evening's meeting.**

3. REGULAR AGENDA

(a) Resolution 2021-036 Liberty Partners of Tallahassee Contract Renewal

Ms. Geraci-Carver read into the record the title of proposed Resolution 2021-036, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE LIBERTY PARTNERS OF TALLAHASSEE, LLC & CITY OF FRUITLAND PARK CONTRACT 2021-2022 CONTRACT FOR GRANT MANAGEMENT AND CONSULTING SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE. (Postponed from the August 26, 2021 regular meeting.)

ACTION: 6:01:55 p.m. **A motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-036 as previously cited.**

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

PUBLIC HEARING

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

PUBLIC HEARING

(b) Second Reading and Public Hearing – Resolution 2021-037 - FY 2021-22 Adopted Millage

It now being the time advertised to hold a public hearing,

Mayor Cheshire read into the record the city's preparedness to set the tentative millage rate of 3.9134 -- a two-percent (2%) increase over the roll back rate of 3.8365 mills which is the same rate as the last three years, and is a sixty-two thousand, seven hundred and thirty-nine dollar (\$62,739) increase in ad valorem taxes over the roll back rate, due to a 5.78% increase in taxable value (an increase of forty-eight million, eight hundred and ninety-nine thousand dollars (\$48,899,000) assessed value) due to development activity and the ad valorem increase is due to the value generated by new developments.. After Ms. Geraci-Carver read the following title on proposed Resolution 2021-037, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A FINAL MILLAGE RATE OF 3.9134 LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2021-2022; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on September 9, 2021.)

Messrs. Carl Yauk, Villages of Fruitland Park (Pine Hills) resident, voiced concerns on the millage rate over the three years; questioned the current fund balance (budget versus expenses) and believed that the millage rate ought to be reduced.

Donald A. "Don" Brozick, Villages of Fruitland Park (Pine Hills) resident, referred to the June 12, 2014, Village Center Community Development District Interlocal Agreement with the city for certain activities; recognized the ad valorem tax rate imposed and collected; the increases with additional properties and franchise (utilities) tax and revenues generated, and the city's responsibilities for roads, law enforcement and signage. He questioned the differences between the millage rate of 3.360792 (as publicly noticed) and 3.192752; the city's consideration of the roll

back rate on the revenues generated, and the development of a structured cost reduction program as part of the city's plan with savings, omissions, and tracking for efficiency and effectiveness.

ACTION: 6:03:30 p.m. A motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission adopt Resolution 2021-037 as previously cited

By unanimous consent, Mayor Cheshire closed the public hearing.

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

(c) Second Reading and Public Hearing – Resolution 2021-038 – FY 2021-22 Adopted Budget

It now being the time advertised to hold a public hearing, and subsequent to Ms. Geraci-Carver's reading of the following title on proposed Resolution 2021-038, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2021-2022; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on September 9, 2021.)

ACTION: 6:09:48 p.m. A motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2021-038 as previously cited.

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

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

END OF PUBLIC HEARING

5. (a) City Manager

i. Economic Development Status Update

With respect to economic development, Mr. La Venia recognized the number of activities on development applications received which will be before the city commission for consideration at a future meeting.

ACTION: 6:12:10 p.m. No action was taken.

ii. TRAKiT/Superion (Solutions) LLC Citizens' Engagement – CentralSquare Technologies Discussion

After Mr. La Venia pointed out the city commission's direction at its September 9, 2021 regular meeting on references from municipalities who use the MUNIS software and the costs involved, he conveyed their satisfaction with same.

ACTION: 6:11:32 p.m. No action was taken.

(b) City Attorney

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

With respect to the State of Florida Department of Management Services case, Ms. Geraci-Carver reported on the pending process with Mr. Glenn E. Thomas, Lewis Longman Walker PA (attorney retained by the city), to schedule a closed-attorney session before the city commission where confirmation anticipated from him to appear via Zoom video conference will be forthcoming and that she will be making an announcement at the next meeting.

ACTION: 6:12:22 p.m. No action was taken.

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

Ms. Geraci-Carver announced that regarding the Michael and Laurie Fewless case, there is a pending process to schedule a closed-attorney session before the city commission where confirmation is anticipated from Mr. Thomas to appear via Zoom video conference will be forthcoming. She explained that she will be making an announcement at the next meeting.

Ms. Geraci-Carver explained that she has not received any hearing dates on the recommended order; referred to Mr. Fewless' attorney filing of a motion for case management conference on the subject litigation, and indicated that they are waiting until same is settled.

ACTION: 6:12:22 p.m. and 6:13:28 p.m. No action was taken.

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

Regarding the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County case, Ms. Geraci-Carver explained that the motion was filed and anticipated that by the end of the year the matter would be resolved.

ACTION: 6:13:50 p.m. No action was taken.

6. UNFINISHED BUSINESS

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

ACTION: 6:14:16 p.m. No action was taken.

7. PUBLIC COMMENTS

Mr. Yauk questioned the status of addressed the need to improve communications by placing notifications of city activities as inserts in its utility bills; inquired about the city's development improvement plans, and review the community redevelopment agency's fund.

Mr. Joseph "Joe" A. Largey, Villages of Fruitland Park (Pine Hills) resident, thanked the city commission for its service and voiced concerns on the percentage of taxes added to his utility bill as it pertains to the city.

ACTION: 6:14:17 p.m. No action was taken.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

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

ACTION: 6:18:30 7:26 p.m. No action was taken.

(b) Commissioner DeGrave

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

ACTION: 6:18:33 p.m. No action was taken.

(c) Commissioner Bell

Commissioner Bell absent from this evening's meeting.

ACTION: 6:18:33 p.m. No action was taken.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter was absent from this evening's meeting.

ACTION: 6:18:35 p.m. No action was taken.

9. MAYOR'S COMMENTS - Dates to Remember

(a) FY 2021-22 Budget

Mayor Cheshire expressed the hard work conducted on the FY 2021-22 budget; the purpose of fees included in the residents' bills, and the anticipation of commercial developments potentially lowering taxes in that regard. He reiterated his previous

statements and recalled workshops, Community Redevelopment Agency and regular meetings that were held on the FY 2021-22 budget where the citizens could attend and ask questions at such forums and welcomed those concerned to meet with the city manager and city treasurer to address same.

ACTION: 6:18:38 p.m. No action was taken.

(b) Dates to Remember

Mayor Cheshire announced the following dates:

- October 6, 2021, Annual Public Meeting - Lake County Legislative Delegation – 2022 Session/Hearings, Venetian Center, 1 Dozier Circle, Leesburg, Florida 34748 at 9:00 a.m.;
- October 8, 2021, Lake County League of Cities Congressman Daniel Webster *Washington Update*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- October 14, 2021, City Commission regular at 6:00 p.m.;
- October 23, 2021, Trick or Trot TBD;
- October 27, 2021, Lake LCLC *Sheriff's Update*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- 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 11, 2021, Veterans' Day, City Hall Closed;
- November 11, 2021, City Commission regular at 6:00 p.m. - Cancelled.
- 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

ACTION: 6::20:24 p.m. No action was taken.

10. ADJOURNMENT

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 6:21 p.m.

The minutes were approved at the October 28, 2021 regular meeting.

Signed _____
Esther B. Coulson, City Clerk, MMC

Signed _____
Chris Cheshire, Mayor

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

ITEM TITLE: Resolution 2021-047 Events Committee Creation
For the Meeting of: October 28, 2021
Submitted by: City Attorney/City Clerk
Date Submitted: October 21, 2021
Funds Required: \$5,000 pa (FY 2020-21 – 2024-25, Centennial Celebration Fund)
Account Number: ~~01519 – 30340~~ 01581 – 90922 (transfers to the celebration centennial fund)
Attachments: Proposed resolution

Item Description: Resolution 2021-047 Events Committee . A piggy-back contract with local governments to improve records management, on-site consulting, and training. The city clerk is required to follow the regulatory mandates for records management under Chapter 257 of the Florida Statutes.

Action to be Taken: Adopt Resolution 2021-047

Staff's Recommendation: Approval

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2021-047

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CREATING THE CITY OF FRUITLAND PARK EVENTS COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to commemorate the City’s incorporation with a community-wide event and has created a restricted account for such purpose and has appropriated funds to such account; and

WHEREAS, the City Commission desires to create a City of Fruitland Park Events Committee to plan the City’s incorporation.

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

1. The City of Fruitland Park Events Committee is hereby created. Each appointed member will serve until the City Commission sunsets the committee, a member resigns, or otherwise vacates the position.

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

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

City of Fruitland Park
Chris Cheshire, Mayor

Attest:
Esther B. 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 and legality:

Anita Geraci-Carver, City Attorney

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

ITEM TITLE: Resolution 2021-048 Events Committee Member Appointments

For the Meeting of: October 28, 2021

Submitted by: City Attorney/City Clerk

Date Submitted: October 21, 2021

Funds Required: \$5,000 pa (FY 2020-21 – 2024-25, Centennial Celebration Fund)

Account Number: ~~01519—30340~~ 01581 – 90922 (transfers to the celebration centennial fund)

Attachments: Proposed resolution and applications

Item Description: Resolution 2021-048 Events Committee Member Appointments. According to section 3.07 of the city charter, the mayor has the authority to name committees of the commission and appoint members of the city boards with approval of the commission.

Action to be Taken: Adopt Resolution 2021-048

Staff's Recommendation: Approval

Additional Comments: One application was redacted subject to subsection 119.07(4)(d)1.a. FS, home addresses, telephone numbers, dates of birth of . . . former sworn law enforcement personnel are exempt from public disclosure.

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2021-048

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING MEMBERS TO THE CITY OF FRUITLAND PARK EVENTS COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to commemorate the City’s incorporation with a community-wide event and has created a restricted account for such purpose and has appropriated funds to such account; and

WHEREAS, the City Commission desires to appoint members to serve on the City of Fruitland Park Events Committee to plan the City’s incorporation.

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

1. The following are appointed to serve on the Events Committee:
 - a. Commissioner Chris Bell
 - b. Edgar J. Elton (Jerry)
 - c. Tanya MiKeals
 - d. Beth Crouch Payne
 - e. Thomas Balducci

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

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

City of Fruitland Park
Chris Cheshire, Mayor

Attest:
Esther B. 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 and legality:

Anita Geraci-Carver, City Attorney

PLEASE INDICATE YOUR PREFERENCE

- BOARD OF TRUSTEES
FIREFIGHTERS PENSION TRUST FUND
- CITIZENS' ADVISORY BOARD-CDBG
- OTHER CITY BOARDS/COMMITTEES
- PLANNING AND ZONING BOARD
- *LAKE COUNTY ARTS AND CULTURAL ALLIANCE
- *LAKE COUNTY LIBRARY ADVISORY BOARD
- *LAKE COUNTY PARKS, RECREATION AND TRAILS ADVISORY BOARD
- *LAKE-SUMTER METROPOLITAN PLANNING ORGANIZATION
- *(LSMPO) CITIZENS ADVISORY COMMITTEE (CAC)
- *LSMPO TECHNICAL ADVISORY COMMITTEE (TAC)
- CITY VOLUNTEERS
 - COACH - RECREATION
 - LIBRARY
 - POLICE

APPLICATION FORM

NAME: EDGAR J. ELTON (JERRY) DATE OF BIRTH [REDACTED]
 ADDRESS [REDACTED] CITY/ZIP [REDACTED]
 HOME PHONE NO. [REDACTED] WORK PHONE NO. [REDACTED]
 EMAIL ADDRESS eje8012@aol.com CELL PHONE [REDACTED]
 LENGTH OF RESIDENCE IN CITY OF FRUITLAND PARK 35 YEARS IN LAKE COUNTY 69 YEARS
 EMPLOYED BY TUCKER'S MACHINE & STEEL LENGTH OF TIME 25 YEARS 1ST TIME
3 YEARS 2ND TIME
 ADDRESS 400 CR 468, CITY/ZIP LEESBURG
 EXPERIENCE RELATING TO THIS POSITION ESP. INTEREST IN LOCAL HISTORY

SOME THOUGHTS YOU HAVE THAT YOU BELIEVE MIGHT CONTRIBUTE TO IMPROVE THIS BOARD OF: NEW COMMITTEE - CENTENNIAL - EVENTS COMMITTEE

IF APPOINTED, WHAT DO YOU BELIEVE YOUR RESPONSIBILITIES OR DUTIES WOULD BE?
DEVELOPING THE EVENTS FOR THE CENTENNIAL OF THE CITY OF FRUITLAND PARK

TWO REFERENCES (OTHER THAN FAMILY MEMBERS):

NAME MARC MATHEWS ADDRESS FRUITLAND PARK 909 MULBERRY ST PHONE 352-430-7383

NAME LOREN LISTON ADDRESS 29213 COZLEY ISLAND RD LEESBURG, FL PHONE 352-728-2372

DATE 08/20/2021 APPLICANT'S SIGNATURE Edgar J. Elton

Please complete a separate application for each board/commission you wish to serve on and TYPE OR PRINT CLEARLY.

In addition to this form, please complete Lake County Board Committee General Application form attached or accessible under the following link: https://www.lakecountyfl.gov/advisory_boards_and_committees/application_forms.aspx and return both forms duly completed to the city clerk: 506 West Berckman Street, Fruitland Park, Florida 34731. For other Lake County advisory boards and committees vacancies follow the instructions in completing the appropriate applications. Please note that the Lake County Board of County Commissioners may appoint someone who does not reside within the commission districts.

PLEASE INDICATE YOUR PREFERENCE

- PLANNING AND ZONING BOARD
- *LAKE COUNTY ARTS AND CULTURAL ALLIANCE
- *LAKE COUNTY LIBRARY ADVISORY BOARD
- *LAKE COUNTY PARKS, RECREATION AND TRAILS ADVISORY BOARD
- *LAKE-SUMTER METROPOLITAN PLANNING ORGANIZATION (LSMPO)
BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE (BPAC)
- *LSMPO CITIZENS ADVISORY COMMITTEE (CAC)
- *LSMPO TECHNICAL ADVISORY COMMITTEE (TAC)
- CITY VOLUNTEERS

NAME: Tanya MiKeals DATE OF BIRTH 4-4-60
ADDRESS 2976 CE 232 CITY/ZIP Wildwood, FL 34785
HOME PHONE NO. 352-461-3206 WORK PHONE NO. 352-569-9623
EMAIL ADDRESS wwgirl78@gmail.com
LENGTH OF RESIDENCE IN CITY OF FRUITLAND PARK — IN LAKE COUNTY —
EMPLOYED BY SECO Energy LENGTH OF TIME 37 years
ADDRESS P.O. Box 301 CITY/ZIP Sumterville, FL 33585
EXPERIENCE RELATING TO THIS POSITION Acct's 37 years, Relay to wife
Various chairs - 5 years, Docents Baker House - 5 years
SOME THOUGHTS YOU HAVE THAT YOU BELIEVE MIGHT CONTRIBUTE TO IMPROVE THIS BOARD OF: Communication

IF APPOINTED, WHAT DO YOU BELIEVE YOUR RESPONSIBILITIES OR DUTIES WOULD BE?

to improve the quality of response time from the Board

TWO REFERENCES (OTHER THAN FAMILY MEMBERS):

NAME Beth Crouch Payne ADDRESS _____ PHONE (352) 406-3443

NAME Tom Balducci ADDRESS _____ PHONE 443-286-9558

DATE 8/9/21 APPLICANT'S SIGNATURE Tanya MiKeals

Please complete a separate application for each board/commission you wish to serve on and TYPE OR PRINT CLEARLY.

*In addition to this form, please complete Lake County Board Committee General Application form attached or accessible under the following link: https://www.lakecountyfl.gov/advisory_boards_and_committees/application_forms.aspx and return both forms duly completed to the city clerk: 506 West Berckman Street, Fruitland Park, FL 34731. For other Lake County advisory boards and committees' vacancies follow the instructions in completing the appropriate applications. Please note that the Lake County Board of County Commissioners may appoint someone who does not reside within the commission districts. 062721 rev.4

PLEASE INDICATE YOUR PREFERENCE

- () PLANNING AND ZONING BOARD
- () *LAKE COUNTY ARTS AND CULTURAL ALLIANCE
- () *LAKE COUNTY LIBRARY ADVISORY BOARD
- () *LAKE COUNTY PARKS, RECREATION AND TRAILS ADVISORY BOARD
- () *LAKE-SUMTER METROPOLITAN PLANNING ORGANIZATION (LSMPO)
- () BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE (BPAC)
- () *LSMPO CITIZENS ADVISORY COMMITTEE (CAC)
- () *LSMPO TECHNICAL ADVISORY COMMITTEE (TAC)
- () CITY VOLUNTEERS

NAME: Beth Crouch Payne DATE OF BIRTH 06/15/1957
 ADDRESS 208 N Leiko Ave CITY/ZIP Leesburg FL 34748
 HOME PHONE NO. 352-406-3443 WORK PHONE NO. _____
 EMAIL ADDRESS crcheliz@embargo.mail.com
 LENGTH OF RESIDENCE IN CITY OF FRUITLAND PARK _____ IN LAKE COUNTY 42 yrs
 EMPLOYED BY Retired LENGTH OF TIME _____
 ADDRESS _____ CITY/ZIP _____
 EXPERIENCE RELATING TO THIS POSITION Volunteer @ Baker Historic House

SOME THOUGHTS YOU HAVE THAT YOU BELIEVE MIGHT CONTRIBUTE TO IMPROVE THIS BOARD OF: lived in Fruitland Park for 26 years
love history, wear period costumes -

IF APPOINTED, WHAT DO YOU BELIEVE YOUR RESPONSIBILITIES OR DUTIES WOULD BE?

TWO REFERENCES (OTHER THAN FAMILY MEMBERS):

NAME Tom Balducci ADDRESS 308 Westwood Dr PHONE 443-286-9558
 NAME Deborah Hollingsworth ADDRESS 36148 Lakeland Rd PHONE 828-980-3376
Fruitland Park
 DATE 7-24-2021 APPLICANT'S SIGNATURE Beth Crouch Payne

Please complete a separate application for each board/commission you wish to serve on and TYPE OR PRINT CLEARLY.

*In addition to this form, please complete Lake County Board Committee General Application form attached or accessible under the following link: https://www.lakecountyfl.gov/advisory_boards_and_committees/application_forms.aspx and return both forms duly completed to the city clerk: 506 West Berckman Street, Fruitland Park, FL 34731. For other Lake County advisory boards and committees' vacancies follow the instructions in completing the appropriate applications. Please note that the Lake County Board of County Commissioners may appoint someone who does not reside within the commission districts. 062721 rev.4

Centennial

PLEASE INDICATE YOUR PREFERENCE

- () PLANNING AND ZONING BOARD
- () *LAKE COUNTY ARTS AND CULTURAL ALLIANCE
- () *LAKE COUNTY LIBRARY ADVISORY BOARD
- () *LAKE COUNTY PARKS, RECREATION AND TRAILS ADVISORY BOARD
- () *LAKE-SUMTER METROPOLITAN PLANNING ORGANIZATION (LSMPO) BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE (BPAC)
- () *LSMPO CITIZENS ADVISORY COMMITTEE (CAC)
- () *LSMPO TECHNICAL ADVISORY COMMITTEE (TAC)
- () CITY VOLUNTEERS

NAME: THOMAS BALDUCCI DATE OF BIRTH 3/17/48
ADDRESS 308 WESTWOOD DR. CITY/ZIP LEESBURG, FL 34748
HOME PHONE NO. 443-286-9558 WORK PHONE NO. _____
EMAIL ADDRESS tombalducci4520@gmail.com
LENGTH OF RESIDENCE IN CITY OF FRUITLAND PARK 5YRS IN LAKE COUNTY 5YRS
EMPLOYED BY RETIRED LENGTH OF TIME _____
ADDRESS _____ CITY/ZIP _____
EXPERIENCE RELATING TO THIS POSITION 2 1/2 YR. HISTORICAL DIG FOR ARTIFACTS IN FRUITLAND PARK / DISPLAYED IN NEW LIBRARY. HISTORY BUFF (LOCAL) VOLUNTEER @ THE HISTORICAL BAKER HOUSE (DRESS IN PERIOD CLOTHING)
SOME THOUGHTS YOU HAVE THAT YOU BELIEVE MIGHT CONTRIBUTE TO IMPROVE THIS BOARD OF: _____

IF APPOINTED, WHAT DO YOU BELIEVE YOUR RESPONSIBILITIES OR DUTIES WOULD BE?

WORK WITH THE GROUP TO PRODUCE A SAFE & EDUCATIONAL EVENT.

TWO REFERENCES (OTHER THAN FAMILY MEMBERS):

NAME BETH CROUCH ADDRESS 208 N. LAKE AVE PHONE 352-406-3443
NAME TANYA MIKEALS ADDRESS _____ PHONE 352-461-3206
DATE 7/29/21 APPLICANT'S SIGNATURE Thomas Balducci

Please complete a separate application for each board/commission you wish to serve on and TYPE OR PRINT CLEARLY.

*In addition to this form, please complete Lake County Board Committee General Application form attached or accessible under the following link: https://www.lakecountyfl.gov/advisory_boards_and_committees/application_forms.aspx and return both forms duly completed to the city clerk: 506 West Berckman Street, Fruitland Park, FL 34731. For other Lake County advisory boards and committees' vacancies follow the instructions in completing the appropriate applications. Please note that the Lake County Board of County Commissioners may appoint someone who does not reside within the commission districts. 062721 rev.4

CITY OF FRUITLAND PARK BOARDS/COMMITTEES APPLICATION

Note that meeting locations and times are subject to change, please contact the city clerk for more information.

PLANNING AND ZONING (P&Z) BOARD— considers and makes recommendations to the City of Fruitland Park City Commission on every rezoning and proposed amendments to the city's Comprehensive Plan or Land Development Code. The P&Z Board has five (5) members. **Meetings are held on the third Thursday of each month in the City Commission Chambers at 6:00 p.m. Members must file financial disclosure form pursuant to Florida Statutes. Members are paid a monthly stipend of \$45 and for the chairperson, \$55.**

LAKE COUNTY ARTS AND CULTURAL ALLIANCE – an advisory body that advises the Lake County Board of County Commissioners (BCC) on matters relating to arts and cultural affairs within the county. The alliance has seven (7) members appointed for a two-year term -- one member is recommended by the city to serve on a one-year rotating basis. **Meetings are held quarterly or more often as determined by the alliance** at various venues in Lake County, please contact county staff support on (352) 742-3918 or by accessing the link: https://www.lakecountyfl.gov/advisory_boards_and_committees/arts_and_cultural_alliance.aspx

LAKE COUNTY LIBRARY ADVISORY BOARD (LAB) – the city participates as a member of the Lake County Library System. This board has five members and the city has one member and one alternate member positions appointed for a two-year term. The LAB reviews policies and procedures for the member libraries and makes recommendations to the Lake County Board of County Commissioners. The appointee makes periodic reports to the city commission. **Meetings are held on the third Thursday of the month at 5:00 p.m. at the Lake County Agriculture Center, 1951 Woodlea Road, Tavares, Florida 32778.** https://www.lakecountyfl.gov/advisory_boards_and_committees/library_advisory_board.aspx

LAKE COUNTY PARKS, RECREATION AND TRAILS ADVISORY BOARD - consults with the Lake County staff and the municipalities within Lake County and advises and makes recommendations to the Lake County Board of County Commissioners on matters relating to recreation and open space needs. This board has nine (9) members for a two-year term. **Meetings are held on the third Thursday of the month at 5:00 p.m. in the Conference Room of the Library Services Building, 418 W. Alfred Street, Suite C., Tavares, Florida 32778.** https://www.lakecountyfl.gov/advisory_boards_and_committees/parks_and_recreation_advisory_board.aspx

LAKE-SUMTER METROPOLITAN PLANNING ORGANIZATION-(LSMPO) BICYCLE PEDESTRIAN ADVISORY COMMITTEE (BPAC) - the city is a member of the Lake-Sumter LSMPO Board (16 voting members, 14 non-voting members and one (1) non-voting advisor). The committee assists the LSMPO the purpose shall be to seek reaction to planning proposals and to provide comment with respect to the concerns of various segments of the population regarding their alternative transportation needs. BPAC members are appointed by the LSMPO Governing Board and Lake and Sumter Counties' School Superintendents for a two-year term. Potential membership of the BPAC may be expanded through approval by the BPAC in cases involving the appointment of a non-governmental representative, such as, but not limited to: 1. A person who is recognized by the Florida Association for Community Action representing the economically disadvantaged in Lake County and/or Sumter County; 2. A person over 60 years of age representing the elderly in Lake County and/or Sumter County, and 3. A person with a disability representing the disabled in Lake County and/or Sumter County. 4. A citizen's advocate representative of Lake County and/or Sumter County. **Meetings are held on the third Wednesday of the month at 4:00 p.m. at the LSMPO Office located at 225 W. Guava Street, Suite 211, Lady Lake, Florida 32159.** http://www.lakesumtermpo.com/board_committees/bicycle-pedestrian-advisory-committee.aspx

LSMPO CITIZENS ADVISORY COMMITTEE (CAC) to seek reaction to planning proposals and to provide comment with respect to the concerns of various segments of the population regarding their transportation needs. CAC members are appointed by the MPO Governing Board for a two-year term. **Meetings are held on the third Wednesday of the month at 4:00 p.m. at the LSMPO Office located at 225 W. Guava Street, Suite 211, Lady Lake, Florida 32159.** http://www.lakesumtermpo.com/board_committees/citizens-advisory-committee.aspx

LSMPO TECHNICAL ADVISORY COMMITTEE (TAC) - the city is a member of the LSMPO. This committee gives input from a citizen's view on transportation planning and programming and makes recommendations to the LSMPO. TAC members consist of highway and transportation planners, professional engineers, or those personnel made available by the various municipalities and the input provided is of a technical nature. **Meetings are held on the third Wednesday of the month at 4:00 p.m. at the LS MPO Office located at 225 W. Guava Street, Suite 211, Lady Lake, Florida 32159.** http://www.lakesumtermpo.com/board_committees/technical-advisory-committee.aspx

CITY VOLUNTEERS – The city welcomes volunteers to serve at the Fruitland Park Library, Friends of the Library, Parks and Recreation Department, and the Police Department. Background checks are required for all board members and volunteers who work with children by completing the State of Florida Department of Law Enforcement Volunteer and Employee Criminal History System (VECHS) form accessible from the Human Resources Director.

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

ITEM TITLE: Resolution 2021-044 Records and Archive Management Services - Professional Services Agreement – SML Inc.
For the Meeting of: October 28, 2021
Submitted by: City Attorney/City Clerk
Date Submitted: October 21, 2021
Funds Required: \$45,000
Account Number: 01512 - 30340
Attachments: Proposed resolution, agreement and proposal and statement of qualifications

Item Description: Resolution 2021-044 Records Archive Management Services. A piggy-back contract with local governments to improve records management, on-site consulting, and training. The city clerk is required to follow the regulatory mandates for records management under Chapter 257 of the Florida Statutes.

Action to be Taken: Adopt Resolution 2021-044

Staff's Recommendation: Approval

Additional Comments: The FY 2022 historical records: archival project electronic records grant application was submitted to improve online public discovery.

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2021-044

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN SML, INC. AND CITY OF FRUITLAND PARK CONTRACT FOR RECORDS AND ARCHIVE MANAGEMENT SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission is empowered pursuant to §166.021, Florida Statutes, to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City of Fruitland Park sought qualified persons or firms to provide services in connection with records and archive management services; and

WHEREAS, SML, Inc. possesses all necessary qualifications and expertise to perform services in connection with records and archive management; and

WHEREAS, the City Commission of the City of Fruitland finds entering into the agreement for records management services serves an authorized municipal purpose.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The professional services agreement between SML, Inc. and the City of Fruitland Park, **a copy of which is attached hereto**, is approved.

Section 2. The Commission authorizes the mayor to execute the 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 ____ day of October 2021, by the City Commission of the City of Fruitland Park, Florida.

SEAL

**CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA**

CHRIS CHESHIRE, MAYOR

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



PROFESSIONAL SERVICES AGREEMENT

This Agreement is entered this ___ day of _____, **2021** by and between SML, Inc. (Consultant) and the City of Fruitland Park (CITY).

RECITALS:

A. CITY is in need of Records & Archives Management Services as described in Records & Archives Management Plan and Onsite Consulting Services Proposal and Statement of Qualifications dated July 28, 2021 (Attached).

B. Consultant possesses all necessary qualifications and expertise to perform the Services.

C. CITY wishes to engage the services of the Consultant, and Consultant wishes to perform the services for CITY, under the terms and conditions set forth herein and as indicated in Records & Archives Management Plan and Onsite Consulting Services Proposal and Statement of Qualifications dated July 28, 2021 (Attached).

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, Consultant and CITY agree as follows:

TERMS:

1. **RECITALS:** The recitals are true and correct and are hereby incorporated into and made a part of the Agreement.

2. **TERM:** The term of this Agreement shall commence on date hereof and continue for a period of **One (1) Year**. This Agreement may be renewed for Two (2) additional one (1) year periods as mutually agreed upon by the parties.

3. **QUALIFICATION:** Consultant represents and warrants to CITY he possesses all qualifications and expertise required for the performance of the Services and all personnel assigned to perform the Services are and shall be, at all times during the term hereof, fully qualified and trained to perform the tasks assigned to each.

4. **COMPENSATION:** The amount of compensation payable by CITY to the Consultant shall be made as follows and in accordance with Records & Archives Management Plan and Onsite Consulting Services Proposal and Statement of Qualifications dated July 28, 2021 (Attached).

Development of a Records & Archives Management Plan will be billed in two installments. One half of total billing billed following completion of data collection and second half

(remainder) billed following delivery of written recommendations as described in Records & Archives Management Plan and Onsite Consulting Services Proposal and Statement of Qualifications dated July 28, 2021 (Attached).

Onsite Consulting Services are billed at contracted daily rate per number of business days (not to exceed eight-hours) that consultant is on-site as described in Records & Archives Management Plan and Onsite Consulting Services Proposal and Statement of Qualifications dated July 28, 2021 (Attached).

All payments shall be made within thirty (30) days after receipt of Consultant's invoice.

5. **COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS:** Consultant understands this Agreement is subject to certain laws and regulations, including laws pertaining to public records, conflict of interest, record keeping, etc. CITY and Consultant agree to comply with and observe all applicable federal, state and local laws, rules, regulations, codes and ordinances, as they may be amended from time to time.

6. **PUBLIC RECORDS:**

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

**(352) 360-6727,
ecoulson@fruitlandpark.org,
506 W. Berckman Street
Fruitland Park, FL 34731**

Consultant shall:

a. Keep and maintain public records required by the public agency to perform the service.

b. Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.

c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the public agency.

d. Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the contractor or keep and maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

A request to inspect or copy public records relating to a public agency's contract for services must be made directly to the public agency. If the public agency does not possess the requested records, the public agency shall immediately notify the contractor of the request, and the contractor must provide the records to the public agency or allow the records to be inspected or copied within a reasonable time.

7. **NON-DISCRIMINATION:** Consultant represents and warrants to CITY Consultant does not and will not engage in discriminatory practices and there shall be no discrimination relating to Consultant's performance under this Agreement because race, color, sex, religion, age, handicap, marital status or national origin.

8. **ASSIGNMENT:** This Agreement shall not be assigned by Consultant, in whole or in part, without the prior written consent of CITY, which may be withheld or conditioned, at CITY's sole discretion.

9. **CONSULTANT'S INSURANCE:** The Consultant will maintain throughout this AGREEMENT the following insurance:

a. **Worker's Compensation** – Coverage to apply for all employees for statutory limits in compliance with the applicable state and federal laws. The policy must include Employers' Liability with a limit of \$500,000 each accident, \$500,000 each employee, \$500,000 policy limit for disease.

b. **Commercial General Liability** – Consultant shall maintain commercial general liability (CGL) with a limit of not less of not less than One Million (\$1,000,000.00) Dollars each occurrence. If such CGL insurance contains a general aggregate limit, it shall apply separately to this location/project in the amount of Two Million (\$2,000,000.00) Dollars. CGL insurance shall be written on an occurrence form and shall include bodily injury and property damage liability for premises, operations, independent contractors, products and completed operations, contractual liability, broad form property damage and personal property damage resulting from explosion, collapse or underground (x,c,u) exposures, personal injury and advertising injury. Damage to rented premises shall be included at \$100,000.

c. **Commercial Automobile Liability Insurance** – Consultant shall maintain automobile liability insurance with a limit of not less than One Million (\$1,000,000.00) Dollars each accident for bodily injury and property damage liability. Such insurance shall cover liability arising out of any auto (including owned, hired, and non-owned autos). The policy shall be endorsed to provide contractual liability coverage.

d. **Professional Liability/Errors & Omissions Insurance** with minimum limits not less than One Million (\$1,000,000.00) Dollars for professional services rendered in accordance with this contract. The Consultant shall maintain such insurance for at least two (2) years from the termination of this contract and during this two (2) year period the Consultant shall use his best efforts to ensure there is no change of the retroactive date on this insurance coverage. If there is a change that reduces or restricts the coverage carried during the contract, the Consultant shall notify City within thirty (30) days of the change.

e. **Evidence of Insurance** – The Consultant shall furnish the City with Certificates of Insurance. The Certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. The City is to be specifically included as an additional insured on all policies except Workers’ Compensation. In the event the insurance coverage expires prior to the completion of the project, a renewal certificate shall be issued 30-days prior to said expiration date. The policy shall provide a 30-day notification clause in the event of cancellation or modification to the policy. All certificates of insurance must be on file with an approved by the City before the commencement of any work activities.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their respective officials thereunto duly authorized, this the day and year above written.

City of Fruitland Park:

By: _____

_____ Print Name and Title

SML, Inc.:

By: _____
Matt Daugherty, Vice President/Consultant

Records & Archives Management Plan and Onsite Consulting Services

For the

**City of Fruitland Park,
Florida**

Proposal and Statement of Qualifications

July 28, 2021

Matt Daugherty
Executive Vice President
Post Office Box 484
Vero Beach, Florida 32961
813.528.2705
mattdaugherty@msn.com
www.smlinfo.net



July 28, 2021

Esther Coulson, City Clerk, MMC
City of Fruitland Park
506 West Berckman Street
Fruitland Park FL 34731
Email: ecoulson@fruitlandpark.org

Ms. Coulson,

It has been very nice to speak with you over the past couple of weeks. I appreciate the interest in our services and your dedication to improving your records management and archival records program. I am confident that this project will meet the City's needs as we discussed.

I am pleased to propose development of two separate, but related services - a written Comprehensive Records and Archives Management Plan and Onsite Consulting Services. This document serves to clarify the scope of these services, general timeline and related fees.

COMPREHENSIVE RECORDS & ARCHIVAL PROGRAM GOALS:

Section 257.36, Florida Statute mandates every public agency establish and maintain a records management program to ensure the economical and efficient management of agency information. To meet this mandate, a records and archival program must be formalized and administered with key components established in writing. All decision-making effecting the management of information, either directly or indirectly (e.g. policy/procedure development, technology implementation, etc.) should consider the agency's Records & Archival Program standards and goals.

A. ACCESS

1. Internal – management access to both active and inactive records in an accurate and timely fashion to facilitate government processes and services.
2. External – management access to both active and inactive records in an accurate and timely fashion to facilitate public records request and to facilitate online public discovery and use of historical records collections.

B. RETENTION

1. Retention of records in accordance with all local, state and federal requirements.

2. Retention of archival materials in accordance with professional archival principals.

C. DISPOSITION

1. Timely destruction of records at the end of their retention period in a secure manner.
2. Disposition documentation pursuant to state requirements.

D. PRESERVATION

1. Protection of all records from physical calamity and decay.
 - i. Provision for disaster recovery and vital records protection.
2. Conversion of long-term retention records to an appropriate preservation device/medium.
3. Storage of all records under secure conditions, preventing unauthorized access by both employees and third parties.
4. Identification and preservation of archival materials pursuant to city archives collections policy.

I. DEVELOPMENT OF A RECORDS & ARCHIVES MANAGEMENT PLAN

SML will develop and deliver a written Records & Archives Management Plan for the City. This includes two digital copies (one in PDF format and one in MS Word) and if requested, a hard copy to be delivered via UPS. The plan will be comprehensive, systematic, legally sufficient, and efficient in its approach. The plan will be based on general requirements and specific data relative to the city and its operations. The plan will be long-range, describing in detail steps to be taken to achieve all comprehensive program goals listed above.

The plan will address the following:

- **Records & Archives Management Program Goals and Approach**
- **Program Implementation**
- **Program Administration**
- **Program Maintenance**
- **Archive Collections**
- **Training**
- **Public Records Definitions**
- **Public Agency Status**
- **Categorization of Data**

- **Archival Principals**
- **Scheduling**
- **Disposition**
- **Format & Media Selection**
- **Imaging**
- **Electronic Communications**
- **Social Media**
- **Storage & Security**
- **Filing Systems**
- **Public Records Access (Public Records Request)**
- **Exemptions**
- **Agency Specific Records Collections Issues**
- **Policies & Procedures**
- **Contracts Management**

The plan will include:

- **Narrative explanations, and recommendations.**
- **A detailed implementation narrative and project checklist.**
- **An executive summary.**
- **Applicable Draft Policies and Procedures.**
- **Archives Collection Policy**
- **Applicable bid specifications for implementation.**
- **A disposition procedure for all Public Records in accordance with Rule Chapter 1B-24, F.A.C.**
- **A filing system matrix together with an automated file code tracking system and/or boxed record index, word searchable, written to Microsoft Excel.**
- **Detailed scheduling, disposition and imaging options to include destruction, microfilm and digital imaging in accordance with Rule Chapter 1B-26, F.A.C.**
- **Organization structure recommendations related to record operations.**
- **An email policy for retention and disposition.**
- **An Agency-Wide Disposition List for Agency Public Records in accordance with Rule Chapter 1B-24, F.A.C. based on a record series title inventory.**
- **A training outline and training manual to be used by personnel with record responsibilities.**
- **A list of references and published sources used during preparation.**

Traditional data collection and analysis techniques will be employed including but not limited to, on-site interviews with relevant staff; hands on evaluation of high density and key record collections; review and analysis of existing policy and procedures. A review and analysis of record management operations will be made resulting in a comprehensive narrative records management plan. Except for clerical functions, I will perform all related project activity. All data analysis and recommendations will be my personal responsibility.

Project Scope & Timeframe:

- 1. On-site Data Collection – One to Two Days**
- 2. Off-site Data Collection, Data Analysis, Agency-Wide Disposition List Creation, and Writing of Records Management Plan – Thirty to Sixty Days**

The fee for the on-site visit, data collection and analysis, creation of an agency wide disposition list and writing of the Plan is **\$20,000.00 inclusive, one half billable upon completion of the on-site data collection and the second half billable upon delivery of the Plan narrative.** This fee will cover all travel from my office in St. Augustine, FL and any related expenses, including food and lodging.

3. Management Presentation - Following the delivery of the plan, I will return to present findings and recommendations to management. This will give the agency an opportunity to discuss recommendations. Management presentation must be scheduled and completed within six months of delivery of the plan narrative.

4. Agency-Wide Training (Optional) - If requested and scheduled within six months of the delivery of the plan narrative, I will provide a one-day, six-hour training at no additional cost (training is separate from project billing and optional).

5. Future Plan Updates - Updating of the Plan every three years to remain legally compliant and current with technology and agency business process changes is recommended. If procured within the three-year period, updates will be billed at **25% of the initial Plan fee.**

II. RECORDS REVIEW AND ARCHIVAL COLLECTION DEVELOPMENT

SML, Inc., will be onsite for five days to assist the City Clerk with the following:

1. Identify records eligible for disposal pursuant to Department of State Records Retention Schedules and document disposition pursuant to Rule 1B-24, Florida Administrative Code.
2. Identify and appraise archival materials to facilitate preservation and online public discovery and use in accordance with the agency's collections development policy and records and archives management plan.
3. Advise on the arrangement, description, and exhibition of archival material.

The fee for this project is \$2,000.00 per business day (not to exceed eight-hours) billed per visit. This sum includes any and all related travel costs. Total billing for 5 days of service at the above rate is \$10,000.00. Additional days may be procured at the above rate.

III. TOTAL FEE FOR SERVICES

Total fee for all services described above is as follows:

1. Development of Records & Archives Management Plan - \$20,000.00.
 2. Records Review and Archival Collection Development - \$10,000.00.
- Total Services Fee: \$30,000.00**

IV. ADDITIONAL ONSITE CONSULTING SERVICES

SML, Inc., can assist the agency onsite with hands-on records & archives management projects, implementation of plan recommendations and serve as a professional resource. These on-site services include assistance with nearly any related project. Although not an exhaustive list, the following may be included:

- Review of record collections with recommendations for disposal, organization, preservation, and archival accessioning and arrangement.
- Assistance monitoring changing legislation, Attorney General and Court Opinions to keep the plan, policies and procedures current,
- Assistance monitoring changing Florida Administrative Code and Retention Schedules to keep the Agency-wide Disposition List current,
- Assistance designing filing systems,
- Professional training for staff,
- Assistance compiling Florida Department of State Compliance Statements,
- Assistance compiling data to finalize each year's Records Disposition List,
- Assistance with the integration of technology and changing standards in the Florida Administrative Codes; specifically Rule Chapter 1B-26,
- Assistance selecting service providers together with compliance monitoring,
- Assistance designing and implementing file arrangements to ensure disposition efficiency and data retrieval; and
- Assistance drafting record Policy and Procedure as issues arise, especially as relates to record requests.

The fee for on-site consulting services is \$2,000.00 per business day (not to exceed eight-hours) billed per visit which sum includes travel expenses. The City may procure as many dates necessary (providing for consultant scheduling availability) to achieve project goals as outlined in the Records & Archives Management Plan.

PROFESSIONAL EXPERIENCE

SML, Inc. has worked with numerous agencies on similar projects. Most recently, I completed comprehensive records management plans for the City of Plant City and the City of Groveland. We maintain long working relationships through onsite consulting with

many clients continuing to assist and monitor implementation of plan recommendations. This includes the City of Margate, the City of Coconut Creek, Central Florida Expressway Authority, the City of Gulfport, and the City of Clermont where we have **processed and disposed of 12,051.29 cubic feet of paper records to date.**

Numerous references are available upon request. I have over nineteen years of professional experience managing Florida Public Records. I am a Certified Records Manager (CRM) through the Institute of Certified Records Managers (ICRM). Immediately prior to my position with SML, Inc, I served as Records Analyst in the Records and Information Management Program of the Florida Department of State, State Library and Archives providing records management technical assistance to all levels of Public Agencies; developing statewide policies and procedures; assisting in the operation of the State Records Center, assisting in the appraisal and arrangement of archival collections, and conducting regional seminars on Public Records Law and Public Records Management. I hold a Master of Arts degree in Public History/Historical Administration from Florida State University with a concentration in Records and Archives Management. I've completed coursework on Archives Management, Museum Management, and Digital Archives Management completing many hands-on projects with significant archival collections.

SML's consultants bring over forty years of professional experience working with nearly every type and size of agency. We provide innovative and comprehensive records and information management consulting services to government agencies and the private sector including Comprehensive Records and Information Management Planning; Records Retention Services; Disposition Services; Email Management; Training; Policy and Procedure Development; Facilities Management; Records Storage; a full range of Imaging Services and Compliance Monitoring. Additionally, we regularly conduct 12-hour seminars for CEU's at FSU, UCF, FAU and FIU on Public Records Law and Public Records Management. These seminars are certified for credit by the IIMC for the Certified Municipal Clerk and Master Municipal Clerk program and ongoing education. We also conduct public records courses as part of the Florida Department of Revenue College for Tax Collectors and Property Appraisers and the Florida Association of Code Enforcement certification program.

I appreciate the opportunity to work with the City on such an interesting and important project. Please give me a call to discuss any of this you wish.

Sincerely,



Matt Daugherty, CRM
Executive Vice President – SML, Inc.

Cc: Steve Lewis; Katie Taff

List of Recent Florida Clients:

Municipalities

City of Clermont
City of Coconut Creek
City of Coral Gables
City of DeBary
City of Doral
City of Fort Walton Beach
City of Fruitland Park
City of Groveland
City of Gulfport
City of Indian Rocks Beach
Town of Lady Lake
City of Madeira Beach
City of Margate
City of North Lauderdale
City of North Port
City of Plant City
City of Pompano Beach CRA
City of Seminole
City of St. Pete Beach
Town of Surfside

Counties

Bay Co. Board of County Commission
Collier Co. School Board

State Agencies/Universities

Florida Atlantic University
Florida Department of Revenue
Florida Gulf Coast University
Florida State University
University of Central Florida
University of South Florida

Other

Central Florida Expressway Authority
Florida Association of City Clerks
Florida Association of Code
Enforcement
Florida Government Finance Officers
Association
Florida Records Management
Association
Florida Tax Collectors Association

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

ITEM TITLE: Patrol Vehicles – Police Department
For the Meeting of: October 28, 2021
Submitted by: City Manager/Police Chief
Date Submitted: October 21, 2021
Funds Required: \$98,416 (see below)
Account Number: 01521-60649 (Public Safety Reserve)
Attachments: Bartow Ford Quote

Item Description: Patrol Vehicles FY 2021-22 approved budget includes \$98,416.00 for the purchase of two patrol vehicles. As addressed at the August 2, 2021 workshop, police vehicles are very hard to obtain due to the pandemic; namely, chip shortage etc.

Unfortunately, a state bid or sheriff's association contract bid from Dodge dealership was unable to be obtained due to Chrysler's unwillingness to quote prices for the police Durango. Please see the quote from Bartow Ford in Polk County which does not include in-car video or laptop computer which reveal the following prices:

Dell Laptops:	\$ 1,500.00 x 2 = \$3,000 (included in the budget)
Provision Video System:	\$ 3,500.00 x 2 = \$7,000
Vehicle Graphics:	\$ 675.00 x 2 = \$1,350
Total for Two patrol vehicles	\$96,591.28
Total budgeted	\$98,416.00
Surplus	\$ 1,824.72

Action to be Taken: Approval
Staff's Recommendation: Approval
Additional Comments:
City Manager Review: Yes
Mayor Authorization: Yes

September 27, 2021



**Fruitland Park Police Department
Chief Luce**

DESCRIPTION		
K8A	2021 Ford Interceptor Utility	
99B	3.3L V6 Direct-Injection (FFV) Engine	
44U	10 Speed Automatic Transmission	
	Front Headlamp Prep (Standard Equipment)	
86T	Rear Taillight Prep Package	
43D	Dark Car Feature	
60A	Factory Grill, Lamp, Siren & Speaker Wiring	
51T	Factory Pillar Mounted Whelen LED Spotlight	
	Voice Activated Bluetooth (Standard Equipment)	
55F	Keyless Entry Fob includes 4 Key & Remotes	
76R	Reverse Sensing	
52T	Class III Trailer Tow Lighting Package	
76P	Pre-Collision Assist w/Pedestrian Detection	
	Factory Rear View Camera in Dash (Standard Equipment)	
	Factory Invoice	\$38,989.00
	Government Price Concession Discount	\$2,650.00
	4.06% Contract Discount	\$1,475.36
	Whelen Inneredge Lightbar with LED Takedown Lights, Whelen 295SLSA6 Siren Controller, (1) 100 Watt Speaker, (2) Whelen ION's Split Red/Blue Mounted Forward in Push Bumper, (2) Whelen ION's Mounted in Rear 1/4 Glass, (6) Whelen SOLO Outer Edge Rear Pillar LED's, (4) Clear LED's Mounted in Headlights & Taillights, Wig Wag Headlight Flasher, (1) Whelen Thin ION DUO Red /White Mounted on Left Fender, (1) Whelen Thin ION DUO Blue/White Mounted on Right Fender, (2) Whelen Spitfire ION's Split Red/Blue Mounted High in Rear Glass, Havis Police Interceptor Utility Console with Dual Cup Holder & C-ARM-103 Arm Rest, C-MD-112 11" Slide Out Locking Swing Arm with Motion Adapter, Havis UT1006 Standard Laptop Tray, Go Rhino Push Bumper with 2 Light Cutouts, Front Partition with Sliding Center Window, Rear Cargo Barrier, Molded Prisoner Seat with Outboard Seat Belt Buckles, Bartow Ford Custom Installation.	\$7,757.00
		\$0.00
		\$0.00
TOTAL PURCHASE AMOUNT PER UNIT		\$42,620.64

Pricing in accordance with the Charlotte County contract # 2018000509

**2800 US Hwy North
Bartow, Florida 33830**

If you have any questions or need any additional information please feel free contact me anytime.

Sincerely Yours,
Richard Weissinger
Commercial Fleet Sales
Direct Line (813) 477-0052
Fax (863) 533-8485



**2800 US Hwy North
Bartow, Florida 33830**

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

ITEM TITLE:	Quasi-Judicial Public Hearings
For the Meeting of:	October 28, 2021
Submitted by:	City Attorney/City Manager/Community Development Director
Date Submitted:	October 15, 2021
Funds Required:	No
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes, Quasi-Judicial Hearing Establishment
Item Description:	Quasi-judicial public hearings
Action to be Taken:	City commission consideration.
Staff's Recommendation:	N/A
Additional Comments:	N/A
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.



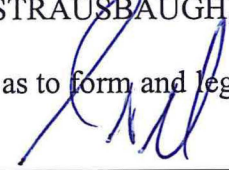
JOHN L. GUNTER, JR., VICE MAYOR

ATTEST:



MARGE STRAUSBAUGH, CITY CLERK

Approved as to form and legality:



Scott A. Gerken, City Attorney



Select Year:

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.

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

ITEM TITLE: Second Reading and Quasi-Judicial Public Hearing – Ordinance 2021-006 – SSCPA Amending FLUP designation to Transitional - 0.26 ± Acres - 115 S Villa Avenue – Petitioner: New Life Presbyterian Church of Lake County Inc.

For the Meeting of: October 28, 2021

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

Date Submitted: October 15, 2021

Funds Required: No

Attachments: Yes. Ordinance 2021-006, proposed zoning, FLU, aerial, and location maps; development application, justification letter, staff comments, and advertisement affidavit.

Item Description: Ordinance 2021-006 providing a Small-Scale Comprehensive Plan Amendment (SSCPA) amending the future land use plan (FLUP) designation to Transitional of 0.26 ± acres of property located at 115 S Villa Avenue, Fruitland Park, Florida. (The First reading was held on June 10, 2021.)

Action to be Taken: Enact Ordinance 2021-006 to become effective 31 days after adoption. If the ordinance is challenged within 30 days after adoption, it may not become effective until the state land planning agency or administrative commission, respectively, issues a final order determining that the ordinance is in compliance.

Staff’s Recommendation: Approval

Additional Comments: None.

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2021-006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO TRANSITIONAL OF 0.26 ± ACRES OF PROPERTY LOCATED AT 115 SOUTH VILLA AVENUE, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by New Life Presbyterian Church of Lake County, Inc. as applicant/owner, requesting that approximately 0.26 + acres of real property located at 115 South Villa Avenue (the "Property") be assigned a land use designation of "Transitional" under the Comprehensive Plan for the City of Fruitland Park; and

WHEREAS, the required notice of the proposed small scale comprehensive plan amendment has been properly published as required by Chapter 163, Florida Statutes; and

WHEREAS, the Planning and Zoning Commission of the City of Fruitland Park and the Local Planning Agency for the City of Fruitland Park have reviewed the proposed amendment to the Comprehensive Plan and have made recommendations to the City Commission of the City of Fruitland Park.

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

Section 1. The following described property consisting of approximately 0.26 ± acres of land located at 115 South Villa Avenue, Fruitland Park shall hereafter be assigned a land use designation of "Transitional" under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "A" and incorporated herein by reference. The property is more particularly described as:

LEGAL DESCRIPTION: The South 94 feet of the West 120 feet of Block 24, A Map of Fruitland Park, according to the plat thereof, Recorded in Plat Book 3, Page 9, of the Public Records of Lake County, Florida.

Parcel Alternate Key No. 1639492

Section 2. That a copy of said Land Use Plan Amendment is filed in the office of the City Manager 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 set forth herein, and such copy shall remain on file in said office available for public inspection.

Section 3. That the City Manager or his designee, after passage of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Fruitland Park.

Section 4. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5. Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

Section 6. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. This Ordinance shall become effective 31 days after its adoption by the City Commission. If this Ordinance is challenged within 30 days after its adoption, it may not become effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance.

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)

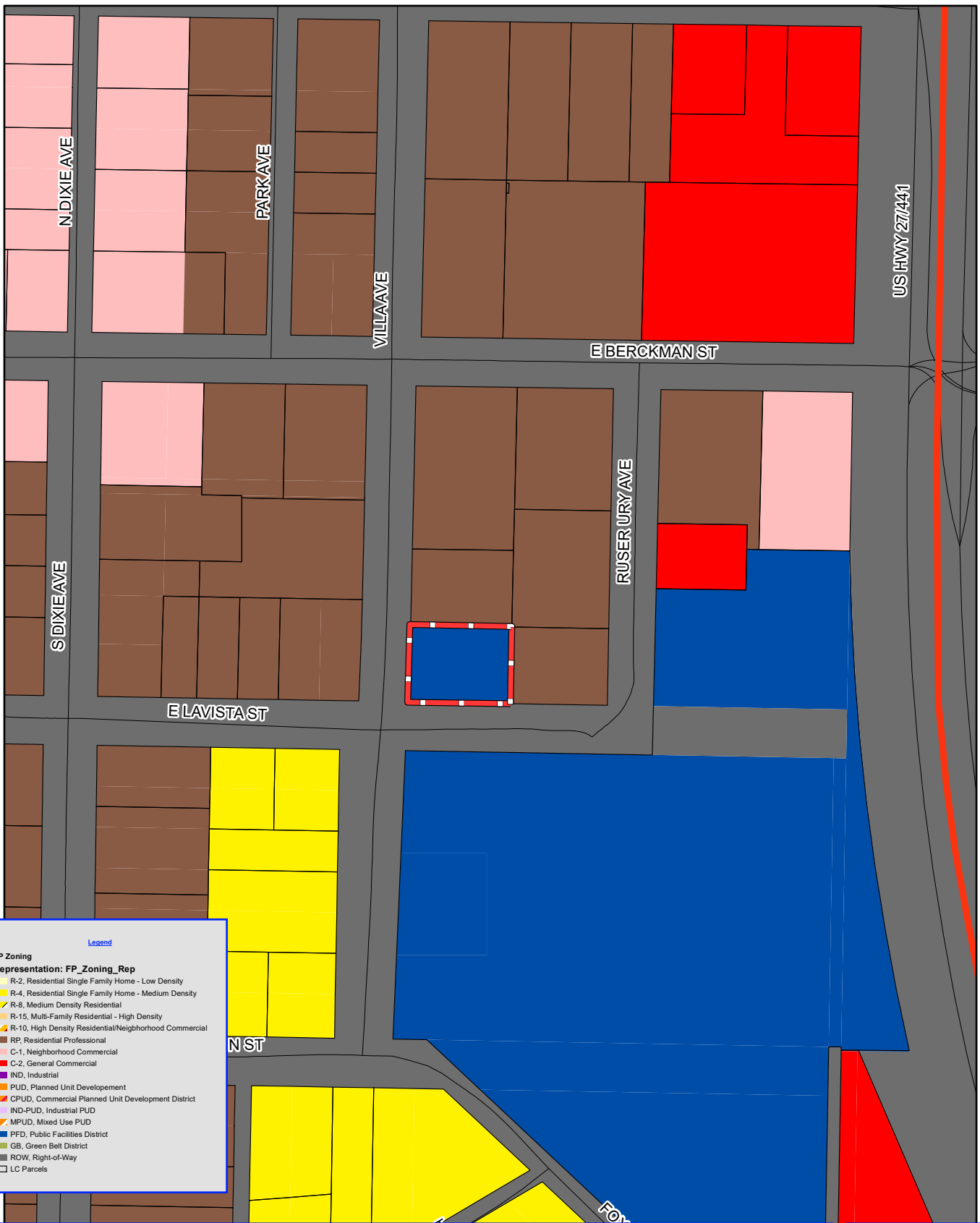
Anita Geraci-Carver, City Attorney

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 June 10, 2021

Passed Second Reading _____

Exhibit "A"



[Legend](#)

FP Zoning
Representation: FP_Zoning_Rep

- R-2, Residential Single Family Home - Low Density
- R-4, Residential Single Family Home - Medium Density
- R-8, Medium Density Residential
- R-15, Multi-Family Residential - High Density
- R-10, High Density Residential/Neighborhood Commercial
- RP, Residential Professional
- C-1, Neighborhood Commercial
- C-2, General Commercial
- IND, Industrial
- PUD, Planned Unit Development
- CPUD, Commercial Planned Unit Development District
- IND-PUD, Industrial PUD
- MPUD, Mixed Use PUD
- PFD, Public Facilities District
- GB, Green Belt District
- ROW, Right-of-Way
- LC Parcels

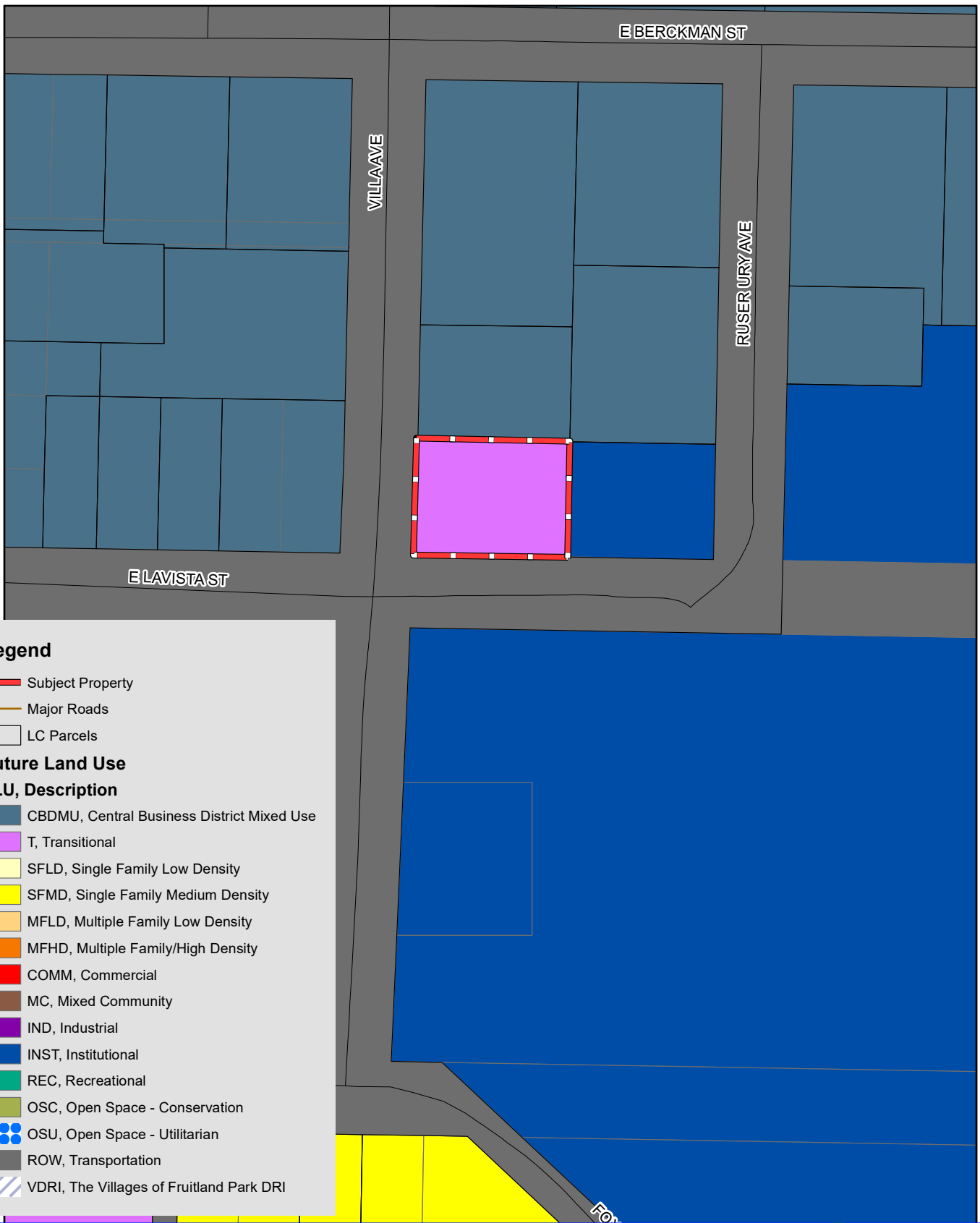


New Life Presbyterian Church Proposed Zoning Map

Fruitland Park, FL

Project: NLPC
 File: Proposed Zoning
 AltKey: 1639492
 Name: Fruitland Park
 PM: Sherie Lindh
 Date: May 4th, 2021
 Created By: C.Manno

Urban & Regional Planners, Inc.
 1162 CAMP AVENUE - MT. DORA, FL 32757
 (352)385-1940 / FAX (352)383-4824



Legend

- Subject Property
- Major Roads
- LC Parcels

Future Land Use

FLU, Description

- CBDMU, Central Business District Mixed Use
- T, Transitional
- SFLD, Single Family Low Density
- SFMD, Single Family Medium Density
- MFLD, Multiple Family Low Density
- MFHD, Multiple Family/High Density
- COMM, Commercial
- MC, Mixed Community
- IND, Industrial
- INST, Institutional
- REC, Recreational
- OSC, Open Space - Conservation
- OSU, Open Space - Utilitarian
- ROW, Transportation
- VDRI, The Villages of Fruitland Park DRI



1 inch = 113 feet

**New Life Presbyterian Church
Proposed Future Land Use Map**

Fruitland Park, FL

Project: NLPC
File: Proposed FLU
Name: Fruitland Park
PM: Sherie Lindh
Date: May 4th, 2021
Created By: C.Manno



Urban & Regional Planners, Inc.
1162 CAMP AVENUE - MT. DORA, FL 32757
(352)385-1940 / FAX (352)383-4824



City of Fruitland Park, Florida
Community Development Department
 506 W. Berckman St., Fruitland Park, Florida 34731
 Tel: (352) 360-6727 Fax: (352) 360-6652
 www.fruitlandpark.org

Sta Use Only

Case No.: _____
 Fee Paid: _____
 Receipt No.: _____

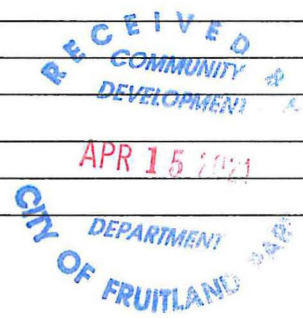
Development Application

Contact Information:

Owner Name: New Life Presbyterian Church of Lake County, Inc.
 Address: 201 E LaVista St., Fruitland Park, FL 34731
 Phone: 352.551.7712 Email: justin.richey.jr@gmail.com marybeth@newlifep.org

Applicant Name: New Life Presbyterian Church of Lake County, Inc.
 Address: 115 S Villa Ave., Fruitland Park FL 34731
 Phone: 352.728.1861 Email: marybeth@newlifep.org

Engineer Name: _____
 Address: _____
 Phone: _____ Email: _____



Property and Project Information:

PROJECT NAME*: Comp Plan Amendment
 *A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: 115 S Villa Ave., Fruitland Park, FL 34731
 Parcel Number(s): 09-19-24-0400-024-0005 Section: 24 Township: 19 Range: 24

Area of Property: 11,280 sf Nearest Intersection: S Villa & E LaVista
 Existing Zoning: PFD Existing Future Land Use Designation: Institutional
 Proposed Zoning: R-P Proposed Future Land Use Designation: Institutional Transitional

The property is presently used for: vacant dwelling
 The property is proposed to be used for: Residential single family home
 Do you currently have City Utilities? Yes

Application Type:

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Annexation | <input checked="" type="checkbox"/> Comp Plan Amendment | <input type="checkbox"/> Rezoning | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Minor Lot Split | <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Construction Plan | <input type="checkbox"/> ROW/Plat Vacate |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Replat of Subdivision | |

Please describe your request in detail: Comp plan amendment Change Future Land use Designation

Required Data, Documents, Forms & Fees

Attached to this application is a list of **REQUIRED** data, documents and forms for each application type as well as the adopted fee schedule. These items must be included when submitting the application package. Failure to include the supporting data will deem your application package **INCOMPLETE** and will not be processed for review.

Printed Name: Justin Richey, President

Signature: *Justin Richey* Date: 4/13/2021

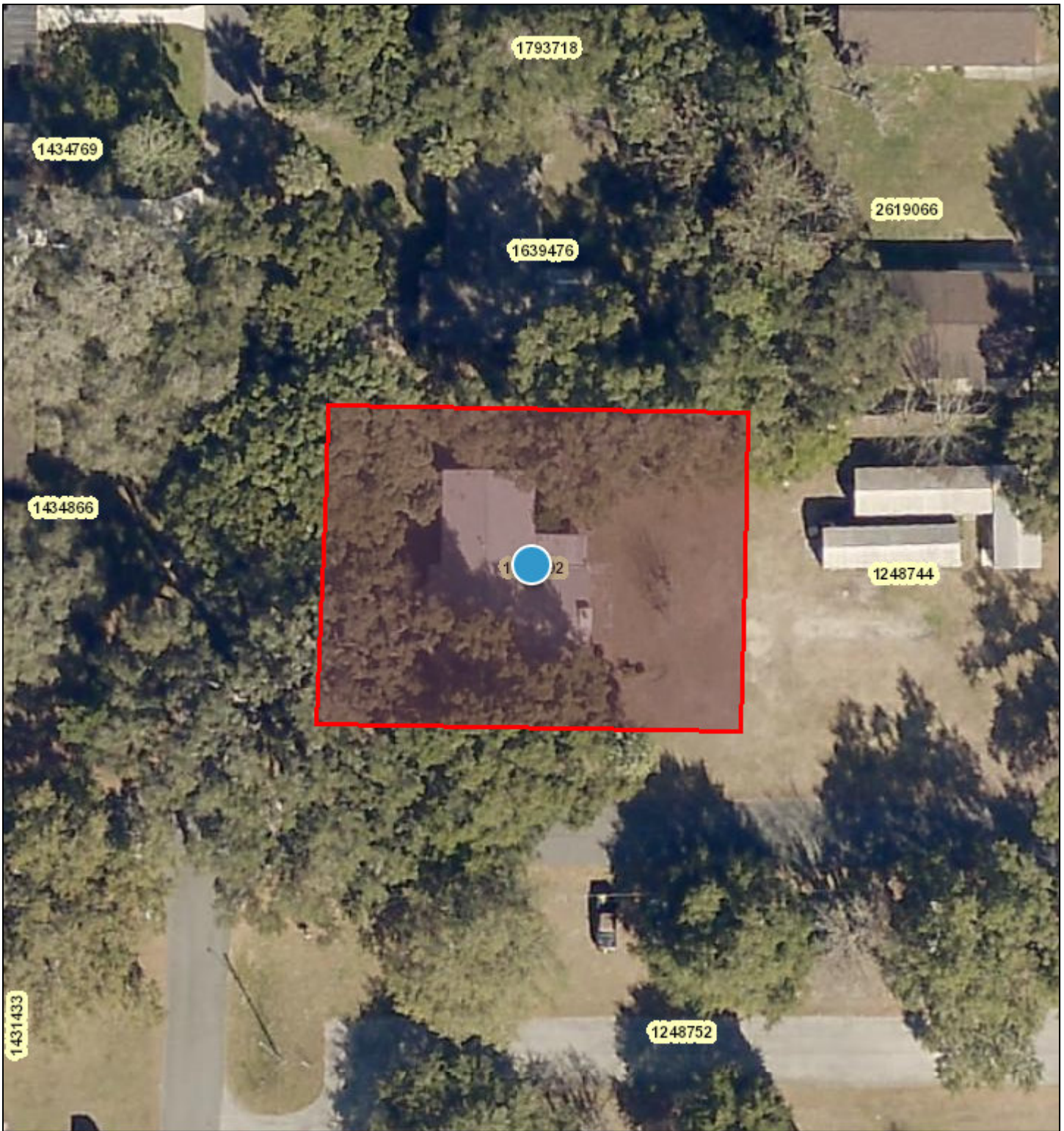
If application is being submitted by any person other than the legal owner(s) of the property, the applicant must have written authorization from the owner to submit application.

115 S Villa Aerial Photo



© All Pictometry


115 S Villa Location Map

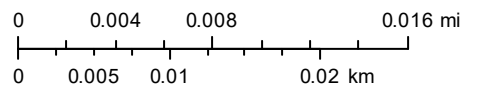


February 23, 2021

1:500

pointLayer

 Surrounding Counties



 Override 1

polygonLayer

 Override 1

Lake County Property Appraiser
Lake BCC

Tax Parcels Alternate Key

Comp Plan Amendment justification

New Life Presbyterian Church of Lake County, Inc.

115 S Villa Ave., Fruitland Park FL 34731 – Alt Key #1639492

Per recent conversation on Friday, April, 9, 2021, with Community Development Director, Tracy Kelley, a small scale comprehensive plan amendment (SSCPA) is required in conjunction with your request for rezoning of the subject properties. The proposed rezoning triggered a review of the city's current comprehensive plan and future land use (FLU) designation. In consideration of the intended use of the properties and since the most appropriate future land use (FLU) designation is not a part of the city's current comprehensive plan, this additional step is necessary, as found per City Attorney and City Land Planner comments.

**CITY OF FRUITLAND PARK
STAFF REPORT BY LPG URBAN & REGIONAL PLANNERS, INC.**

SMALL SCALE COMP PLAN AMENDMENT AND REZONING

Owner: New Life Presbyterian Church of Lake Co., Inc.

Applicant: Justin Richey

General Location: 115 S. Villa Ave.

Number of Acres: .26 ± acres

Existing Zoning: Public Facilities District (PFD)

Existing Land Use: Institutional

Proposed Zoning: Residential Professional (RP)

Proposed Land Use: CBDMU

Date: March 8, 2021

Description of Project

The subject property contains one (1) single family residence of 1392 square feet of living area with a screened porch and carport accounting for an additional 472 SF. The home is currently vacant and the church would like to sell it to be utilized as a single-family residence. The small-scale amendment is the first in the 2021 cycle (less than 10 acres). Small scale amendments are considered to have de minimis effects on public facilities.

	Surrounding Zoning	Surrounding Land Use
North	Residential Professional (RP)	CBDMU (SF Residential homes)
South	Public Facilities District (PFD)	Institutional (New Life church facilities)
East	PFD	Institutional (New Life church utility building)
West	RP	CBDMU (SF Residential homes)

Assessment

Review of the comprehensive plan indicates that the Central Business District Mixed Use allows for residential development; however, it indicates that new residential uses are permitted on the 2nd and 3rd floors with the 1st floor being commercial. It appears the intent was to allow for the existing one-story, single-family units to continue and allow for the residential use on the 1st floor until redevelopment due to the fact that the majority of the area designated is one story single family; however, in order to avoid a conflict, an amendment to Transitional (4 units/acre) may be better suited.

The Transitional land use category is compatible with the Central Business District Mixed Use and the Institutional use.

The subject site is adjacent to Residential Professional (RP) zoning on the north and west; therefore, the proposed RP zoning is compatible and consistent with the area.

Recommendation

Staff recommends the applicant modify the application to request a land use of transitional. Once the application is revised the amendment request would be consistent with the following FLU policies, among others:

Policy 1-1.2: Density and Intensity Standards – Table 1.1

Policy 1-1.17: Transitional

Policy 1-2.1: Promote Orderly, Compact Growth

Staff recommends approval of the rezoning to RP.

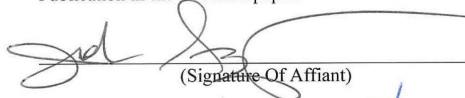
The Villages
DAILY SUN

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

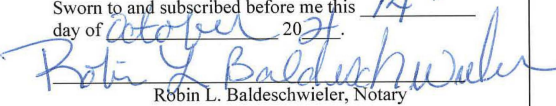
Before the undersigned authority personally appeared **Joseph Szabo**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #1028308 in the matter of **NOTICE OF PUBLIC HEARING** was published in said newspaper in the issues of

October 14, 2021

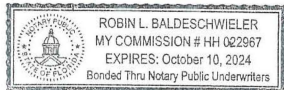
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, 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 14 day of October 2021.


Robin L. Baldeschwieler, Notary

Personally Known or
Production Identification _____
Type of Identification Produced _____



Attach

NOTICE OF PUBLIC HEARINGS

ORDINANCE 2021-006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO TRANSITIONAL OF 0.26 ± ACRES OF PROPERTY LOCATED AT 115 SOUTH VILLA AVENUE, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2021-007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO INSTITUTIONAL OF 0.25 ± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

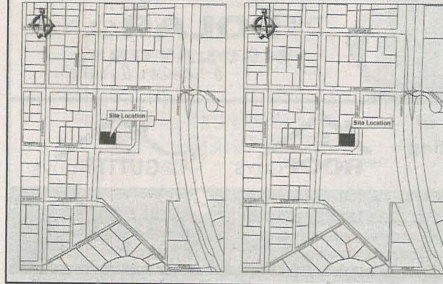
The proposed Ordinances will be considered at the following public meetings:

Fruitland Park City Commission Meeting on October 28, 2021 at 6:00 p.m.

All meetings will be held at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida. The proposed Ordinances and metes and bounds legal description of the property may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at the City Clerk's office at City Hall. For further information call (352) 360-6727.

Interested parties may appear at the meetings and be heard with respect to the proposed Ordinance.

A person who decides to appeal any decision made by any board, agency or commission 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 which the appeal is based (Florida Statutes 286.0105).



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

ITEM TITLE: Second Reading and Quasi-Judicial Public Hearing – Ordinance 2021-007 SSCPA - 0.25 ± Acres - 212 E LaVista Street - Petitioner: New Life Presbyterian Church of Lake County Inc.

For the Meeting of: October 28, 2021

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

Date Submitted: October 14, 2021

Funds Required: No

Attachments: Draft ordinance 2021-007, zoning, FLU, aerial, and location maps, development application, justification letter, staff report, and advertisement affidavit.

Item Description: Ordinance 2021-007 providing a small-scale comprehensive plan amendment (SSCPA) amending the Future Land Use Plan designation to Institutional of 0.25 ± acres of property located at 212 East LaVista Street. (The first reading was held on June 10, 2021.)

Action to be Taken: Enact Ordinance 2021-007 to become effective 31 days after adoption. If the ordinance is challenged within 30 days after its adoption, it may not become effective until the state land planning agency or administrative commission, respectively, issues a final order determining that the ordinance is in compliance.

Staff’s Recommendation: Approval.

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2021-007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO INSTITUTIONAL OF 0.25 ± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by New Life Presbyterian Church of Lake County, Inc. as applicant/owner, requesting that approximately 0.25 ± acres of real property located at 212 East LaVista Street (the "Property") be assigned a land use designation of "Institutional" under the Comprehensive Plan for the City of Fruitland Park; and

WHEREAS, the required notice of the proposed small scale comprehensive plan amendment has been properly published as required by Chapter 163, Florida Statutes; and

WHEREAS, the Planning and Zoning Commission of the City of Fruitland Park and the Local Planning Agency for the City of Fruitland Park have reviewed the proposed amendment to the Comprehensive Plan and have made recommendations to the City Commission of the City of Fruitland Park.

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

Section 1. The following described property consisting of approximately 0.25 ± acres of land located at 212 East LaVista Street, Fruitland Park shall hereafter be assigned a land use designation of Institutional under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "A" and incorporated herein by reference. The property is more particularly described as:

LEGAL DESCRIPTION: The South 94 feet of the West 1/2 of Block 24, A MAP OF FRUITLAND PARK, according to the plat thereof, recorded in Plat Book 3, Page 9, of the Public Records of Lake County, Florida, LESS the East 30.00 feet for road right of way, ALSO LESS the West 120.0 feet.

Parcel Alternate Key No. 1248744

Section 2. That a copy of said Land Use Plan Amendment is filed in the office of the City Manager 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 set forth herein, and such copy shall remain on file in said office available for public inspection.

Section 3. That the City Manager or his designee, after passage of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Fruitland Park.

Section 4. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5. Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

Section 6. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. This Ordinance shall become effective 31 days after its adoption by the City Commission. If this Ordinance is challenged within 30 days after its adoption, it may not become effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance.

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

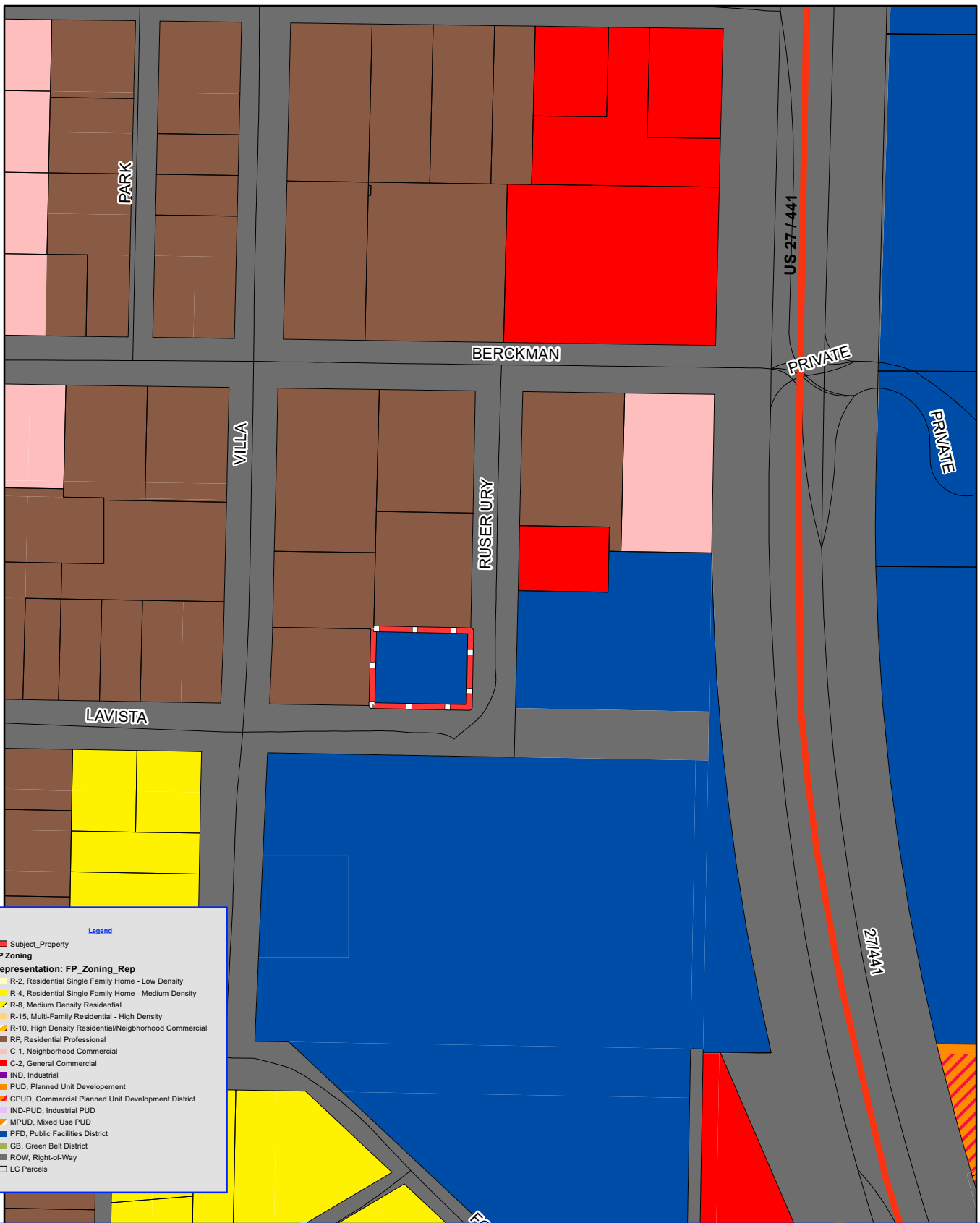
Mayor Cheshire	____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Vice Mayor Gunter	____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Commissioner Bell	____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Commissioner DeGrave	____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Commissioner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

Passed First Reading June 10, 2021

Passed Second Reading _____

Exhibit "A"

Exhibit "A"



Legend

Subject_Property

FP Zoning

Representation: FP_Zoning_Rep

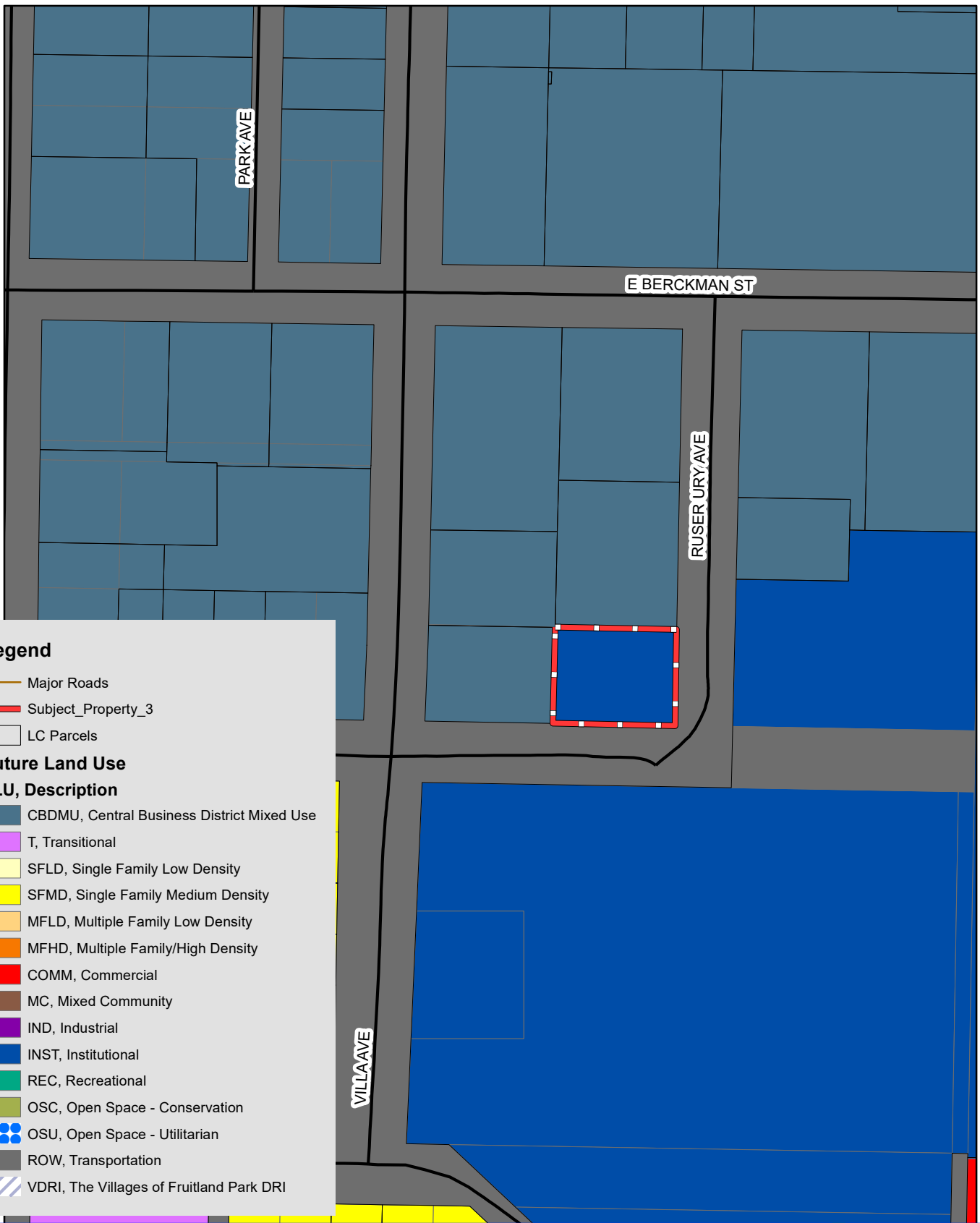
- R-2, Residential Single Family Home - Low Density
- R-4, Residential Single Family Home - Medium Density
- R-8, Medium Density Residential
- R-15, Multi-Family Residential - High Density
- R-10, High Density Residential/Neighborhood Commercial
- RP, Residential Professional
- C-1, Neighborhood Commercial
- C-2, General Commercial
- IND, Industrial
- PUD, Planned Unit Development
- CPUD, Commercial Planned Unit Development District
- IND-PUD, Industrial PUD
- MPUD, Mixed Use PUD
- PFD, Public Facilities District
- GB, Green Belt District
- ROW, Right-of-Way
- LC Parcels



New Life Presbyterian Church
Proposed Zoning Map
 Fruitland Park, FL

Project: NLPC
 File: Proposed Zoning
 AltKey: 1248744
 Name: Fruitland Park
 PM: Sherie Lindh
 Date: May 4th, 2021
 Created By: C.Manno

Urban & Regional Planners, Inc.
 1162 CAMP AVENUE - MT. DORA, FL 32757
 (352)385-1940 / FAX (352)383-4824



Legend

- Major Roads
- Subject_Property_3
- LC Parcels

Future Land Use

FLU, Description

- CBDMU, Central Business District Mixed Use
- T, Transitional
- SFLD, Single Family Low Density
- SFMD, Single Family Medium Density
- MFLD, Multiple Family Low Density
- MFHD, Multiple Family/High Density
- COMM, Commercial
- MC, Mixed Community
- IND, Industrial
- INST, Institutional
- REC, Recreational
- OSC, Open Space - Conservation
- OSU, Open Space - Utilitarian
- ROW, Transportation
- VDRI, The Villages of Fruitland Park DRI



1 inch = 136 feet

New Life Presbyterian Church
Proposed Future Land Use Map

Fruitland Park, FL

Project: NLPC
 File: Proposed FLU
 Name: Fruitland Park
 PM: Sherie Lindh
 Date: May 4th, 2021
 Created By: C.Manno



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City of Fruitland Park, Florida
Community Development Department
 506 W. Berckman St., Fruitland Park, Florida 34731
 Tel: (352) 360-6727 Fax: (352) 360-6652
 www.fruitlandpark.org

<i>Sta Use Only</i>	
Case No.:	_____
Fee Paid:	_____
Receipt No.:	_____

Development Application

Contact Information:

Owner Name: New Life Presbyterian Church of Lake County, Inc.
 Address: 201 E LaVista St., Fruitland Park, FL 34731
 Phone: 3525.551.7712 Email: justin.richey.jr@gmail.com marybeth@newlifep.org

Applicant Name: New Life Presbyterian Church of Lake County, Inc.
 Address: 212 E LaVista St. Fruitland Park FL 34731
 Phone: 352.728.1861 Email: marybeth@newlifep.org

Engineer Name: _____
 Address: _____
 Phone: _____ Email: _____



Property and Project Information:

PROJECT NAME*: New Life Comp Plan Amendment

*A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: 121 E LaVista St. Fruitland Park FL 34731

Parcel Number(s): 09-19-24-0400-024-00007 Section: 24 Township: 19 Range 26

Area of Property: 11,092 sf Nearest Intersection: E LaVista St & Ruser Ury Ave

Existing Zoning: R-P Existing Future Land Use Designation: ME MC (see) 4/15/21

Proposed Zoning: PFD Proposed Future Land Use Designation: Institutional

The property is presently used for: Church storage & parking

The property is proposed to be used for: Church storage & parking

Do you currently have City Utilities? Yes

Application Type:

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Annexation | <input checked="" type="checkbox"/> Comp Plan Amendment | <input type="checkbox"/> Rezoning | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Minor Lot Split | <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Construction Plan | <input type="checkbox"/> ROW/Plat Vacate |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Replat of Subdivision | |

Please describe your request in detail: Change zoning & Land use Designation (future)

Required Data, Documents, Forms & Fees

Attached to this application is a list of **REQUIRED** data, documents and forms for each application type as well as the adopted fee schedule. These items must be included when submitting the application package. Failure to include the supporting data will deem your application package **INCOMPLETE** and will not be processed for review.

Printed Name: Justin Richey, President

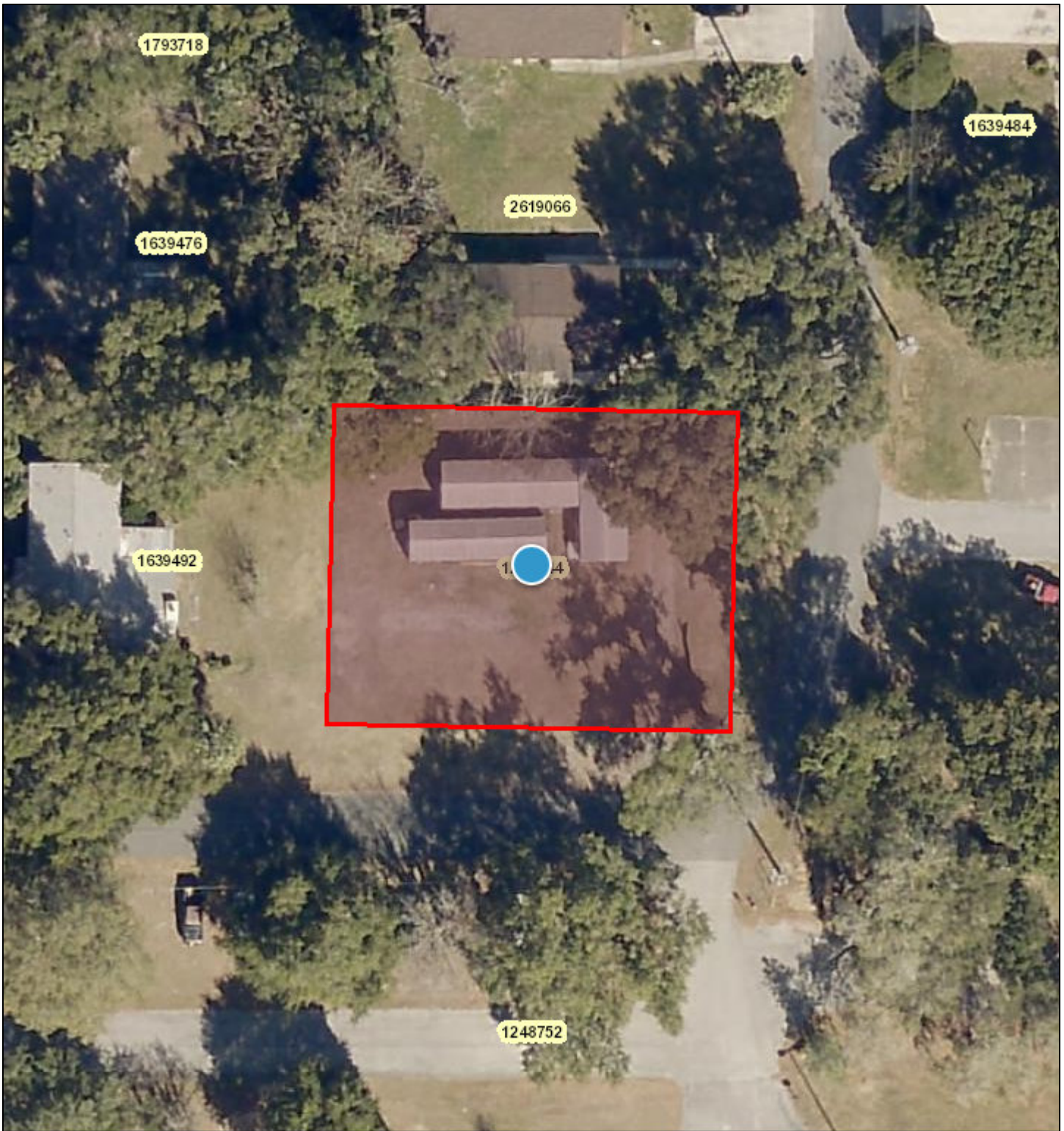
Signature: Date: 4/13/2021

If application is being submitted by any person other than the legal owner(s) of the property, the applicant must have written authorization from the owner to submit application.

212 E LaVista Aerial Photo




212 E Lavista Location Map

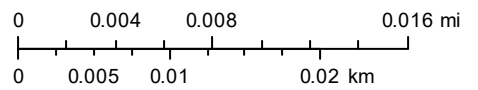



February 23, 2021

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pointLayer

 Surrounding Counties



 Override 1

polygonLayer

 Override 1

Lake County Property Appraiser
Lake BCC

Tax Parcels Alternate Key

Comp Plan Amendment justification

New Life Presbyterian Church of Lake County, Inc.

212 E LaVista St., Fruitland Park FL 34731 – Alt Key #1639492

Per recent conversation on Friday, April, 9, 2021, with Community Development Director, Tracy Kelley, a small scale comprehensive plan amendment (SSCPA) is required in conjunction with your request for rezoning of the subject properties. The proposed rezoning triggered a review of the city's current comprehensive plan and future land use (FLU) designation. In consideration of the intended use of the properties and since the most appropriate future land use (FLU) designation is not a part of the city's current comprehensive plan, this additional step is necessary, as found per City Attorney and City Land Planner comments.

**CITY OF FRUITLAND PARK
STAFF REPORT BY LPG URBAN & REGIONAL PLANNERS, INC.**

SMALL SCALE COMP PLAN AMENDMENT AND REZONING

Owner: New Life Presbyterian Church of Lake Co., Inc.

Applicant: Justin Richey

General Location: 212 E LaVista St.

Number of Acres: .25 ± acres

Existing Zoning: Residential Professional (RP)

Existing Land Use: CBDMU

Proposed Zoning: Public Facilities District (PFD)

Proposed Land Use: Institutional

Date: March 9, 2021

Description of Project

The subject property contains three (3) utility buildings associated with the church and is also used for parking. The small-scale amendment is the second in the 2021 cycle (less than 10 acres). Small scale amendments are considered to have de minimis effects on public facilities.

	Surrounding Zoning	Surrounding Land Use
North	Residential Professional (RP)	CBDMU (SF Residential homes)
South	Public Facilities District (PFD)	Institutional – New Life
East	PFD	Institutional – New Life
West	RP	CBDMU (SF Residential homes)

Assessment

The application indicates that the subject site will be continued to be utilized for storage and parking associated with the church. The requested land use in the application states CBDMU; however, the land use most appropriate is Institutional.

The subject site is adjacent to PFD zoning on the south and east; therefore, the proposed PFD zoning is compatible and consistent with the area.

Recommendation

Staff recommends the applicant modify the application to request a land use of institutional. Once the application is revised the amendment request would be consistent with the following FLU policies, among others:

Policy 1-1.2: Density and Intensity Standards – Table 1.1

Policy 1-1.14: Institutional

Policy 1-2.1: Promote Orderly, Compact Growth

Policy 1-5.1: Public Facilities

Staff recommends approval of the rezoning to PFD and land use map amendment to Institutional.

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 #1028308 in the matter of **NOTICE OF PUBLIC HEARING** was published in said newspaper in the issues of

October 14, 2021

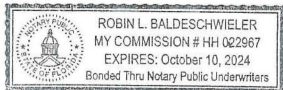
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[Handwritten Signature]
 (Signature Of Affiant)

Sworn to and subscribed before me this 14 day of October 2021.

[Handwritten Signature]
 Robin L. Baldeschwieler, Notary

Personally Known or
 Production Identification _____
 Type of Identification Produced _____



Attach

NOTICE OF PUBLIC HEARINGS

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ORDINANCE 2021-007

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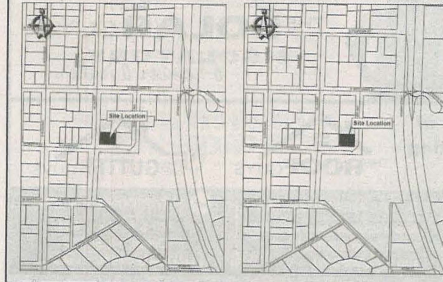
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**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 4g**

ITEM TITLE: First Reading and Public Hearing 2021-016 Third Extension Solid Waste Collection Franchise Agreement

For the Meeting of: October 28, 2021

Submitted by: City Attorney/City Manager

Date Submitted: **October 21, 2021**

Funds Required: None

Account Number: N/A

Amount Required: N/A

Balance Remaining: N/A

Attachments: Proposed ordinance. The third extension of the franchise agreement is forthcoming

Item Description: Ordinance 2021-016 approve the third extension of the solid waste collection franchise agreement with Waste Management Inc. The second extension was enacted by Ordinance 2021-011 at the September 9, 2021 regular meeting. (The second reading will be held on November 18, 2021.)

Action to be Taken: **Approve Ordinance 2021-011.**

Staff's Recommendation: Approval

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2021--016

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING A THIRD EXTENSION OF ITS SOLID WASTE COLLECTION FRANCHISE AGREEMENT WITH WASTE MANAGEMENT, INC. OF FLORIDA; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park and Waste Management Inc. of Florida are parties to that certain Restated Agreement dated October 1, 2011 as amended in the First Amendment to Restated Agreement dated February 25, 2016 as further amended in the Second Amendment to Restated Agreement dated _____, 2021 (hereinafter collectively the Agreement); and

WHEREAS, the Agreement allows for the parties to extend the term of the Agreement; and

WHEREAS, the City Commission and Waste Management Inc. of Florida desire to extend the term of the Agreement an additional 90 days; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida desires to approve and enter into the Third Amendment to Restated Solid Waste Collection Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA.

Section 1. The Third Amendment to Restated Solid Waste Collection Agreement, **a copy of which is attached hereto**, is approved.

Section 2. Conflict. All ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Codification. Certain provisions of this ordinance are intended to be incorporated into the Code of Ordinances of the City of Fruitland Park, Florida and the sections of this ordinance may be renumbered, relettered, and the word “ordinance” may be changed to “section”, “article”, or such other word or phrase in order to accomplish such intention.

Section 4. Severability. 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 5. This Ordinance shall be effective upon passage.

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 _____

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

ITEM TITLE: Second Reading and Public Hearing – Ordinance
2021-014 – SRF Loan Program

For the Meeting of: October 28, 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 affidavit. Complete
opinion letter will be provided by the city attorney.

Item Description: Ordinance 2021-014 State Revolving Fund Loan
Program. (The first reading was held on October 14, 2021.)

Action to be Taken: Enact Ordinance 2021-014 to become effective .

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 its 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

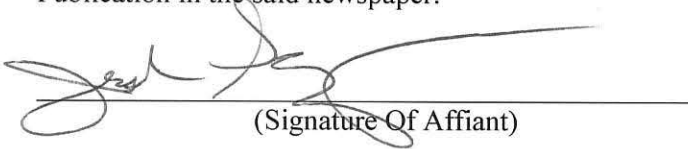
The Villages[®] DAILY SUN

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 #1029005 in the matter of **NOTICE OF ORDINANCE 2021-014** was published in said newspaper in the issues of

October 20, 2021

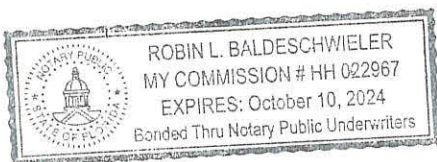
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, 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 20
day of October 2021.


Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____



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.

This ordinance will be presented for public hearing by the City of Fruitland Park City Commission at its regular meeting to be held on Thursday, October 28, 2021 at 6:00 p.m. in the commission chambers of city hall, 506 West Berckman Street, Fruitland Park, Florida 34731. This meeting is open to the public and hearings may be continued as determined by the commission from time to time to a time certain This ordinance may be reviewed or copies of same obtained from the city clerk's office at city hall.

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

If a person decides to appeal any decision made by the city commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (Florida Statutes 286.0105) #1029005 October 20, 2021

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

ITEM TITLE: CITY MANAGER'S REPORT
For the Meeting of: October 19, 2021
Submitted by: City Manager
Date Submitted: October 5, 2021
Funds Required: None
Attachments: None

Item Description: City Manager's Report

Economic Development Status Update

Action to be Taken: None

Staff's Recommendation: N/A

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

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

ITEM TITLE:	CITY ATTORNEY REPORT
For the Meeting of:	October 28, 2021
Submitted by:	City Attorney
Date Submitted:	October 21, 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 was held with the commission October 19, 2021.

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. A closed-session executive meeting was held with the Commission October 19, 2021.

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 p.m.

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

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

ITEM TITLE:	Public Comments
For the Meeting of:	October 28, 2021
Submitted by:	City Clerk
Date Submitted:	October 19, 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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