

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
May 12, 2022**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, May 12, 2022 at 6:00 p.m.

Members Present: Vice Mayor John L. Gunter, Commissioners Patrick DeGrave and John Mobilian.

Members Absent: Mayor Chris Cheshire and Commissioner Chris Bell

Also present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver, City Treasurer Jeannine Racine, Police Chief Erik Luce, Robb Dicus, Public Works Director, Michelle Yoder, Parks and Recreation Director, Lieutenant Christopher Albert and Firefighter Jade Lindlau, Lake County Public Safety Department, Fire Rescue; Deputy City Clerk Candice Dennis, and City Clerk Esther B. Coulson.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

After Vice Mayor Gunter 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: 6:01:33 p.m. No action was taken.

2. ROLL CALL

After Vice Mayor Gunter requested that Ms. Coulson call the roll, where a quorum was declared present; he announced the absence of Mayor Cheshire and Commissioner Bell who will not be in attendance at this evening's meeting.

Vice Mayor Gunter announced the changes, Supplemental Agenda Items 5.(f), Ordinance 2022-010 and 5(g), Ordinance 2022-012 to this evening's agenda:

ACTION 6:03:18 p.m. Upon Vice Mayor Gunter's recommendation, and by **unanimous consent, the city commission excused the absences of Mayor Chris Cheshire and Commissioner Chris Bell from this evening's meeting and accepted the above-captioned changes on this evening's agenda.**

3. RECESS TO THE COMMUNITY REDEVELOPMENT AGENCY MEETING

ACTION: 6:04:33 45 p.m. **By unanimous consent, the city commission recessed its meeting to the 6:15 p.m. Community Redevelopment Agency meeting and reconvened at 6:11 p.m.**

4. CONSENT AGENDA

Resolution 2022-020 Urick Street Force Main Extension Project Contract – Cathcart Construction Company

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA APPROVING THE COMPETITIVE BID FROM CATHCART CONSTRUCTION COMPANY FLORIDA LLC, OVIEDO IN THE AMOUNT OF \$2,608,685.00; APPROVING EJCDC STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE FOR CONSTRUCTION OF URICK STREET FORCE MAIN; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:11:38 p.m. A–motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave, that the city commission approve the consent agenda as previously cited.

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

5. REGULAR AGENDA

(a) Northwest Lake Community Park Bids

The city commission considered its action to approve the Northwest Lake Community Park bids.

Mr. La Vena outlined Lake County’s contract #22-908B for pre-cast structures for Northwest Lake Community Park and addressed the city’s ability to piggyback on same. He relayed the CRA’s recommendation of approval for \$35,000; pointed out Lake County’s grant funds of \$150,000 and staff’s recommendation for a total expenditure of \$185,000.

ACTION: 6:13:16 p.m. and 6:15:12 p.m. After discussion, a motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission approve the CRA’s recommendation to award Lake County’s contract #22-908B to Leesburg Concrete as the most responsive and responsible bidder in the amount of \$164,871.

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

A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian, that the city commission approve the total expenditure of \$185,000 which includes \$35,000 from the CRA and \$150,000 in grant money towards the allocation of the Northwest Lake Community Park construction and placement of pre-cast concrete bathroom facilities.

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

- (b) **Resolution 2022-018 Northwest Lake Community Park – Restroom**
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA APPROVING EXPENDITURE OF \$164,871.00 TO LEESBURG CONCRETE COMPANY, INC. FOR PRE-CAST, PREFABRICATED RESTROOMS FOR NORTHWEST LAKE COMMUNITY PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:16:24 p.m. Upon the city attorney’s suggestion, and by unanimous consent, the Vice Mayor moved the agenda.

By unanimous consent, Vice Mayor Gunter opened the public hearings at this evening’s meeting.

PUBLIC HEARING

- (c) **Second Reading and Public Hearing – Ordinance 2022-013 Water and Wastewater Impact Fee**
It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2022-013, after Ms. Geraci-Carver read into the record the following title, Vice Mayor Gunter called for interested parties to be heard.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 37 OF THE CODE OF ORDINANCES OF THE CITY OF FRUITLAND PARK TO ADOPT NEW IMPACT FEE STUDIES FOR WATER AND WASTEWATER AND TO ADOPT NEW IMPACT FEE RATES FOR WATER AND WASTEWATER; INCLUDING PROVISIONS FOR CHANGES IN SIZE AND USE, ALTERNATIVE CALCULATIONS, APPEALS, PENALTIES AND LIENS, AND DISPOSITION OF FUNDS NOT EXPENDED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 28, 2022.)

ACTION: 6:17:08 p.m. After discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission enact Ordinance 2022-013 to become effective immediately as provided by law.

There being no one from the public and by **unanimous consent, Vice Mayor Gunter closed the public hearing.**

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

(d) Second Reading and Public Hearing First Reading – Ordinance 2022-011 Boundary Amendment (Annexation) – North of Myrtle Avenue and West of CR 468 – Petitioner: Crystal Lake Land Holdings LLC

It now being the time advertised to hold a public hearing to consider enactment of Ordinance 2022-011, after Mr. Geraci-Carver read into the record the following title, Vice Mayor Gunter called for interested parties to be heard.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK, FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 24.83 +/- ACRES OF LAND GENERALLY LOCATED NORTH OF MYRTLE LAKE AVENUE AND WEST OF CR 468; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 28, 2022.)

Mr. Michael "Mike" Ranking, LPG Urban and Regional Planners Inc., consultants retained by the city, gave a background of Quasi-Judicial Items 5.(e) and 5.(f) to be considered later on this evening's agenda.

ACTION: 6:21:56 p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission enact Ordinance 2022-011, as previously cited, to become effective immediately as provided by law.

Pastor. Chuck Padgett, Unincorporated Area of Fruitland Park, referred to his May 11, 2022 email to the city commission regarding Crystal Lake Breeze, relayed his communication with Lake County that they will not construct sidewalks or erect street lights on Urick Street and Myrtle Lake Avenue as it is in the jurisdiction of the city, and requested that the developer be responsible for same. He pointed out the traffic study revealing the only ingress and egress at Myrtle Lake Avenue and

requested widening the roadway. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

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

Mr. La Venia referred to the recent response to his letter and subsequent conversations with the county regarding sidewalks on Urick Street and a light at the intersection at said street and CR 468; relayed the county's plans for said location, and pointed out his response to Pastor Padgett's email.

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

QUASI-JUDICIAL PUBLIC HEARING

(e) **Second Reading and Quasi-Judicial Public Hearing – Ordinance 2022-010 Rezoning -PUD North of Myrtle Lake Avenue and East of Myrtle Lake View Drive – Petitioner: Crystal Lake Land Holdings LLC**

It now being the time advertised to hold a public hearing to consider enactment of Ordinance 2022-010, after Mr. Geraci-Carver read into the record the following title, Vice Mayor Gunter called for interested parties to be heard.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA REZONING 24.83 +/- ACRES OF PROPERTY FROM LAKE COUNTY R-3 TO CITY OF FRUITLAND PARK PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED NORTH OF MYRTLE LAKE AVENUE AND EAST OF MYRTLE LAKE VIEW DRIVE; DIRECTING THE CITY MANAGER OR DESIGNEE TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENOR'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 28, 2022.)

ACTION: 6:36:43 p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission enact Ordinance 2022-010 as previously cited to become effective immediately as provided by law.

There being no one from the public and **by unanimous consent, Vice Mayor Gunter closed the public hearing.**

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

SUPPLEMENTAL AGENDA

- (f) Second Reading and Quasi-Judicial Hearing – Ordinance 2022-009 SSCPA – North of Myrtle Lake Avenue and East of Myrtle Lake View Drive – Petitioner: Crystal Lake Land Holdings LLC**

It now being the time advertised to hold a public hearing to consider enactment of Ordinance 2022-009, after Mr. Geraci-Carver read into the record the following title, Vice Mayor Gunter called for interested parties to be heard.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE DESIGNATION FROM LAKE COUNTY URBAN MEDIUM RESIDENTIAL TO CITY SINGLE FAMILY MEDIUM DENSITY OF 24.83+/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF MYRTLE LAKE AVENUE AND EAST OF MYRTLE LAKE VIEW DRIVE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 28, 2022.)

ACTION: 6:39:46 p.m. After discussion a motion was made by **Commissioner Mobilian and, seconded by Commissioner DeGrave that the city commission enacted Ordinance 2022-009, as previously cited, to become effective thirty-one (31) days after adoption by the city commission.** (If this ordinance is challenged within thirty (30) days after its adoption, it may not become effective until the state land planning agency or administrative commission, respectively, issues a final order determining that this ordinance is in compliance. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.)

There being no one from the public and **by unanimous consent, Vice Mayor Gunter closed the public hearing.**

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

(g) Second Reading and Quasi-Judicial Hearing – Ordinance 2022-012 First Amended and Restated Master Development Agreement – Lak Ella and South to Spring Lake Road – Petitioner: Lake Saunders Groves LLP

It now being the time advertised to hold a public hearing to consider enactment of Ordinance 2022-012, after Mr. Geraci-Carver read into the record the following title, Vice Mayor Gunter called for interested parties to be heard.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA AMENDING ORDINANCE 2006-013 TO ADOPT A FIRST AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT RELATING TO REAL PROPERTY CURRENTLY ZONED PLANNED UNIT DEVELOPMENT CONSISTING OF APPROXIMATELY 135.7 +/- ACRES OF PROPERTY LOCATED BETWEEN LAKE ELLA ROAD AND SOUTH TO SPRING LAKE ROAD, FRUITLAND PARK, FLORIDA; AMENDING THE CONCEPTUAL SITE PLAN; DECREASING THE DENSITY AND NUMBER OF RESIDENTIAL UNITS; PROVIDING FOR DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENOR'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 28, 2022.)

After Mr. Rankin gave a background of the proposed project, Mr. Jimmy Crawford, attorney on behalf of the owner, reiterated the reduction in the number of units; gave reasons why he recommended the city commission's support of approval, and addressed the future sub-street connection improvements. Reference was made to the master development agreement's expiration date extended on August 9, 2018, to be:

- implemented on or before August 23, 2024;
- the project construction to start on or before August 23, 2026, and
- the original expiration date of August 30, 2016

ACTION: 6:44:39 p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission enact Ordinance 2022-012, as previously cited, to become effective immediately as provided by law.

There being no one from the public and by unanimous consent, Vice Mayor Gunter closed the public hearing.

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

END OF QUASI-JUDICIAL PUBLIC HEARING

6. (a) **City Manager - Economic Development Status Update**

i. **Economic Development Status Update**

Mr. La Venia anticipated the Hawthorne representatives to be making a presentation at the May 26, 2022 regular meeting and anticipated the number of future developments planned in the city.

ACTION: 6:54:15 p.m. No action was taken.

ii. **ATM Proposal – City Hall**

Mr. La Venia recognized the ATM machine located at the library operated at no cost to the city and requested permission to install same in city hall to which Ms. Geraci-Carver had no objections.

ACTION: 6:59:04 p.m. **By consensus of the city commission, the city commission authorized the city manager to proceed with the installation of an automated teller machine inside at city hall.**

iii. **City Hall Entrance Status Report Update**

Mr. La Venia gave a status update report on the city hall entrance and indicated that as a result of documentation he previously submitted to the insurance company, he anticipated receiving a contract in order to proceed work in that regard.

ACTION: 6:59:47 p.m. No action was taken.

iv. **Stormwater Grant Program Agreement Amendment – Mirror Lake Nutrient Separation Baffle Box - LCWA**

Mr. La Venia anticipated the county's extension of the stormwater grant by six months and addressed the plan to place the Mirror Lake Nutrient Separation Baffle Box amendment to the agreement previously for \$400,000 to \$300,000 for consideration on a future agenda.

ACTION: 7:00:11 p.m. No action was taken.

v. **FY 2022-23 Proposed Budget Workshop Discussion**

Mr. La Venia recognized the forthcoming dates to hold a workshop on the FY 2022-23 proposed budget.

ACTION: 7:00:047 p.m. **By unanimous consent, the city commission accepted the city manager's recommendation to hold the FY 2022-23 Proposed Budget Workshop on August 8 and 9, 2022.**

(b) City Attorney

i. City of Fruitland Park v. State of Florida Department of Management Services

With respect to the State of Florida Department of Management Services case, Ms. Geraci-Carver stated there was no updates to report.

ACTION: 7:02:21 p.m. No action was taken.

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

Regarding the Michael and Laurie Fewless case, Ms. Geraci-Carver advised that the mediation has been scheduled at the Lake County Court on July 18, 2022 at 10:00 a.m. and indicated that she, Messrs. La Venia and Glenn E. Thomas, Lewis Longman Walker PA, attorney retained by the city, will be participating.

ACTION: 7:02:21 p.m. No action was taken.

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

Relating to the Norman C. Cummins v. Stephen P. Angelillo case, Ms. Geraci-Carver explained that the foreclosure sale previously scheduled for April was cancelled and has been rescheduled for August 31, 2022. She addressed her intent to report the identity of the buyer at the next meeting.

ACTION: 7:02:40 p.m. No action was taken.

7. UNFINISHED BUSINESS

There was no unfinished business.

ACTION: 7:03:02 p.m. No action was taken.

8. PUBLIC COMMENTS

Pastor Padgett thanked the commissioners for listening to his concerns earlier in the meeting regarding new development as it relates to children's safety

ACTION: 7:03:06 p.m. No action was taken.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mabilian

Commissioner Mabilian stated he had nothing to report at this time.

ACTION: 7:04:07 p.m. No action was taken.

(b) Commissioner DeGrave

Commissioner DeGrave recalled his announcement at the April meeting that he would not be in attendance at the June 9, 2022 meeting.

ACTION: 7:04:12 p.m. No action was taken.

(c) Commissioner Bell

Commissioner Bell was absent from this evening's meeting (He is being recognized by the Lake County League of Cities as its president for the year 2023.

ACTION: 6:03:18 p.m. No action was taken.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter stated he will not be in attendance at the June 9, 2022 meeting.

ACTION: 7:04:26 p.m. No action was taken.

10. MAYOR'S COMENTS

Mayor Cheshire was absent from this evening's meeting.

Dates to Remember

The dates to remember was not addressed at this time.

ACTION 7:04:26 p.m. No action was taken.

11. ADJOURNMENT

The meeting adjourned at 7:05 p.m.

The minutes were approved at the June 9, 2022 regular meeting.

Signed _____
Esther B. Goulson, City Clerk, MMC

Signed _____
Chris Cheshire, Mayor

