

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES**

**August 8, 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, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Patrick DeGrave and John Mobilian,

**Also Present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver; Police Chief Erik Luce; Interim Fire Chief Donald Gilpin and Firefighter Madison Leary, Fire Department; Public Works Director Dale Bogle; Community Development Director Tracy Kelley; Human Resources Director Diana Kolcun, City Treasurer Jeannine Racine and City Clerk Esther B. Coulson.

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

**ACTION:** 6:00:00 PM Mayor Cheshire called the meeting to order, Associate Pastor Reverend C. J. Hill, Community United Methodist Church, gave the invocation, and Chief Luce led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

**ACTION:** 6:01:15 PM At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present.

On behalf of the city commission, Mayor Cheshire welcomed Associate Pastor Hill and his family to the city.

**3. CONSENT AGENDA**

**Approval of Minutes**

July 25, 2019 regular meeting minutes.

**ACTION:** 6:01:29 PM **On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda as previously cited.**

**4. REGULAR AGENDA**

**QUASI-JUDICIAL PUBLIC HEARING**

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

**Quasi-Judicial Public Hearing – Second 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 first reading was held on July 25, 2019.)

**ACTION: 6:01:40 PM A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission enact Ordinance 2019-006, as previously cited, to become effective immediately as provided by law.**

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**

**- Benchmark Development**

Mr. La Venia reported that a meeting has been scheduled for August 12, 2019 with Benchmark Development I LLC regarding the process to proceed with the purchase of the approximately 27-acre Lake County School Board property.

- **Florida Medical Industries Inc.**

Mr. La Venia noted the asbestos abatement procedures undertaken by Mr. Michael “Mike” Whiting, the first lien holder on Florida Medical Industries Inc. (the glass thermometer manufacturing company) before acquiring demolition permits for the structures located on US Highway 27/441.

After Mr. La Venia relayed Mr. Whiting’s agreement on the city’s waiver of the \$2,300 in legal fees; Ms. Geraci-Carver confirmed that the city commission would have the authority to consider authorizing the reduction in question if it has not transferred as a lien on the property and noted that pre-liens are heard before the special magistrate.

ACTION: 6:02:59 PM and 6:11:03 PM :For informational purposes.

(b) **City Attorney**

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

Ms. Geraci-Carver did not address the notice of claim for Mr. James Hartson.

ACTION: 6:04:38 PM No action was necessary.

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

Ms. Geraci- Carver reported that she will not resubmit the previous request to the State of Florida Department of Management Services, Division of Retirement, Florida Retirement System (FRS), to return the funds paid by the city until she receives the outcome of the current appeal process that the decision against FRS is overturned and indicated that she will keep the city commission informed after the time period has lapsed.

ACTION: 6:04:38 PM and 6:35:57 PM No action was necessary.

iii. **Burke’s Bar-B-Q Company**

Ms. Geraci-Carver confirmed that Burke’s Bar-B-Q Company (restaurant business) has closed; requested city commission direction as the April 18, 2012 Developer Agreement was recorded in the Lake County Public Records and noted the inability for anyone to reopen the property without initially meeting the compliance requirements to reconnect to the city’s water and wastewater utility services. She addressed her intent to report back to the city commission on the status of the county’s public records land sale and the deed transfer title for the subject property.

ACTION: 6:12:12 PM and 6:30:39 PM. After much discussion and upon the suggestion of Commissioner DeGrave, **the city commission, by unanimous consent, authorized the city attorney to proceed with the**



**process to serve Mr. T. D. Burke, Burke's Bar-B-Q Company, for failure to respond to April 18, 2012 Developer Agreement.**

**7. PUBLIC COMMENTS**

At Mr. La Venia's request, Messrs. Jon Riviera and Travis Childers, Public Risk Management of Florida (PRM), gave self introductions.

Upon Mayor Cheshire's suggestion and **by unanimous consent, the city commission waived its three-minute right to be heard rule under Resolution 2013-023 Public Participation Policy.**

Messrs. Riviera and Childers gave an historical overview of PRM's Property and Casualty Insurance and its coverages proposed for FY 2019-20 and outlined the membership, loss control assistance services, and the costs savings involved with municipalities they represent. (A copy of the proposal is filed with the supplemental papers to the minutes of this meeting.)

**ACTION: 6:13:08 PM** Upon Commissioner DeGrave's suggestion and **by unanimous consent, the city commission appointed the city manager to serve as a member representing the city to attend PRM's Property and Casualty Insurance periodical board meetings.** (The city manager will submit the proposal for the city commission's consideration at the August 22, 2019 regular meeting.)

**(a) Commissioner Mobilian**

Commissioner Mobilian stated that he has no comments at this time.

**ACTION: 6:31 :51 PM** No action was necessary.

**(b) Commissioner DeGrave**

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

**ACTION: 6:31:55 PM** No action was necessary.

**(c) Commissioner Bell – Parks, Recreation and Trails Advisory Board**

Commissioner Bell referred to the Dates to Remember under Agenda Item 8 recognizing the meeting of the August 13, 2019 Lake County Parks, Recreation and Trails Advisory Board Infrastructure Sales Tax Budget Workshop to be held at Office of Parks and Trails Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m. In response, Mr. La Venia confirmed his plan together with Mr. Bogle and Parks and Recreation Director Michelle Yoder to attend.

**ACTION: 6:31:58 PM** No action was necessary.

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

Vice Mayor Gunter referred to the television news broadcast during the week regarding a blind person (attempting to order a pizza) who brought a lawsuit against Domino's Pizza whose website is not accessible under the 1990 Americans with

Disabilities Act (ADA) and the petition filed referencing that brick-and-mortar establishments qualifying as public accommodations under Title III makes no reference about accessible websites which did not exist when the act was passed.

ACTION: 6:32:18 PM No action was necessary.

## 8. MAYOR'S COMMENTS

### **Dates to Remember**

Mayor Cheshire announced the following events:

- 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.;
- 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.;
- September 2, 2019, Labor Day Holiday, city hall closed;
- September 5, 2019, City Commission Special Meeting at 6:00 p.m.;
- September 19, 2019 Village Institute of Plastic Surgery Grand Opening Ribbon-Cutting, 607 CR 466A, Fruitland Park, Florida 34731 at 3:00 p.m.;
- September 19, 2019, City Commission Special Meeting at 6:00 p.m., and
- October 2, 2019, 2019 Sponsor's Night, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 TBD.

**ACTION:** 6:33:12 PM and 6:34:15 PM. **By unanimous consent and upon Mayor Cheshire's suggestion, the city commission agreed to commence its September 19, 2019 special meeting at 6:30 p.m., immediately following the Planning and Zoning Board at 6:00 p.m.**

**9. ADJOURNMENT**

**There being no further business to come before the city commission, the meeting adjourned at 6:36 p.m.**

The minutes were approved at the August 22, 2019 regular meeting.

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

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