

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
July 28, 2022**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, July 28, 2022 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter Jr., Commissioners Chris Bell (joined in by Zoom video teleconference call), and Patrick DeGrave

Members Absent: Commissioner John Mobilian.

Also present: City Manager Gary La Venia; Sandy Minkoff Esq., representing the City Attorney, City Treasurer Jeannine Racine, Police Chief Erik Luce, Robb Dicus, Public Works Director; Mes. Kelli Fielder and Emily Church, Community Development Department, Mr. Michael “Mike” Rankin, LPG Urban Regional Planners Inc. (consultant retained by the city) and Interim Community Development Director, Lake County Fire Rescue Lieutenant Jeff Lord and Firefighter Emergency Medical Technician Justin Davison; Planning and Zoning (P&Z) Board Vice Chair Dan Dicus; P&Z Member Fred Collins; District 2 Candidate and Seat 1 Board of Supervisors District 11 Janice Collins and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Senior Pastor Kelly W. Smith, Community United Methodist Church, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:04.00 p.m. No action was taken.

2. ROLL CALL

Mayor Cheshire announced the decorum for this evening’s meeting and after noting the following agenda changes, he recognized the absence of Commissioner Mobilian at this time:

- 5(b) Resolution 2022-032
Change title to read: *\$100,107.50 for non-Community Redevelopment Agency (CRA) roads and \$186,740.00 for CRA roads* and not \$181,435.00 and \$184,740.00 respectively.
- 7. Agenda Item Numbering system
Item number changes after item 7.
- 6.(c) Ordinance 2022-014 Timbertop
Addendum – Amended Master Development Agreement
- 6(d) Ordinance 2022-016 Spring Lake Road
Addendum - Revised agenda summary report with staff’s recommendations.

ACTION: 6:01.35 p.m. By unanimous consent, the city commission excused the absence of Commissioner Mobilian at this evening's meeting and accepted the changes to this evening's agenda as previously cited.

3. SPECIAL PRESENTATIONS

(a) School Board Member District 2

After Mr. Tyler Brandeburg, School Board Member District 2 (who was appointed in June 2022 by Florida Governor Ron DeSantis to fill a vacancy on the school board), gave an overview of his background and history, Ms. Coulson confirmed, in response to Mayor Cheshire's inquiry, the plan to provide Mr. Brandeburg, as the city's appointed representative, with further information on the city's forthcoming meetings.

ACTION: 6:03.33 p.m. No action was taken.

(b) ACFR Presentation September 30, 2021

Ms. Tammy Campbell, McDirmit Davis, Certified Public Accountants, reviewed the Annual Comprehensive Financial Report for the year September 30, 2021.

ACTION: 6:04.38 p.m. On motion of Commissioner DeGrave, seconded by Vice Mayor Gunter and unanimously carried, the city commission accepted the previously cited report as submitted.

4. RECESS TO THE LOCAL PLANNING AGENCY

On or before 6:15 p.m., recess to the local planning agency.

ACTION: 6:10.22 p.m. By unanimous consent, the city commission recessed its meeting at 6:10 p.m. to the Local Planning Agency and reconvened at 6:40 p.m.

5. CONSENT AGENDA

(a) Approval of Minutes

July 14, 2022 regular meeting

(b) Resolution 2022-032 - FY 2022-23 Street Paving Quote - Paqco Inc. (Paquette Company)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING PROPOSAL FROM PAQUETTE COMPANY IN THE AMOUNT OF \$181,435.00 FOR NON-CRA ROADS AND \$184,740.00 FOR CRA ROADS AUTHORIZED BY THE CRA; AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:40:31 p.m. On motion of Commissioner DeGrave, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the previously cited consent agenda as corrected to reflect the title of

Resolution 2022-032 to include \$100,107.50 and strike out \$181,435.00 for non-Community Redevelopment Agency (CRA) roads and include \$186,740.00 and strike out \$184,740.00 for CRA roads.

6. REGULAR AGENDA

(a) Resolution 2022-031 – Proposed Millage FY 2022-23

After Mr. Minkoff read into the record, the following title of proposed Resolution 2022-031, Mayor Cheshire announced that the city is prepared to set the proposed millage rate of 3.9134 -- which is a 7.36% increase over the roll back rate of 3.6452 the same rate as the last four years -- and once the proposed rate is established, the city commission cannot exceed that rate.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A NOT TO EXCEED MILLAGE RATE OF 3.9134 LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2022-2023 AND SETTING THE DATE, TIME AND PLACE OF PUBLIC HEARING ON THE BUDGET FOR FISCAL YEAR 2022-2023 PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:41:20 p.m. A motion was made by Vice Mayor Gunter and seconded by Commissioner Bell that the city commission adopt Resolution 2022-031 as previously cited.

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

PUBLIC HEARING

(b) Public Hearing – Ordinance 2022-015 LSCPA – 68.55± Acres Timbertop Lane – Petitioners: Stephanie Bailey Bouis and Patricia Bouis Thompson

After Mr. Minkoff read into the record, the following title of proposed Ordinance 2022-015, 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, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM CITY OF FRUITLAND PARK COMMUNITY MIXED USE TO GENERAL MIXED USE OF 68.55 +/- ACRES OF PROPERTY GENERALLY LOCATED ON TIMBERTOP LANE; 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 second reading will be held on September 8, 2022.)

After Mr. Michael "Mike" Rankin, LPG Urban Regional Planners Inc. (consultant retained by the city) and interim community development director, acknowledged the presence of the applicants and representatives at this evening's meeting, he described the subject proposed project.

Ms. Kelly Froelich, Intram Investments Inc., explained that they initially were informed that there was no need for a recommendation for the city; they were made aware of the subject item on this evening's agenda on July 27, 2022, and addressed their willingness to send the subject presentation by email.

ACTION: 6:43:26 p.m. After much discussion addressing concerns on the subject proposed project, **a motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission continue the previously cited proposed Ordinance 2022-015 to August 25, 2022 at the applicant's request.**

(c) Public Hearing - Ordinance 2022-014 Rezoning 68.55± Acres Timbertop Lane — Petitioners: Stephanie Bailey Bouis and Patricia Bouis Thompson

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 68.55 ± ACRES OF PROPERTY FROM CITY OF FRUITLAND PARK PUD TO CITY OF FRUITLAND PARK MIXED USE PLANNED UNIT DEVELOPMENT (MUPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING AN AMENDED MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; 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 second reading is tentatively proposed to be held on September 8, 2022.)

ACTION: 6:54:23 p.m. **On motion of Commissioner DeGrave, seconded by Vice Mayor Gunter and unanimously carried, the city commission continued its action to consider proposed Ordinance 2022-014 as previously cited to August 25, 2022.**

(d) Public Hearing - Ordinance 2022-016 Rezoning 35.99± Acres South of Spring Lake Road and West of US Hwy 27.441 — Petitioner: The Reserve at Spring Lake Cove LLC

After Mr. Minkoff read the following title of proposed Ordinance 2022-016 into the record, 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 35.99 ± ACRES OF PROPERTY FROM SINGLE FAMILY LOW DENSITY RESIDENTIAL (R-1), MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-3), INDUSTRIAL AND PLANNED UNIT DEVELOPMENT (PUD) TO CITY OF FRUITLAND PARK PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK FOR RESIDENTIAL USE; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER TO HAVE AMENDED 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 second reading will be held on August 25, 2022.)

After Mr. Rankin described the subject proposed project, Ms. Church confirmed that telephone calls from surrounding area residents were in response to the notice letters that were sent out, but no indication was made as to what their objections were; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Following the verification received from Mr. David Stokes, Madden, Moorehead & Stokes Inc., (Civil Engineers) Engineering Company, on the preliminary analysis conducted with the traffic consultant, the permitting process with Lake County and anticipation of receiving the completed final report, Mr. Rankin concurred in the affirmative to Commissioner DeGrave's inquiry explaining that the subject proposed ordinance can be approved contingent upon the county taking action on the traffic impact analysis; thus, the project in question will generate a reduction in current permitted density.

In response to several inquiries from Vice Mayor Gunter, Mr. Marc Gauthier, Atlantic Housing Partners LLP, addressed the length of eastern boundary of the property bordering the railroad right-of-way; Commissioner Bell recalled Lake County Parks, Recreation and Trails Advisory Board's consideration of the subject area in the Lake County Trails Master Plan where he believed the city commission ought to review same, and Mr. Rankin concurred in the affirmative to Mayor Cheshire's request to obtain more information in that regard prior to the second reading.

Later in the meeting, Mr. Robert “Bob” D. Willie, City of Fruitland Park, acknowledged the presence of century old oak trees presently on the subject property; referred to the preliminary (overall site) plan in question, and pointed out the current tree protection provision under subsection 164.090 of the city’s code on the requirements relating to the subdivision plan and the consideration given on the protection of same. He noted along with staff’s review, that the conceptual site plan is deserving of the city commission’s careful attention on how to save as many of the existing trees as possible.

Mr. Willie referred to the Reserve at Spring Lake Cove Conceptual Plan which reflect the proposed apartments to be connected to the existing Spring Lake Cove Apartments and questioned utilizing the gazebos and other amenities as well as accessing the curb cut on Spring Lake Road.

After Mr. Rankin confirmed the developer’s awareness of the existing trees, Ms. Rebecca Wilson, Lowndes Law firm, representing the applicant, verified that to provide more amenities, the contract would include the developer connecting and allowing the sharing of the existing gazebo and adjacent property owners would access the piece of property where staff requested another gazebo on the subject proposed property’s storm water pond overlooking the lake.

Ms. Paige Simmons, City of Fruitland Park Unincorporated Area resident and Fruitland Park Elementary School Teacher, pointed out her appearance before the July 21, 2022 P&Z Board regarding the proposed new elementary school earmarked for 2024-25 school year; recognized the current student capacity rate and addressed her plan to attend future meetings due to the future rental properties in the area. She requested that the city commission review the potential overcrowding as a result of the influx of students; be cognizant of the majority of county roadways, and the density issue due to the increase in traffic,

Ms. Simmons explained that the Timbertop Lane proposals considered and introduced earlier this evening were not everything that was presented before the P&Z Board; it was only residential that was addressed.

Mayor Cheshire announced that although the city commission reviews school planning issues, he identified Mr. Brandeburg -- the newly appointed school district representative for Fruitland Park who is expected to attend future P&Z Board meetings – to be the person to address same; Messrs. La Venia and Rankin (who confirmed that the commercial components of Timbertop was included at the P&Z Board) described the involvement of public and private sector professionals during the Technical Review Committee review process, and Vice Mayor Gunter identified, as a member of the School Concurrency Review Committee, the concerns raised on the impact of new schools and increased traffic to existing roads.

With respect to school concurrency process and any deficiencies in transportation, Ms. Wilson outlined the district's generation rate report on the capacity of public-school students arising from the applicant's project demand and the impact fees paid in that regard.

Mr. Michael Fox, City of Fruitland Park Unincorporated Area resident, requested that the city commission review the traffic impact study; commended the police department for their vigilance in the subject area (the jurisdiction of which is the Lake County Sheriff's Office), and due to safety concerns, he suggested including traffic control devices around the area if the proposed apartments are approved.

ACTION: 6:54:55 p.m. Earlier in the meeting, a motion was made by Commissioner DeGrave and seconded by Vice Mayor Gunter that the city commission approve Ordinance 2022-016 as previously cited.

After discussion, Mr. Rankin conveyed the developer's concurrence in the affirmative to Commissioner Bell's suggestion on the inclusion of a playground and the connection of a walking trail to the proposed project prior to the second reading.

There being no further 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 PUBLIC HEARING

7. (a) City Manager

i. Economic Development

Mr. La Venia reported on the opportunity to meet with Benchmark Development I, LLC representatives regarding the commencement of the already approved 27.74± acre commercial property located north of CR 466A owned by Lake County School District.

ACTION: 7:23:41 p.m. No action was taken.

ii. Concrete Bollards – City Hall, Library, and Community Center Discussion

After verifying that the city hall's entrance doors are being installed starting earlier this day, Mr. La Venia pointed out discussions held at the July 14, 2022 regular meeting regarding the concrete bollards; gave reasons why he recommended the decorative bollards for city hall and standard for the library and the community center, and described the dimensions, and installation involved for the placement of 10 bollards totalling

approximately \$18,000 from the Community Redevelopment Agency building fund. He agreed to provide more information at the next meeting.

ACTION: 7:18:50 p.m. No action was taken.

(b) City Attorney

Mr. Minkoff referred to the agenda summary report outlining the following provided by City Attorney Anita Geraci-Carver. He conveyed her request on the advice to be sought from the city commission regarding the ongoing mediation, Fewless v. City of Fruitland Park case; pointed out the provisions under Florida Statutes 286.011 which authorizes the city attorney to request that the city commission meet in a closed-session to discuss litigation on negotiations and expenditures, and asked for same to be publicly and appropriately advertised for August 25, 2022 starting as a public meeting.

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

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

iii. U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845 (Judge Baxley)

iv. Municode

ACTION: 7:24:51 p.m. and 7:25:58 p.m. **On motion of Commissioner DeGrave, seconded by Vice Mayor Gunter and unanimously carried. the city commission approved the attorney's request to hold a closed-session meeting on August 25, 2022 to discuss litigation, as previously cited in the Fewless v. City of Fruitland Park case.**

8. UNFINISHED BUSINESS

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

ACTION: 7:27:09 p.m. No action was taken.

9. PUBLIC COMMENTS

Mr. La Venia described -- in response to the concerns raised by Mr. Robert "Bob" D. Willie, City of Fruitland Park, the city commission's adoption earlier in this evening's meeting of consent agenda item 5. (b) on Resolution 2022-032 -- how the funds are supplanted for the roads within the Community Redevelopment Area.

With respect to proposed Ordinance 2022-015, Large-Scale Comprehensive Plan Amendment for the property located on Timbertop Lane that was considered earlier on this evening's agenda, Mr. Larry Blevins, City of Fruitland Park resident and business owner,

evening's agenda, Mr. Larry Blevins, City of Fruitland Park resident and business owner, explained that neither he nor the surrounding neighbors had received prior knowledge on the issue and requested that the applicant resubmit same, and that the city commission review the property in question.

In response, Mayor Cheshire addressed the designated zoning requirements under the land development code and Mr. Rankin confirmed that return-receipt notification was sent to contiguous property owners.

Mr. Reed J. Newlin, City of Fruitland Park Resident, voiced safety concerns due to the ongoing speeding problem on Pine Ridge Dairy Road, pointed out his previous request for assistance from the police department, and reviewed the May 3, 2022, Traffic Engineering Data (speed summary) conducted on Pine Ridge Dairy Road, West of CR 468 by Lake County Engineering. He requested that the city implement a long-term aggressive program to mitigate the issue.

In concurrence with Mr. Newlin's July 21, 2022 email with the data, Chief Luce gave a report on the police department's response to hot spots within the city and the efforts to continue same and Commissioner DeGrave questioned the use of painted road cheverons. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

After Ms. Memori A. Clayton, City of Fruitland Park resident, questioned the status of the baffle box located on Mirror Lake Drive, Mr. La Venia and Vice Mayor Gunter described the procedures and costs involved.

With reference to Ms. Clayton's inquiries regarding the resolution of speeding problems on Mirror Lake Drive and following indication that said roadway is included as a hot spot, Mayor Cheshire recalled the city commission's previous discussions at its February 10 meeting to working with residents on traffic control and actions taken at its March 24, 2022 regular meeting to install electronic speed limit radar signs; supplant additional funding to implement enforcement and maintain records of the offenders.

ACTION: 7:27:11 p.m. No action was taken.

10. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian was absent from this evening's meeting.

ACTION: 7:46:59 p.m. No action was taken.

(b) Commissioner DeGrave

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

ACTION: 7:47:02 p.m. No action was taken.

(c) Commissioner Bell

Commissioner Bell thanked everyone for their well wishes during his recovery.

ACTION: 7:47:05 p.m. No action was taken.

(d) Vice Mayor Gunter, Jr.

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

ACTION: 7:47:23 p.m. No action was taken.

11. Mayor's Comments - Dates to Remember

Mayor Cheshire made the following announcements:

- An invitation was received to attend The Rose Plantation's plaque scheduled for October 19, 2022 as they have been selected by The Colonial Dames as a commemorative site of historical value – more information to follow.
- July 29, 2022, *Back to School Bash*, 604 W Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.;
- July 30, 2022, Pastor Jim Keegan *Jim's Celebration of Life Service*, Connection Point Church (formerly New Life Church), 201 East LaVista Street, Fruitland Park, Florida 34731 at 11:00 a.m.;
- August 8 and 9, 2022, workshops (FY 2022-23 proposed budget) at 6:00 p.m.;
- August 11 to 13, 2022, Florida League of Cities' Annual Conference (100th Anniversary) at The Diplomat Beach Resort, 3555 South Ocean Drive, Hollywood, Florida, 33019 at 7:00 a.m.;
- August 11, 2022 regular city commission meeting at 6:00 p.m., cancelled,
- August 25, 2022 attorney-client meeting at 5:00 p.m., and
- August 25, 2022 regular city commission meeting at 6:00 p.m.

ACTION: 7:47:25 p.m. No action was taken.

12. ADJOURNMENT

The meeting adjourned at 7:48 p.m.

The minutes were approved at the August 25, 2022 regular meeting.

Signed
Esther B. Coulson, City Clerk, MMC

Signed
Chris Cheshire, Mayor

