

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES  
October 28, 2021**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, October 28, 2021 at 6:00 p.m.

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

**Also Present:** Attorney Sanford A. “Sandy” Minkoff representing the City Attorney, City Treasurer Jeannine Racine; Chief Erik Luce; Community Development Director Dwyane Williams; Human Resources Director Jabari Hopkins, Fire Lieutenant Philip C. Aldrich Emergency Medical Technician and Firefighter Paramedic “Joe” Joseph Casha, Lake County Fire Rescue, and City Clerk Esther B. Coulson.

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

After Mayor Cheshire called the meeting to order, Commander Larry Miller, John Gella Memorial Unit 219 American Legion, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

**ACTION:** 6:00:19 p.m. No action was taken.

**2. ROLL CALL**

After Mayor Cheshire requested that Ms. Coulson call the roll where a quorum was declared present, he reviewed the following changes to this evening’s agenda:

**4.(g) Ordinance 2021-016 Solid Waste Collection Franchise Agreement**

Addendum – Third amendment to restated solid waste collection agreement (90-day extension).

and

**4.(i) Resolution 2021-045 Major Site Plan – 7-Eleven Construction**

Addendum - Supplemental Agenda

**ACTION:** 6:01:40 p.m. **By unanimous consent and upon Mayor Cheshire’s suggestion, the city commission approved the changes as previously cited on this evening’s agenda**

**3. CONSENT AGENDA**

**Approval of Minutes - September 9 and September 23, 2021 regular meetings.**

**ACTION:** 6:02:40 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) **Resolution 2021-047 – Events Committee Creation**

Mr. Minkoff read into the record proposed Resolution 2021-047, the substance of which is as follows:

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.

ACTION: 6:02:52 p.m. After Mayor Cheshire recalled the city commission's previous position to create a centennial committee and not an events committee, and **by unanimous consent, the city commission approved striking the name *Events Committee* and changing it read *Centennial Committee*,**

**A motion was made by Commissioner Bell and seconded by Commissioner DeGrave that the city commission adopt previously cited Resolution 2021-047 as amended.**

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

(b) **Resolution 2021-048 – Events Committee Member Appointments**

Mr. Minkoff read into the record proposed Resolution 2021-048, the substance of which is as follows:

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.

ACTION: 6:04:14 p.m. Upon Mayor Cheshire's suggestion and **by unanimous consent, the city commission approved striking the name *Events Committee* and changing it read: *Centennial Committee*.**

Following further deliberations and at Vice Mayor Gunter's request, Mr. Edgar "Jerry" Elton, City of Fruitland Park resident, shared his concept of the centennial committee by means of the community celebrating throughout the year the community's history (how it has evolved and the changes and accomplishments) since its one hundred years of existence.

After discussion and **by unanimous consent, the city commission accepted Mr. Elton as a potential applicant and postponed appointing members to the centennial committee until the January 13, 2022 regular meeting.**

**On motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission postponed its adoption of Resolution 2021-048 as previously cited to the January 13, 2022 regular meeting and directed staff to seek more qualified applicant(s) as additional member(s) to serve on the Centennial Committee and outline the duties of same.**

**(c) Resolution 2021-044 – Records and Archive Management Services - Professional Services Agreement – SML Inc.**

Mr. Minkoff read into the record proposed Resolution 2021-044, the substance of which is as follows;

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.

**ACTION: 6:17:53 p.m. Following considerable discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission postpone its action to adopt Resolution 2021-044 to a future meeting and directed the city clerk to provide more information on the records and archive management services contract’s project scope, proposed deliverables, and timeframe.**

**(d) Police Department Vehicle Quote**

The city commission considered its action 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.

Mr. Luce pointed out the inexpensive quote he obtained for a video system utilized by the police department and requested an expenditure of \$95,949.28.

**ACTION: 6:32:11 p.m. After much discussion, and on motion of Commissioner DeGrave and seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the expenditure of \$95,949.28 for the vehicles as previously cited.**

**By unanimous consent, Mayor Cheshire opened the public hearings.**

### 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.**

It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2021-006, Mr. Minkoff read 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, 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:** 6:37:35 p.m. A motion was made by Commissioner Bell and seconded by Commissioner Mobilian that the city commission enact Ordinance 2021-006 as previously cited to become effective thirty-one (31) days after adoption. If challenged within thirty (30) days after adoption, said ordinance 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.

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.

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

It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2021-007, Mr. Minkoff read 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, 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:** 6:38:53 p.m. **By unanimous consent, the city commission accepted the unsworn testimony given at the June 10, 2021 first reading and public hearing from the city manager and former community development director.**

**A motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission accepted the June 10, 2021 unsworn testimony as previously cited and enact aforementioned Ordinance 2021-007 to become effective thirty-one (31) days after adoption. If challenged within thirty (30) days after adoption, said ordinance 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.**

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.**

#### **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.**

Mr. Minkoff read into the record proposed Ordinance 2021-016, the substance of which is as follows;

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.)

Mr. Doug McCoy, Waste Management Inc., gave reasons why Waste Management is requesting a delay for an additional 90 days if required.

**ACTION:** 6:40:25 p.m. After discussion, a motion was made by Commissioner Bell and seconded by Commissioner DeGrave that the city commission approve Ordinance 2021-016 as previously cited for an additional ninety (90) days effective to the end of March 31, 2022.

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 2021-014 SRF Loan Program Project #WW350821/SG350822 – FY 2022 – FDEP**

It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2021-014, Mr. Minkoff read the following title and Mayor Cheshire called for interested parties to be heard:

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.)

**ACTION:** 6:44:18 p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilan that the city commission enact the aforementioned Ordinance 2021-014 to become effective immediately as provided by law contingent upon receiving the opinion letter by the city attorney.

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.

**SUPPLEMENTAL AGENDA**

- (i) **Resolution 2021-045 Major Site Plan Approval – Seven-Eleven Construction - Petitioners: Fruitland Park Ella LLC and RKM Development Corp**

Mr. Minkoff read into the record proposed Resolution 2021-045, the substance of which is as follows;

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING MAJOR SITE PLAN APPROVAL WITH CONDITIONS TO ALLOW FOR CONSTRUCTION OF A SEVEN-ELEVEN; PROVIDING FOR CONDITIONS; AUTHORIZING THE CITY MANAGER TO ISSUE A NOTICE OF SITE PLAN APPROVAL UPON COMPLETION OF ALL CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:45:56 p.m. After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-045 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.

**END OF PUBLIC HEARING**

5. (a) **City Manager  
Economic Development Status Update**

Mr. La Venia was not present to address the economic development status update at this time.

**ACTION:** :6:49:41 p.m. No action was necessary.

- (b) **City Attorney**  
i. **City of Fruitland Park v. State of Florida Department of Management Services**

Mr. Minkoff relayed Ms. Geraci-Carver's conversations with the city commission on the October 19, 2021 closed-session and the updates given in that regard.

**ACTION:** 6:49:41 p.m. No action was necessary.

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

Mr. Minkoff relayed Ms. Geraci-Carver's conversations with the city commission on the October 19, 2021 closed-session and the updates given in that regard.

ACTION: 6:49:41 p.m. No action was necessary.

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

There was 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: 6:49:41 p.m. No action was necessary.

**6. UNFINISHED BUSINESS**

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

ACTION: 6:49:52 p.m. No action was taken.

**7. PUBLIC COMMENTS**

There were no comments from the public at this time.

ACTION: 6:49:52 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: 6:50:12 p.m. No action was taken.

**(b) Commissioner DeGrave – City Manager**

Due to the development activities taking place, Commissioner DeGrave gave a report on the results of surrounding municipal city managers' salaries provided by staff and requested that the city commission consider making an adjustment to Mr. La Venia's contract.

ACTION: 6:50:22 p.m. After discussion and **by unanimous consent, the city commission accepted the proposal by Commissioner DeGrave to increase City Manager Gary La Venia's current salary to \$135,000 per annum; request that funds be earmarked in the FY 2021-22 budget for same, and direct the city attorney to draft an amendment to his employment agreement for consideration on the next agenda.**

(c) **Commissioner Bell – The Late David M. Serdar**

After Commissioner Bell believed that the city ought to recognize the late Unincorporated Aera Fruitland Park Resident David Serdar who recently passed away due to a bike accident, Vice Mayor Gunter and Mayor Cheshire pointed out the memorial service to be held in his honor on Saturday, November 13, 2021 at 4:00 p.m. at Northside Christian Church, 3115 Eagles Nest Road, Fruitland Park, Florida 34731

ACTION: 6:53:01 p.m. No action was taken.

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

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

ACTION: 6:54:40 p.m. No action was taken.

9. **MAYOR'S COMMENTS**

(a) **The Late David M. Serdar**

Mayor Cheshire concurred with the sentiments addressed by Commissioner Bell and Vice Mayor Gunter

ACTION: 6:55:12 p.m. No action was taken.

(b) **Dates to Remember**

Mayor Cheshire announced the following dates:

- 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 25, 2021, City Commission regular at 6:00 p.m. - Cancelled
- November 26, 2021, Day After Thanksgiving – City Hall Closed;
  
- December 8, 2021, Lake County School Board Annual Educational Concurrency Review Committee Meeting, Lake County District Office Board Room, 201 West Burleigh Boulevard, Tavares, Florida 32778 at 10:00 a.m.;
- 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
- December 25, 2021, Christmas Day
- December 27, 2021, Public Holiday – City Hall Closed

**ACTION: 6:55:15 p.m. On motion of Commissioner Bell, seconded by Commissioner DeGrave and unanimously carried, the city commission reappointed Vice Mayor John L. Gunter Jr. to serve on the Lake County School Board Annual Educational Concurrency Review Committee Meeting for the year 2021-22**

**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 6:57 p.m.

The minutes were approved at the December 9, 2021 regular meeting.

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

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