

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES  
August 27, 2020**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, August 27, 2020 at 6:00 p.m.

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

**Member Absent:** Commissioner John Mobilian.

**Also Present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Sergeant Public Works Director Robb Dicus; Commission District 4 Candidate Andrew LoFaro Deputy City Clerk Jabari Hopkins, and City Clerk Esther B. Coulson.

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

**ACTION:** 6:00 p.m. After Mayor Cheshire called the meeting to order, Pastor Shannon Back, Village Park Campus First Baptist Church, gave the invocation, and Police Chief Luce led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

**ACTION:** 6:01:48 p.m., 6:02:00 p.m. and 6:02:43 p.m. After Mayor Cheshire requested that Ms. Coulson called the roll, where a quorum was declared present, he announced the decorum for this evening's meeting.

**By unanimous consent, the city commission excused the absence of Commissioner John Mobilian from this evening's meeting.**

**By unanimous consent, the city commission accepted the following changes to this evening's agenda:**

**Item 4.(c) Resolution 2020-038, Minor Site Plan**  
**Amend to read *City Commission of Fruitland Park* and not the *Town Council of the Town of Mountverde*.**

**and**

**Item 4.(e) Ordinance 2020-008 Form Board Survey**  
**Revised to accept the Planning and Zoning Board's recommendation to include the revised language (reviewed and approved by the city attorney) under subsection 6(f)1. to read:**

*In residential developments of 10 lots or more, Permit holder shall engage a certified surveyor to produce a form board survey (or foundation survey; depending on*

*construction design) to verify the project is consistent with the City approved site plan/survey (plot plan).*

**3. CONSENT AGENDA**

**(a) Approval of Minutes**

August 3, workshop  
August 13, 2020 regular

**(b) Resolution 2020-043 - P&Z Board Chair and Vice Chair**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PLANNING AND ZONING BOARD CHAIR AND VICE-CHAIRMAN SELECTION FOR THE REMAINDER OF FISCAL YEAR 2019/2020 AND FISCAL YEAR 2020/2021; PROVIDING FOR AN EFFECTIVE DATE. (Adopted with the appointments of Albert Goldberg as Chair and Daniel Dicus as Vice Chair.)

**(c) Resolution 2020-044 - P&Z Board Member Reappointment**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE CITY OF FRUITLAND PARK PLANNING AND ZONING BOARD; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE. (Adopted with the reappointment of Albert Goldberg.)

**ACTION:** 6:03:16 p.m. **On motion of Commissioner Bell, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the consent agenda as previous cited.**

**4. REGULAR AGENDA**

**(a) Resolution 2020-052 - SRF Design Loan Authorization Application**

Ms. Geraci-Carver read into the record the title of Resolution 2020-052, the substance of which is as follows:

A RESOLUTION OF CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT A LOAN APPLICATION PURSUANT TO THE STATE REVOLVING FUND LOAN PROGRAM; APPLYING FOR A LOAN IN THE AMOUNT OF \$85,000.00 LESS 70% OR \$59,900 OF PRINCIPAL FORGIVENESS, EXCLUDING CAPITALIZED INTEREST, PAYABLE OVER A 20-YEAR PERIOD FOR PLANNING FUNDS FOR POINT SOURCE WATER POLLUTION CONTROL (DESIGNATED AS PROJECT WW35082); DESIGNATING AUTHORIZED REPRESENTATIVES;



PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

**ACTION:** 6:03:54 p.m. After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission adopt Resolution 2020-052 as previously cited.

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

**(b) Resolution 2020-037 Declaration of Unity of Title – Petitioner: Community United Methodist Church of Fruitland Park Inc.**

Ms. Geraci-Carver read into the record the title of Resolution 2020-037, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF UNITY OF TITLE UNIFYING AS AN INDIVISIBLE BUILDING SITE, TWO PROPERTIES LOCATED AT 404 WEST FOUNTAIN STREET AND 309 COLLEGE AVENUE, FRUITLAND PARK, FLORIDA, OWNED BY COMMUNITY UNITED METHODIST CHURCH OF FRUITLAND PARK, INC. AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER AS ALTERNATE KEY NUMBER 1639409 AND ALTERNATE KEY NUMBER 1248329; PROVIDING FOR A DECLARATION OF UNITY OF TITLE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:06:58 p.m. After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission adopt Resolution 2020-037 as previously cited.

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

**(c) Resolution 2020-038 Minor Site Plan – Petitioner: Community United Methodist Church of Fruitland Park Inc.**

Ms. Geraci-Carver read into the record the title of Resolution 2020-038, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING MINOR SITE PLAN APPROVAL TO ALLOW FOR USE OF AN EXISTING CHURCH BUILDING OWNED BY COMMUNITY UNITED

METHODIST CHURCH OF FRUITLAND PARK, INC. AS A CHURCH OWNED FOOD PANTRY; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:09:15 p.m. After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission adopt Resolution 2020-038 as previously cited.

**An amended motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission adopt the previously cited Resolution 2020-038 as corrected to read: *City Commission of Fruitland Park and not the Town Council of the Town of Mountverde.***

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

### QUASI-JUDICIAL PUBLIC HEARING

**(d) First Reading and Quasi-Judicial Public Hearing - Resolution 2020-039 Variance Request – Setback Standards – Petitioner: S. Rector**

After Ms. Geraci-Carver read into the record the following title of Resolution 2020-039, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATION (LDR) REQUIREMENTS PERTAINING TO SETBACK STANDARDS FROM 15' TO 5', ON THE SUBJECT PROPERTY LOCATED SOUTH OF CR 466A AND WEST OF NORTH VALLEY ROAD AND OWNED BY SAMUEL RECTOR, PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE.

At Mayor Cheshire's request, Vice Mayor Gunter disclosed ex-parte communications he recently had on two occasions with Mr. Samuel Rector, the petitioner and City of Fruitland Park resident, regarding the variance process and the reasons for proposing the subject project.

Commissioner Bell disclosed the previous telephone conversations he had with Mr. Rector approximately a few months ago regarding the city commission's consideration of the subject item on this evening's agenda; thus, the need for him to disclose same; Mr. Rector's plans on the subject proposed variance request; and his suggestion relaying that he communicate with Ms. Kelley and Mr. Greg Believeau, LPG Urban Planners Inc. (consultant retained by the city), on the subject issue.



Ms. Geraci-Carver administered the oath by swearing in the following individuals who intended to testify at this evening's proceedings:

- Mr. Beliveau who relayed the August 20 P&Z Board's recommendation of approval and reasons for staff's similar recommendation; gave a background of the subject variance request, and pointed out the August 18, letter regarding the verification for the new as-built plans as well as photographs of the subject property provided prior to the August 20, 2020 P&Z Board meeting; copies of which are filed with the supplemental papers to the minutes of this meeting.
- Mr. Rector who addressed the elevation issues, the construction plans without applying for a permit (deemed in order by the late building official) where it subsequently did not meet compliance and the current acceptance of the proposed variance during the application process by the present building official.
- Mr. Danny Bass, Building Official retained by the city, who outlined his concurrence with Mr. Rector's testimony.

**ACTION:** 6:10:49 p.m. After discussion, a motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2020-039.

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

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

## **END OF QUASI-JUDICIAL PUBLIC HEARING**

### **PUBLIC HEARING**

**(e) Public Hearing - Ordinance 2020-008 Form Board Survey**

After Ms. Geraci-Carver read into the record the following title of proposed Ordinance 2020-008, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO BUILDING REGULATIONS; UPDATING REFERENCES TO THE FLORIDA BUILDING CODE WITHIN CHAPTER 161 OF THE CITY OF FRUITLAND PARK LAND DEVELOPMENT CODE TO THE MOST RECENT VERSION OF THE FLORIDA BUILDING CODE; AMENDING SECTION 161.010(b) OF THE LAND DEVELOPMENT CODE BY ADOPTING CERTAIN AMENDMENTS TO THE FLORIDA BUILDING CODE; DIRECTING THE CITY MANAGER TO TRANSMIT THE AMENDMENTS TO THE FLORIDA

BUILDING COMMISSION AS REQUIRED BY STATUTE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on September 10, 2020.)

Mayor Cheshire announced the revisions, if accepted by the city commission, to include the P&Z Board's recommendation, as reviewed and approved by the city attorney, under subsection 6(f)1. to read:

*In residential developments of 10 lots or more, permit holder shall engage a certified surveyor to produce a form board survey (or foundation survey; depending on construction design) to verify the project is consistent with the city approved site plan/survey (plot plan).*

ACTION: 6:28:11 p.m. After extensive discussion, **a motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission approve the revised Ordinance 2020-008 as previously cited.**

Mr. Al Goldberg, City of Fruitland Park resident, cited reasons in support of the proposed ordinance.

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

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

#### END OF PUBLIC HEARING

### 5. OFFICERS' REPORTS

#### (a) City Manager

##### i. Economic Development Status Update

Mr. La Venia recognized the impending commercial development proposed projects.

ACTION: 6:42:16 p.m. No action was necessary.

##### ii. COVID-19 Status Update

Mr. La Venia reported that the Fruitland Park Elementary School students returned back to school on Monday, August 24, 2020. He announced the recommendation for face masks (available for patrons) to be worn at the library.

ACTION: 6:42:31 p.m. For informational purposes.

**iii. City Clerk**

Mr. La Venia referred to the city commission's direction at its August 3, 2020 workshop meeting and his memorandum dated August 13, 2020 regarding the city clerk's wages; a copy of which is filed with the supplemental papers to the minutes of this meeting.

**ACTION:** 6:43:13 p.m. **On motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission accepted the city manager's recommendation for an additional \$2.00 per hour. (To be effective October 1, 2020.)**

**(b) City Attorney**

**i. City of Fruitland Park v. T. D. Burke**

Ms. Geraci-Carver referred to the August 25, 2020 order on the motion for final summary judgement for the defendant, Mr. T. D. Burke, which was denied; therefore, the case in question will continue to proceed.

**ACTION:** 6:44:03 p.m. No action was necessary.

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

Ms. Geraci-Carver announced that an update was received on August 25, 2020 from Attorney Glenn E. Thomas, Lewis Longman & Walker, regarding the State of Florida Department of Management Services (Michael Fewless); noted that the order for the administrative hearing to be held virtually, was rescheduled to October 26 to October 28, 2020 and indicated that staff will be working on the discovery requests.

**ACTION:** 6:44:20 p.m. No action was necessary.

**iii. Michael and Laurie Fewless v. City of Fruitland Park**

Ms. Geraci-Carver did not address the Michael and Lauri Fewless case.

**ACTION:** 6:44:45 p.m. No action was taken.

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

Ms. Geraci-Carver did not address the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026.

**ACTION:** 6:44:45 p.m. No action was taken.

**6. PUBLIC COMMENTS**

Mr. Vance Jochim, City of Tavares resident, addressed the attempts made to retrieve the city commission's meeting agenda from the city's website; expressed his disagreement in



accessing same through another source and suggested another method to obtain the documents. In acknowledging the issues relating to COVID-19 and the Americans with Disabilities Act website accessibility, he noted the inability and difficulty in locating the annual comprehensive annual financial report as well as the proposed FY 2020-21 budget online.

After Mr. La Venia responded to Mr. Jochim's problem by announcing the recent procurement of microphones, he voiced his concerns for transparency and recommended that the city commission explore the conduct of the P&Z Board meetings by video.

ACTION: 6:44:53 p.m. No action was necessary.

**7. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

Commissioner Mobilian was absent from this evening's meeting.

ACTION: 6:48:30 p.m. No action was necessary.

**(b) Commissioner DeGrave**

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

ACTION: 6:48:33 p.m. No action was necessary.

**(c) Commissioner Bell**

Commissioner Bell requested that he be excused as he will not be present at the September 10, 2020 regular meeting.

ACTION: 6:48:35 p.m. **By unanimous consent, the city commission accepted Commissioner Bell's request.**

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

Vice Mayor Gunter stated that he has no comments at this time.

ACTION: 6:48:49 p.m. No action was necessary.

**8. MAYOR'S COMMENTS - DATES TO REMEMBER**

Mayor Cheshire announced the following events:

- September 7, 2020 City Hall Closed, Labor Day;
- September 10, 2020 City Commission Meeting regular at 6:00 p.m.;
- September 11, 2020, *Lake County School Superintendent School Reopening*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- September 17, 2020 City Commission/P&Z Board Joint Workshop Meeting at or around 6:30 p.m. immediately after the conclusion of the Planning and Zoning Board Meeting at 6:00 p.m.;



- September 19, 2020 Fruitland Park Astronomy Group, Northwest Lake Community Park Multipurpose Soccer Field, 300 Shiloh Street, Fruitland Park, Florida 34731 at 8:00 p.m., and
- September 24, 2020 City Commission Meeting regular at 6:00 p.m.,

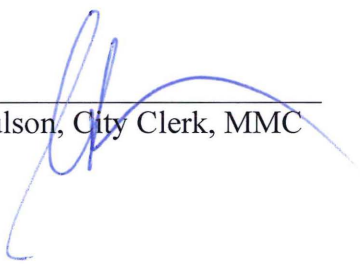
**ACTION:** 6:48:55 p.m. **By unanimous consent, the city commission approved holding a special city commission meeting on November 5, 2020 at 6:00 p.m.**

**9. ADJOURNMENT**

**There being no further business to come before the city commission, the meeting adjourned at 6:50 p.m.**

The minutes were approved at the September 10, 2020 regular meeting.

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



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

