

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES**

**July 25, 2019**

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

**6:00 p.m.**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, July 25, 2019 at 6:00 p.m.

**Members Present:** Mayor Chris Cheshire, Commissioners Christopher Bell, Patrick DeGrave and John Mobilian,

**Members Absent:** Vice Mayor John L. Gunter, Jr.

**Also Present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver; Sergeant Henry Rains, Police Department; Interim Fire Chief Donald Gilpin and Firefighter Brandon Clutter, Fire Department; Public Works Director Dale Bogle; Community Development Director Tracy Kelley; Human Resources Director Diana Kolcun, Finance Clerk Preslee Harmon, Finance Department and City Clerk Esther B. Coulson.

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

**ACTION:** 6:10:00 PM Mayor Cheshire called the meeting to order, Reverend Dr. Pastor George A. Mulford III,<sup>1</sup> Grace Bible Baptist Church, gave the invocation, and Sergeant Rains led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

**ACTION:** 6:03:00 PM At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present.

Upon Mayor Cheshire's suggestion and **on motion of Commissioner Bell seconded by Commissioner Mobilian and unanimously carried, the city commission excused the absence of Vice Mayor Gunter who was not present for this evening's meeting.**

**3. LOCAL PLANNING AGENCY**

**By unanimous consent, the city commission recessed its meeting at 6:03 p.m. to the Local Planning Agency meeting and reconvened at 6:06 p.m.**

**4. CONSENT AGENDA**

**(a) Approval of Minutes**

July 11, 2019 regular meeting minutes as submitted.

- (b) **Resolution 2019-033 Planning and Zoning Chair and Vice Chair**  
ADOPT RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PLANNING AND ZONING BOARD CHAIR AND VICE-CHAIRMAN SELECTION FOR FISCAL YEAR 2019/2020; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION: 6:06:02 PM On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda as previously cited.**

**5. REGULAR AGENDA**

- (a) **Resolution 2019-035 - Recreation Fee Schedule**  
Ms. Geraci-Carver read into the record proposed Ordinance 2019-035, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING FEES FOR "ALL SPORTS", BOTH FOR RESIDENTS AND NON-RESIDENTS; PROVIDING FOR REPEAL, AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION: 6:06:24 PM After discussion, a motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission adopt Resolution 2019-035 as previously cited.**

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

- (b) **Resolution 2019-034 Proposed Millage Rate - FY 2019-20**  
Ms. Geraci-Carver read into the record proposed Ordinance 2019-034, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A NOT TO EXCEED MILLAGE RATE OF 3.9134 LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2019-2020 AND SETTING THE DATE, TIME AND PLACE OF PUBLIC HEARING ON THE BUDGET FOR FISCAL YEAR 2019-2020; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION: 6:09:38 PM A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2019-034 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 for this evening's meeting.**

**(c) Second Reading and Public Hearing – Ordinance 2019-010 Restructure Water Utility Rates**

It now being the time advertised to hold a public hearing, and after Ms. Geraci-Carver read into the record proposed Ordinance 2019-010, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AMENDING SECTION 99.60 IN CHAPTER 50 OF THE FRUITLAND PARK CODE OF ORDINANCES TO RESTRUCTURE AND ADJUST THE WASTEWATER UTILITY RATES BASED ON THE RECOMMENDATIONS FROM THE UTILITY RATE STUDY DATED JUNE 13, 2019 AND PREPARED BY BRYAN MANTZ; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.  
(The first reading was held on July 11, 2019.)

**ACTION: 6:12:22 P.M. After extensive discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian, that the city commission enact Ordinance 2019-010, as previously cited, to become effective immediately as provided by law with the water rate adjustments to be implemented July 26, 2019 and agreed to review the recommended changes in one year.**

Mayor Cheshire explained the purpose of the subject proposed ordinance, in response to a question posed by Mr. Lorenzo Coleman, City of Fruitland Park resident.

**By unanimous consent, Mayor Cheshire closed the public hearing.**

**After discussion, Mayor Cheshire called for a roll call vote on the motion with the city commission members voting as follows:**

<b>Commissioner Mobilian</b>	<b>Yes</b>
<b>Commissioner Bell</b>	<b>No</b>
<b>Commissioner DeGrave</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>Yes</b>

**The motion was declared carried on a three to one (3-1) vote.**

**(d) Second Reading and Public Hearing – Ordinance 2019-011 Restructure Wastewater Utility Rates**

It now being the time advertised to hold a public hearing, and after Ms. Geraci-Carver read into the record proposed Ordinance 2019-011, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 99.60 IN CHAPTER 50 OF THE FRUITLAND PARK CODE OF ORDINANCES TO RESTRUCTURE AND ADJUST THE WASTEWATER UTILITY RATES BASED ON THE RECOMMENDATIONS FROM THE UTILITY RATE STUDY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on July 11, 2019.)

**ACTION: 6:25:59 P.M. A motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission enact Ordinance 2019-011, as previously cited, to become effective immediately, as provided by law with the wastewater rate adjustments to be implemented July 26, 2019.**

There being no comments 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 with the city commission members voting as follows:

<b>Commissioner Bell</b>	<b>No</b>
<b>Commissioner DeGrave</b>	<b>Yes</b>
<b>Commissioner Mobilian</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>Yes</b>

**The motion was declared carried on a three to one (3-1) vote.**

**END OF PUBLIC HEARING**

**QUASI-JUDICIAL PUBLIC HEARING**

**(e) Quasi-Judicial Public Hearing – First Reading - Ordinance 2019-006 – Rezoning – Petitioner: City of Fruitland Park**

It now being the time advertised to hold a public hearing, and after Ms. Geraci-Carver read into the record proposed Ordinance 2019-006, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 3+/- ACRES OF PROPERTY OWNED BY THE CITY OF FRUITLAND PARK FROM RESIDENTIAL PROFESSIONAL TO PUBLIC FACILITIES DISTRICT WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on August 8, 2019.)

**ACTION: 6:27:26 PM After discussion, a motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission approve the LPA's recommendation to approve proposed Ordinance 2019-006, as previously cited.**

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

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

**END OF QUASI-JUDICIAL PUBLIC HEARING**

**6. OFFICERS' REPORTS**

**(a) City Manager**

**i. Economic Development Status Update**

Mr. La Venia reported that Benchmark Development I LLC has entered into an agreement with The School Board of Lake County to purchase approximately 27 acres of school board property (Leesburg High Ag Farm) in the city bordering Sumter and Lake County Lines; noted the due diligence period and described the respective development company.

**ACTION: 6:29:10 PM For informational purposes.**

ii. **Public Safety Building**

Mr. La Venia addressed his preference to commence with the conceptual plan to proceed with a design-build contract for the new public safety building as a cost-effective method.

ACTION: 6:30:00 PM Upon Commissioner DeGrave's suggestion and **by unanimous consent the city commission authorized the city manager to proceed with the design-build contract for the new public safety building.**

iii. **Water and Wastewater Impact Fees**

Recognizing the completion of the Utility Rate Study and with reference to the recommended findings, Ms. Geraci-Carver concurred with Mr. La Venia's suggestion for a resolution to be drafted by the next meeting to adjust the water and wastewater impact fees similar to the charges imposed by the Town of Lady Lake noting the city's charging growth to be less than its cost for wastewater capacity.

ACTION: 6:31:43 PM After discussion and **by unanimous consent and upon the city manager's recommendation, the city commission directed the city attorney to draft a resolution relating to the water and wastewater impact fees and agreed to address the recapturing of pioneering agreements for the next meeting.**

(b) **City Attorney**

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

Ms. Geraci-Carver stated that she has no updates on the notice of claim for Mr. James Hartson.

ACTION: 6:35:50 PM No action was necessary.

ii. **Notice of Claim – Michael Fewless**

Ms. Geraci-Carver announced the favorable result received from the hearing against the State of Florida Department of Management Services, Division of Retirement, Florida Retirement System and addressed her plan to communicate with Mr. La Venia to contact Mr. Glenn E. Thomas, Attorney with Lewis, Longman & Walker, P.A., on behalf of the city – regarding the city receiving a refund after the appeal period has expired.

ACTION: 6:35:57 PM No action was necessary.

iii. **Burke's Bar-B-Q Company**

Ms. Geraci-Carver addressed her intent to finalize the filing of the complaint (service of summons) against to Mr. T. D. Burke, Burke's Bar B

Q Company and indicated that as she heard that the Burke's property was sold, she would check the public records land sale and report back to the city commission.

ACTION: 6:36:10 PM No action was necessary.

**6. PUBLIC COMMENTS**

Mr. Carl Yauk, City of Fruitland Park Villages of Fruitland Park (Pine Hills) resident, referred to the informative publication provided to area residents served by The City of Leesburg's Electric Department that he received this day where he believed that the City of Fruitland Park has not published anything similar and questioned whether the city commission has considered incorporating, as a joint effort comparable monthly mailings to include issues such as position openings, billing bulk rates, and so forth.

Mr. Yauk reported that he witnessed earlier this day along the CR 466A sidewalks./roadway improvements near the US Post Office an encounter a child accompanied with a young family, who experienced a near collision with a motorist when he fell off his bike. He addressed the need to finalize the completion of sidewalks in the area for the pedestrians' safety.

ACTION: 6:37:33 PM No action was taken.

**7. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

Commissioner Mobilian reported on the successful July 19, 2019 Fruitland Park Library Grand Opening event.

ACTION: 6:30:39 PM No action was necessary.

**(b) Commissioner DeGrave**

Commissioner DeGrave echoed Commissioner Mobilian's statements regarding the July 19, 2019 Fruitland Park Library Grand Opening.

ACTION: 6:04 :07 PM No action was necessary.

**(c) Commissioner Bell**

In concurrence, Commissioner Bell commended staff for a job well done at the July 19, 2019 Fruitland Park Day Grand Opening.

ACTION: 6:40:32 PM No action was necessary.

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

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

ACTION: 6:40:32 PM No action was necessary.

**8. MAYOR'S COMMENTS**

**Dates to Remember**

- July 29, 2019, Lake County Parks and Trails Advisory Board Special Meeting, Office of Parks and Trails Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.  
Commissioner Bell announced that the city's Northwest Lake Community Park will be considered on the Trails Advisory Board's meeting agenda to which Mr. La Venia recognized that Mr. Bogle and Parks and Recreation Director Michelle Yoder will be planning to attend.
- August 5, 2019, Lake County Arts and Cultural Alliance, Agency for Economic Prosperity, 20763 U.S. Highway 27, Groveland, Florida 34736 at 3:00 p.m.;
- August 5, 2019, Lake County Arts and Cultural Alliance, Agency for Economic Prosperity, 20763 U.S. Highway 27, Groveland, Florida 34736 at 3:00 p.m.;
- August 5-7, 2019, City Commission Meeting Workshops at 6:00 p.m.;;  
Mayor Cheshire encouraged the city commission to address their inquiries in advance with Mr. La Venia prior to reviewing the FY 2019-20 Budget and the LDRs for workshop on August 10, 2019;
- August 8, 2019, City Commission Meeting Regular at 6:00 p.m.;
- August 9, 2019, LCLC, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m. – Cancelled;
- August 9, 2019, Movie on the Lawn *Shazam*, outside City Hall at 7:00 p.m.;
- August 10, 2019, City Commission Workshop at 9:00 a.m.;
- August 13, 2019, Parks, Recreation and Trails Advisory Board Infrastructure Sales Tax Budget Workshop, Office of Parks and Trails Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;
- August 15-17, 2019, Florida League of Cities 93<sup>rd</sup> Annual Conference, Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida 32821 at 7:30 a.m.;
- August 22, 2019, City Commission Meeting Regular at 6:00 p.m.;
- August 27, 2019, Parks, Recreation and Trails Advisory Board Infrastructure Sales Tax Public Hearing, Office of Parks and Trails Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m. and
- August 28, 2019, Lake-Sumter Metropolitan Planning Organization (MPO), Governing Board Meeting, MPO Office, Suite 217, 225 W. Guava Street Lady Lake, Florida 32159 at 2:00 p.m.



ACTION: 6:41:11 PM No action was necessary.

9. **ADJOURNMENT**

**There being no further business to come before the city commission, the meeting adjourned at 6:46 p.m.**

The minutes were approved at the August 8, 2019 regular meeting.

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

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