

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
March 9, 2023**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, March 9, 2023, at 6:00 p.m.

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

Also present: Gary La Venia City Manager; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Captain Henry Rains, Police Department; Public Works Director Robb Dicus; Deputy Finance Director Gary Bachman; Human Resources Director Betty McHale; Michael “Mike” Rankin, Interim Community Development Director, LPG Urban Regional Planners Inc. (consultant retained by the city); Deputy City Clerk Candice Dennis; Lieutenant/Paramedic Bradley Shelley and Firefighter/Emergency Medical Technician Taylor Luttfiring, Lake County Fire Rescue, and City Clerk Esther B. Coulson.

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

Mayor Cheshire called the meeting to order, Pastor Gregory “Greg” Yarborough, Trinity Assembly Church, gave the invocation and Captain Rains led in the pledge of allegiance to the flag.

ACTION: 6:02:02 p.m. No action was taken.

2. ROLL CALL

After Mayor Cheshire requested that Ms. Coulson call the roll, a quorum was declared present.

ACTION: 6:03:14 p.m. No action was taken.

3. SPECIAL PRESENTATIONS

(a) *Irish-American Heritage Month Proclamation – March 2023*

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming the month of March 2023 as *Irish-American Heritage Month* in recognition of the long history of Irish-American contributions to the State of Florida.

ACTION: 6:03:26 p.m. The proclamation was accepted with gratitude by Mr. Greg Seán Canning, Ancient Order of Hibernians, who gave an overview of St. Patrick's Day and the origins of same being recognized and celebrated around the world and the contributions the organization has made in the United States.

(b) Sue Parker Day Proclamation

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming *March 9, 2023 as Susan Parker Day* in the City of Fruitland Park and extended her the very best wishes on her retirement.

ACTION 6:10:01 p.m. The proclamation was accepted with gratitude by Ms. Parker.

4. LOCAL PLANNING AGENCY

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

ACTION 6:12:39 p.m. **By unanimous consent, the city commission recessed its meeting at 6:13 p.m. to the local planning agency.**

5. COMMUNITY REDEVELOPMENT AGENCY

On or before 6:30 p.m. recess to the community redevelopment agency.

ACTION 6:17:50 p.m. **By unanimous consent, the city commission recessed its meeting at 6:21 p.m. to the community redevelopment agency and reconvened at 6:24 p.m.**

6. CONSENT AGENDA

The city commission considered its action to approve the following consent agenda items:

(a) Approval of Minutes

Motion to consider the approval of the February 23, 2023 regular meeting minutes.

(b) Audit Engagement Letter

ACTION: 6:24:09 p.m., 6:24:38 p.m., and 6:29:15 p.m. **By unanimous consent, the city commission withdrew Consent Agenda Item 6.(b) at Vice Mayor DeGrave's request for consideration.**

On motion of Commissioner Bell, seconded by Vice Mayor DeGrave and unanimously carried, the city commission approved Consent Agenda Item 6.(a) as previously cited.

After Vice Mayor DeGrave suggested the periodical procurement of auditor services, Mr. La Venia concurred with Commissioner Bell's recommendation to implement a policy on same every three years and agreed, in response to Commissioner Gunter's inquiry, to commence seeking request for the respective proposals by May or June 2023 prior to the FY 2023-24 budget cycle.

After discussion and **by unanimous consent, the city commission directed staff to proceed with the request for proposals for auditor services prior to the FY 2023-24 budget process for city commission consideration on a future agenda.**

On motion of Vice Mayor DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved Consent Agenda Item 6.(b) as previously cited.

7. REGULAR AGENDA

(a) Resolution 2023-018 Soccer Field Sidewalk Repair – FY 2022-23 Budget Amendment

Ms. Geraci-Carver read into the record proposed Resolution 2023-018, the title of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2022/2023 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE INSURANCE CLAIM PROCEEDS REVENUE BUDGET AND SOCCER FIELD EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:29:27 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian, that the city commission adopt Resolution 2023-018 as previously cited.

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

PUBLIC HEARING

(b) First Reading and Public Hearing - Ordinance 2023-001 Boundary Amendment (Annexation) - 19.10± Acres Multi-Family Medium – South of Urick Street and West of Thomas Avenue - Petitioner: Kimaya, LLC

After Ms. Geraci-Carver read into the record the following title of proposed Ordinance 2023-001; Mayor Cheshire 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 19.10 ± ACRES OF LAND GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; 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. (Continued from January 26 and February 9, 2023.)

After Mr. Rankin described the subject proposed Ordinance 2023-001, he conveyed the January 19, 2023 Planning and Zoning Board's recommendation of approval; relayed staff's recommendation for the applicant to submit a conceptual plan with a rezoning to Multi-Family Medium Density Residential (R-10) and an adequate school determination or school concurrency reservation which was provided, and confirmed that the subject project meets the minimum standards of the city's code.

After Vice Mayor DeGrave questioned the Fruitland Park Apartments revised site plan (included in the February 9, 2023 regular meeting agenda) and after Mr. Logan J. Opsahl, Lowndes et.al, Attorney representing the applicant, gave a power-point presentation on Kimaya LLC's Annexation, Small-Scale, Comprehensive Plan Amendment and Rezoning where he indicated that the site (conceptual) plan ought to have been included, Ms. Coulson confirmed in response to Mayor Cheshire's question that it together with the presentation were not provided prior to this evening's meeting. (A copy of the presentation is filed with the supplemental papers to the minutes of this meeting.)

After discussion and in response to several questions posed, Messrs. Opsahl and Charles "Chuck" C. Hiott, Half Associates, Inc. (consultants retained by the city) addressed their willingness to provide in advance visual renderings displaying the proposed residential parcels.

Mr. Hiott described the current conceptual plan with surrounding uses; the design of rented two-story town homes and three-story buildings which he claimed -- in response to Commissioner DeGrave's inquiries that was not received by the commission -- was previously provided to the community development staff, and confirmed that no garages are on the apartment site; thus, greenspaces to the south include stormwater retention, landscape buffers, and between the buildings as well as ingress and egress.

The city commission voiced concerns and addressed the lack of recreational amenities, parking garage, the reduction of the northern section from 15 to ten units per acre (proposed development previously owned by Holloway Properties Inc.) annexation of which is between multi-family units and single-family properties; the focus on the multitude of "upscale, high-end, luxury" residential properties, and greenspaces reserved for stormwater retention and landscape buffer. After the commission requested an improved conceptual plan, Mr. Opsahl addressed the opportunity to meet with the elected officials to review same.

Later in the meeting, Mr. Carl Yauk, The Villages of Fruitland Park (Pine Hills resident), commended the city commission on its anticipated actions.

ACTION: 6:31:31 p.m. After discussion, Commissioner Mobilian proffered a motion to continue proposed Ordinance 2023-001 to a future meeting.

In response to Mr. Opsahl's statements and following Ms. Geraci-Carver's advice, **a motion was made by Commissioner Mobilian and seconded by Commissioner Gunter that the city commission deny Ordinance 2023-001 as previously cited.**

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.

(c) First Reading and Public Hearing Ordinance 2023-002 SSCPA – 19.10± Acres Multi-Family Medium – South of Urick Street and West of Thomas Avenue - Petitioner: Kimaya, LLC

After Ms. Geraci-Carver read into the record the following title of proposed Ordinance 2023-002; 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 SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY URBAN HIGH DENSITY TO CITY MULTI-FAMILY MEDIUM DENSITY OF 19.10 +/- ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; 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. (Continued from January 26 and February 9, 2023.)

ACTION: 7:05:30 p.m. **A motion was made by Commissioner Gunter and seconded by Commissioner Mobilian that the city commission deny Ordinance 2023-002 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.

QUASI-JUDICIAL PUBLIC HEARING

(d) **First Reading and Quasi-Judicial Public Hearing - Ordinance 2023-003 Rezoning - South of Urick Street and West of Thomas Avenue Petitioner: Kimaya, LLC**

After Ms. Geraci-Carver read into the record the following title of proposed Ordinance 2023-003; Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.10 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) TO CITY OF FRUITLAND PARK R-10 WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (Continued from January 26 and February 9, 2023.)

Mayor Cheshire disclosed ex-parte communications emails dated February 8 and 9, 2023 respectively -- accompanied with the apartment pictures, annexation aerial, January 26, 23 regular agenda, and staff report -- individually to the elected officials from Mr. Opsahl regarding project for the February 9, 2023 meeting to which the commissioners confirmed were not opened or read. (Copies of the email and attachments were filed with the supplemental papers to the minutes of this meeting.)

Later in the meeting, Mr. Opsahl verified that the emails he sent provided some of the answers addressed earlier in this evening's meeting; referred to previous attempts made to connect with each elected official, and requested an opportunity again to talk with the commission members to provide the information previously relayed to which the city commission agreed with Mayor Cheshire's response to invite developers and present same before the city commission in an open forum and not individually and concurred with Ms. Geraci-Carver's advice to provide the information including the new preliminary site (conceptual) plan requested (under Agenda Item 7.(b)) to staff to be included in the March 23, 2023 regular agenda packet.

ACTION: 7:06:50 p.m. A motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission deny Ordinance 2023-003 as previously cited.

QUASI-JUDICIAL PUBLIC HEARING

(d) **First Reading and Quasi-Judicial Public Hearing - Ordinance 2023-003 Rezoning - South of Urick Street and West of Thomas Avenue Petitioner: Kimaya, LLC**

After Ms. Geraci-Carver read into the record the following title of proposed Ordinance 2023-003; Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.10 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) TO CITY OF FRUITLAND PARK R-10 WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (Continued from January 26 and February 9, 2023.)

Mayor Cheshire disclosed ex-parte communications emails dated February 8 and 9, 2023 respectively -- accompanied with the apartment pictures, annexation aerial, January 26, 23 regular agenda, and staff report -- individually to the elected officials from Mr. Opsahl regarding project for the February 9, 2023 meeting to which the commissioners confirmed were not opened or read. (Copies of the email and attachments were filed with the supplemental papers to the minutes of this meeting.)

Later in the meeting, Mr. Opsahl verified that the emails he sent provided some of the answers addressed earlier in this evening's meeting; referred to previous attempts made to connect with each elected official, and requested an opportunity again to talk with the commission members to provide the information previously relayed to which the city commission agreed with Mayor Cheshire's response to invite developers and present same before the city commission in an open forum and not individually.

Mr. Opsahl concurred with Ms. Geraci-Carver's advice to provide the information including the new preliminary site (conceptual) plan requested (under Agenda Item 7.(b)) to staff to be included in the March 23, 2023 regular agenda packet.

ACTION: 7:06:50 p.m. A motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission deny Ordinance 2023-003 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 QUASI-JUDICIAL PUBLIC HEARING

END OF PUBLIC HEARING

8. (a) City Manager

i. Economic Development Status Update

Mr. La Venia did not give a status on economic development.

ACTION: 7:10:33 p.m. No action was taken.

ii. Comprehensive Plan, 2020 Census (City Redistricting Map), and Multi-Family Dwelling Units Distance Requirements Status Update

At Mr. La Venia's request, Mr. Rankin gave the status of the Comprehensive Plan, 2020 Census (City Redistricting Map), and Multi-Family Dwelling Units Distance Requirements.

Earlier in the meeting, Mr. Rankin announced the following:

- The Hawthorns at Fruitland Park property (located at CR 466A and East Oliver Lane), will be closing on March 22, 2023 with the assistance from Benchmark Development I, LLC;
- Recent communication with an acquaintance on the plan to acquire Lake Saunders Grove Land LLP's property (located on Lake Ella Road, south to Spring Lake Road);
- The finalization of the cemetery map, reviewed with the city manager, which Code Enforcement Officer Lori Davis will be working on the conversion of same electronically;
- The receipt of eight pre-development applications and approximately 16 projects being addressed and three single-family residential developments being proposed, and
- 2020 Census (city redistricting map) is being worked on.

Later in the meeting, Mr. Rankin recognized that Mr. Greg Beliveau, LPG Urban Regional Planners Inc., will be the recipient of an award at the Community Service Awards to be held in May 2023.

ACTION: 7:10:33 p.m. After extensive discussion, and upon **Vice Mayor DeGrave's suggestion the city commission, by unanimous consent, directed the city attorney to provide a report at the next meeting on whether the requirements for greenspace under the land**

development code (consistent with the comprehensive plan) would apply to existing zoning permitted uses; if the applicant does not possess an application on future land use for consideration before the city commission.

(b) City Attorney

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

Ms. Geraci-Carver had nothing to report on the State of Florida Department of Management Services at this time.

ACTION: 7:36:07 p.m. No action was taken.

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

Ms. Geraci-Carver reported that information on the Michael and Laurie Fewless case was received from the insurance company and anticipates reporting on the conclusion of same at the next meeting.

ACTION: 7:36:07 p.m. No action was taken.

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

Ms. Geraci-Carver reported that there was a hearing earlier this day on the U.S. Bank National Association v. Robert More Lake County Case No. 2022-CA-00845 at this time; addressed her intent to reach out to the attorney representing the city in that case and anticipated providing a report at the next meeting..

ACTION: 7:36:37 p.m. No action was taken.

iv. Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628

Ms. Geraci-Carver had nothing to report on the Wayne Goodridge and Tammy Goodridge Lake County Case No. 2022-CA-1628 at this time.

ACTION: 7:36:07 p.m. No action was taken.

v. Fruitland Park Official City Code

Ms. Geraci-Carver had nothing to report on the official city code at this time.

ACTION: 7:36:07 p.m. No action was taken.

vi. Kaitlin Delong vs. City of Fruitland Park, Lake County Case No. 2022-CA-00463

Ms. Geraci-Carver had nothing to report on the Kaitlin Delong Lake County Case No. 2022-CA-00463 at this time.

ACTION: 7:36:07 p.m. No action was taken.

9. UNFINISHED BUSINESS

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

ACTION: 7:36:57 p.m. No action was taken.

10. PUBLIC COMMENTS

Mr. Yauk reiterated his gratitude to the city commission for the manner in which the public hearing earlier at this evening's meeting was conducted.

Mr. Yauk referred to the city commission's adoption of the Arbor Park Phases II-III Preliminary Plat/Master Plan at its January 26, 2023 regular meeting and recognized from said plan that power would be from Duke Energy instead of City of Leesburg Electric to which Mr. La Venia corrected that the City of Leesburg will be used.

In response to Mr. Yauk's question on the approved golf cart for parks and recreation by the city commission at its January 26, 2023, Mr. La Venia confirmed that said golf cart can be used in the approved designated roadways around the city.

Answering Mr. Yauk's statements on the conduct and entire review of traffic studies prior to development, Mr. La Venia outlined the county engineers' review process and the city's technical review committee analysis on same with the developers. He anticipated the proposed roadway improvements (after the overall procurement of county bid specifications) on CR 466A to commence during summer 2023 and expected the utility adjustments for said roadway to be placed on the March 23, 2023 regular city commission agenda for consideration.

ACTION: 7:37:00 p.m. No action was taken.

11. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

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

ACTION: 7:42:03 p.m. No action was taken.

(b) Commissioner Bell

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

ACTION: 7:42:06 p.m. No action was taken.

(c) **Commissioner Gunter – Public Safety Complex**

In response to Commissioner Gunter’s inquiry, Mr. La Venia reported on the current review and finalization of the proposed public safety complex request for qualifications, the draft of which was sent to Ms. Geraci-Carver.

ACTION: 7:42:12 p.m. After discussion, and upon Commissioner Gunter’s recommendation, **the city commission, by unanimous consent agreed to name the new public safety building in honor of former Fire Department Chief Thomas “Tommy” Lee Gamble who served the city for 54 years.**

(d) **Vice Mayor DeGrave**

Vice Mayor DeGrave reminded the city commission of his announcement at the December 8, 2022 regular meeting that he will not be attending the April 27, 2023 meeting.

ACTION: 7:43:57 p.m. No action was taken.

12. **MAYOR’S COMMENTS - Dates to Remember**

Mayor Cheshire recognized the following events:

- March 10, 2023, Lake County League of Cities, *Public Safety*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- March 17, 2023, Comedy Night, Fruitland Park Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 8:00 p.m.;
- March 23, 2023, City Commission regular at 6:00 p.m, and
- March 25, 2023, Fruitland Park Day with BBQ Cook Off, Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.

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

13. **ADJOURNMENT**

The meeting adjourned at 7:45 p.m.

The minutes were approved at the March 23, 2023, regular meeting.

Signed _____
Esther B. Coulson, City Clerk, MMC

Signed _____
Chris Cheshire, Mayor

