

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES  
September 24, 2020**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, September 24, 2020 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; City Treasurer Jeannine Racine; Lieutenant Henry Rains and Officer David Hoover, Police Department, Community Development Director Tracy Kelley; 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 Chuck Padgett, Trinity Assembly of God, gave the invocation and Lieutenant Rains led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

**ACTION:** 6:04:50 p.m. After Mayor Cheshire requested that Ms. Coulson called the roll, where a quorum was present, he outlined the decorum for this evening's meeting.

**3. CONSENT AGENDA**

**(a) Approval of Minutes**

September 10, 2020 regular meeting minutes.

**(b) Resolution 2020-042 Centennial Celebration Fund Event FYs 2020-21-2024-25**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CREATING A RESTRICTED FUND FOR THE PURPOSE OF RECEIVING FUNDS FOR THE 100-YEAR CENTENNIAL CELEBRATION OF THE CITY OF FRUITLAND PARK; PROVIDING FOR DIRECTIONS AND FUNDING; PROVIDING FOR THE FUND TO SUNSET; AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:05:54 p.m. **On motion of Commissioner Mobilian, seconded by Commissioner Bell and unanimously carried, the city commission approved the consent agenda as previously cited.**

**4. REGULAR AGENDA**

**(a) Professional Grant Writing Services RFQ 2020-02 Proposals Presentations**

**i. Liberty Partners of Tallahassee LLC**

With respect to RFQ 2020-02 Professional Grant Writing Services, Mses. Melanie S. Bostick and Katie Taff, Liberty Partners of Tallahassee

LLC, gave a power-point presentation on the firm's proposal; a copy of which is filed with the supplemental papers to the minutes of this meeting.

**ii. Guardian Community Resource Management Inc.**

After Mr. La Venia gave reasons why Mr. J. Corbett Alday, Guardian CRM Inc., would not be present at this evening's meeting, he relayed the possibility of him giving a presentation at the October 8, 2020 regular meeting.

ACTION: 6:06:20 p.m. No action was taken.

**(b) Resolution 2020-059 Engineering-Surveying Services Contract Assignment Letter - BESH/Halff Associates Inc.**

Ms. Geraci-Carver read into the record the following title of proposed Resolution 2020-059:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE ASSIGNMENT LETTER CONSENTING TO THE ASSIGNMENT OF AGREEMENT DATED OCTOBER 27, 2011 FROM BESH INC. TO HALFF ASSOCIATES, INC. FOR ENGINEERING AND SURVEYING SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:29:43 p.m. After discussion, **a motion as made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission adopt Resolution 2020-059 as previously cited.**

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

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

**PUBLIC HEARING**

**(c) Second Public Hearing - Resolution 2020-060 - FY 2020-21 Final Millage**

Mayor Cheshire announced that the City of Fruitland Park is prepared to set the final adopted millage rate of 3.9134 which is a 3.64% increase over the roll-back rate of 3.7760; indicated that the millage rate of 3.9134 mills is the same rate as the last two years and explained that the ad valorem increase is due to an increase in the taxable value generated by new developments.

It now being the time advertised to hold a public hearing to consider the adoption of proposed Resolution 2020-060, after Ms. Geraci-Carver read into the record the following title, 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 THE CITY OF FRUITLAND PARK FOR FISCAL YEAR 2020-2021; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:31:51 p.m. **A motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission adopt Resolution 2020-060 as previously cited.**

Mr. Carl Yauk, The Villages of Fruitland Park (VOFP) Pine Hills resident, questioned: the following:

- the inclusion of police department body cams in the budget;
- retaining the same millage rate;
- revealing and explaining specific increases in annual line items;
- showing when expense reduction will occur;
- noting the lack of solar panels on roofs to reduce energy costs; implementing a multi-year contract with the City of Leesburg and working with Leesburg Electric;
- the city commission's action on the 25% increase per annum for three years for water and wastewater earmarked for specific areas which ought to be self-supporting;
- the two electrical taxes; namely, eight percent franchise fee multi-year agreement and the need for the 10% tax (\$1.1 million);
- the plans for making the city appealing to live, work and visit, and
- the enforcing the city's building codes.

After Ms. Jean A. Kestner and Mr. Michael Fueller, VOFP Pine Hills residents, appeared citing reasons objecting to proposed Resolution 2020-060, Mayor Cheshire suggested that they meet with Mr. La Venia and Ms. Racine in this regard and outlined the city's annual budget process.

**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.**

**(d) Second Public Hearing - Resolution 2020-061- FY 2020-21 Adopted Budget**

It now being the time advertised to hold a public hearing to consider the adoption of proposed Resolution 2020-061, 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, LAKE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2020-21; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION: 6:44:21. There being no one from the public and by unanimous consent, Mayor Cheshire closed the public hearing.**

**A motion was made by Commissioner Bell and seconded by Commissioner Mobilian that the city commission adopt Resolution 2020-061 as previously cited.**

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

**(e) Resolution 2020-057 – Declaration of Unity of Title – Sunset Way – Petitioner: Dream Lake Properties LLC**

It now being the time advertised to hold a public hearing to consider the adoption of proposed Resolution 2020-057, Ms. Geraci-Carver read the following title into the record and Mayor Cheshire called for interested parties to be heard:

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 ON SUNSET WAY, FRUITLAND PARK, FLORIDA, OWNED BY DREAM LAKE PROPERTIES, LLC AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER AS ALTERNATE KEY NUMBER 3619218 AND ALTERNATE KEY NUMBER 1431638; 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: 6:45:20 p.m. After Greg Beliveau, LPG Urban and Planning Inc., described the proposed resolution, a motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission adopt Resolution 2020-057 as previously cited.**

Mr. Carlisle Burch, City of Fruitland Park resident, voiced his support of the proposed item provided that the petitioner adheres to the current zoning designation.

**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.**

### QUASI-JUDICIAL PUBLIC HEARING

**(f) First Reading and Public Hearing – Ordinance 2020-008 Rezoning –  
Petitioner: Dream Lake Properties LLC**

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.20± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF FOREST STREET AND EAST OF SOUTH DIXIE AVE. FROM SF MEDIUM DENSITY (R-2) TO THE DESIGNATION OF RESIDENTIAL PROFESSIONAL (RP) 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; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER’S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on September 24, 2020.)

**ACTION: 6:50:45 p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission approve proposed Ordinance 2020-009 (and not “2020-008”) as previously cited and accepted the city attorney’s recommendation to change the first “whereas” clause to include “. . . a petition has been submitted by Terry Ross . . . as an applicant” and remove “Rachel . . . as applicants”.**

Ms. Geraci-Carver swore-in Mr. Beliveau, who testified describing the subject proposed project and gave a report on the responses received from 76 notification letters sent on August 5, 2020 to the surrounding property owners (five in opposition, one non-opposed, and six marked *undeliverable*).

At Mayor Cheshire’s request on the disclosure of ex-parte communication, Commissioner DeGrave confirmed that he recently visited the subject property.

In pointing out the definition of the proposed use already established in the comprehensive plan, Mr. Burch recalled the city commission's previous disdain for duplexes which was subsequently approved; recognized the subject community's improvement to its historical structures, and voiced concerns on the potential implications if the planned duplexes are not maintained; thus, he relayed the residents' opposition to the subject item.

**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**

#### **NEW BUSINESSES**

**By unanimous consent and upon Mayor Cheshire's suggestion, the city commission accepted staff's request to add the following item and consider same on this evening's agenda.**

#### **Resolution 2020-058 Minor Site Plan - Petitioners: Eustis Roofing Company Inc. and Driven Investors LLC**

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record proposed Resolution 2020-058, 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 THE IMPROVED REAL PROPERTY OWNED BY 'DRIVEN INVESTORS LLC FOR OPERATION OF A ROOFING COMPANY INCLUDING OFFICE AND WAREHOUSE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

After Mr. Beliveau described the subject proposed application and conveyed the recommendations of approval from staff and the Planning and Zoning Board, Mr. Jason R. Reisman, Eustis Roofing Company Inc., outlined the intended use of the property; noted the improvements made at its Tavares location, and addressed the clientele to be served.

**ACTION:** 7:00:46 p.m. There being no comments from the public, **by unanimous consent, Mayor Cheshire closed the public hearing.**

**A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2020-058 as previously cited.**

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

**END OF PUBLIC HEARING**

**5. OFFICERS' REPORTS**

**(a) City Manager**

**i. Economic Development Status Update**

Mr. La Venia had nothing to report on economical development at this time.

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ACTION: 7:06:47 p.m. No action was necessary.

**ii. COVID-19 Status Update**

Mr. La Venia explained that due to the Coronavirus Disease-19 (COVID-19), the city will not be scheduling and hosting public events until February 2021.

Mr. La Venia relayed Parks and Recreation Director Michelle Yoder's discussions with faith-based organizations to host a Drive-By *Trunk or Treat* Event scheduled for Friday, October 23, 2020 at Northwest Lake Community Park formally known as the Cales Memorial Complex.

Later in the meeting, Mr. La Venia described the October 31, 2020 Halloween activities, addressed at the September 10, 2020 regular meeting, which will not be sponsored by the city but monitored by the police department. He indicated that the Fruitland Park Elementary School faculty staff and Operation Bless Fruitland Park will be notified of same.

ACTION: 7:06:47 p.m. and 7:10:37 p.m. **By unanimous consent, the city commission denied hosting the staff's recommendation to host the October 23, 2020 event as previously cited.**

**iii. National Night Out – Community Watch**

Lieutenant Rains described the National Night Out (parade) Community Watch Event planned for October 6, 2020 at 3:30 p.m. at Veterans' Memorial Park, Spanish Springs Town Square at The Villages.

ACTION: 7:09:44 p.m. No action was necessary.

**(b) City Attorney**

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

With respect to the T. D. Burke case, Ms. Geraci-Carver reported that an offer of settlement was received and believed it to be beneficial to hold a closed-attorney-client session meeting to receive the city commission's direction.

ACTION: 7:12:08 p.m. **By unanimous consent, the city commission accepted the city attorney's request to hold an attorney-client closed session meeting immediately following the conclusion of the**

**October 8, 2020 regular city commission meeting on the City of Fruitland Park versus T.D. Burke Case No. 2019-CA-001894 to discuss settlement negotiations and obtain direction with the following individuals present:**

- Vice Mayor John L. Gunter Jr
- Commissioner Christopher Bell
- Commissioner Patrick DeGrave
- Commissioner John Mobilian
- City Manager Gary La Venia, and
- City Attorney Anita Geraci-Carver

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

Ms. Geraci-Carver reported that depositions are ongoing with the State of Florida Department of Management Services and indicated that Mr. La Venia underwent same on September 23, 2020 as the hearing is still planned for the end of October 2020.

ACTION: 7:09:44 p.m. No action was necessary.

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

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

ACTION: 7:09:44 p.m. No action was necessary.

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

Ms. Geraci-Carver had nothing to report on the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026.

ACTION: 7:09:44 p.m. No action was necessary.

**6. PUBLIC COMMENTS**

Mr. Yauk referred to the October 10, 1983 Electrical Franchise Agreement with the City of Leesburg for an initial 25-year period and five-year increments and recalled his remarks on same at previous meetings. He questioned the costs of relocating the utilities and the City of Fruitland Park's expenditure on street lights which he believes ought to have been borne by the City of Leesburg and suggested that the city review said agreement as well as the December 13, 2018 second amendment executed by the city commission..



After Ms. “Mike” Michael Rinaldi, VOFP Pine Hills, voiced concerns on the conditions of the roadways on Conservation Trail, Mayor Cheshire suggested that he identify and address the problem with staff.

ACTION: 7:13:55 p.m. No action was necessary.

**7. COMMISSIONERS’ COMMENTS**

**(a) Commissioner Mobilian**

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

ACTION: 7:17:27 p.m. No action was necessary.

**(b) Commissioner DeGrave**

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

ACTION: 7:17:31 p.m. No action was necessary.

**(c) Commissioner Bell**

Commissioner Bell thanked the commission for excusing his absence at the September 10, 2020 regular meeting.

ACTION: 7:17:34 p.m. No action was necessary.

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

Vice Mayor Gunter stated that he has nothing to report at this time.

ACTION: 7:17:47 p.m. No action was necessary.

**8. MAYOR’S COMMENTS**

**(a) FY 2020-21 Budget**

Mayor referred to the public comments addressed earlier on this evening’s agenda regarding the taxes, recognized the normal increases and the city’s efforts in this regard, and the consistent annual rate which is one of the lowest in Lake County.

ACTION: 7:17:58 p.m. No action was necessary.

**(b) Dates to Remember**

Mayor Cheshire announced the following events:

- October 6, 2020 *National Night Out - Caravan Community Drive* The Villages Spanish Springs Town Square (Behind Ruby Tuesday’s) 1168 Main Street, The Villages, Florida 32159 at 3:30 p.m.;
- October 8, 2020 City Commission Meeting regular at 6:00 p.m., immediately followed by the Attorney-Client Closed-Session;

- October 9, 2020, *2021 Election League Officers*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- October 22, 2020 City Commission Meeting regular at 6:00 p.m.;
  
- November 5, 2020 City Commission Meeting special at 6:00 p.m.
- November 9, 2020, Lake County Office of Parks and Trails Advisory Board, Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;
- November 11, 2020 City Hall Closed, Veterans' Day;
- November 12, 2020 City Commission Meeting regular at 6:00 p.m.;
- November 20, 2020, *2020 Sponsor Appreciation Event*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- November 26, 2020 City Hall Closed, Thanksgiving Day
- November 27, 2020 City Hall Closed, Day After Thanksgiving Day

ACTION: 7:18:57 p.m. No action was necessary.

**11. ADJOURNMENT**

**There being no further business to come before the city commission, the meeting adjourned at 7:20 p.m.**

The minutes were approved at the October 8, 2020 regular meeting.

Signed   
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Esther B. Coulson, City Clerk, MMC

Signed   
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Chris Cheshire, Mayor