

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES  
March 23, 2023**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, March 23, 2023, at 6:00 p.m.

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

**Member Absent:** Commissioner Chris Bell

**Also present:** Gary La Venia City Manager; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Public Works Director Robb Dicus; Parks and Recreation Director Michelle Yoder; Michael “Mike” Rankin, Interim Community Development Director, LPG Urban Regional Planners Inc. (consultant retained by the city); Lake County Firefighter/Paramedic Lieutenant Christopher “Chris” Albert and Firefighter Trevor Levy Emergency Medical Technician, 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, Ms. Rosalind Peeples, Mount Pleasant AME Church, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:00:18 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: 6:01:52 p.m. **By unanimous consent and upon Mayor Cheshire’s announcement, the city commission excused the absence of Commissioner Chris Bell at this evening’s meeting.**

**3. SPECIAL PRESENTATIONS**

**(a) *Water Conservation Month Proclamation – April 2023***

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming the month of April 2023 as *Water Conservation Month* and called upon each citizen and businesses to help protect our precious resource by practicing water-saving measures and becoming more aware of the need to save water with a special focus on fixing leaks and preventing all forms of water loss.

After Ms. Susan Davis, St. John’s River Water Management District, recognized the 25<sup>th</sup> anniversary of water conservation month and highlighted some of the facts on leaks, Mayor Cheshire cited the city’s water conservation practices and existing

procedures to ensure that users do not have leaks or broken meters. (Copies of these documents are filed with the supplemental papers to the minutes of this meeting.)

ACTION: 6:02:13: p.m. After the proclamation was accepted with gratitude by Ms. Davis.

**By unanimous consent, Mayor Cheshire took the following items out of order on this evening's agenda.**

**(c) Ashley's House and Cottage – Transition Home in Fruitland Park for Homeless Women Veterans Presentation**

At Mayor Cheshire's request, Villagers for Veterans Vice President Kathryn Wilgus, acknowledged the presence of Founder and President Marie Bogdonoff, VOFP (Pine Ridge) resident; mentioned the attendance of Treasurer Paul Immordino, and identified the veterans at this evening's meeting. She described the veterans' program and gave a power-point presentation on the recently purchased Ashley's House and Cottage (formerly known as Esther's House) located on 36240 East Spring Lake Boulevard in the Fruitland Park Unincorporated Area. (A copy of the presentation is filed with the supplemental papers to the minutes of this meeting.)

After Ms. Bogdonoff indicated that Villagers for Veterans is seeking to partner with the city to sponsor and/or participate in future events honoring veterans; described the women veterans' homeless program, and announced the May 20, 2023 opening of Ashley's House in Fruitland Park, Mayor Cheshire encouraged her to communicate with Ms. Yoder regarding the city's events.

ACTION 6:07:42 p.m. No action was taken.

**(b) February 11, 2023 5k Love Run Check Presentation**

Ms. Yoder reviewed the February 11, 2023 5k Love Run summary outlining the sponsorships' donations, expenses, and proceeds totalling \$2,503.27 (Oak Park Middle School for \$1,252.63 and Rock@Leesburg High School for \$1,251.64).

Ms. Lori A. Humphrey, Lake County School District and facilitator representing "The Rock" at Leesburg High School; described the faith-based program to meet one hundred percent of the daily needs of all students and expressed heartfelt gratitude for the donations.

ACTION: 6:21:44 p.m. No action was taken.

**4. CONSENT AGENDA**

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

**(a) Approval of Minutes**

March 9, 2023 regular meeting minutes.

**(b) Resolution 2023-019 - Election Polling Places – Lake SOE – MOA**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE MEMORANDUM OF AGREEMENT FOR POLLING PLACE – 2024 – PRECINCT #530 BETWEEN LAKE COUNTY SUPERVISOR OF ELECTIONS AND THE CITY OF FRUITLAND PARK FOR THE USE OF FRUITLAND PARK'S COMMUNITY CENTER FOR THE MARCH 19, 2024 PRESIDENTIAL PREFERENCE PRIMARY ELECTION, AUGUST 20, 2024 PRIMARY ELECTION AND NOVEMBER 5, 2024 GENERAL ELECTION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:28:52 p.m. **On motion of Vice Mayor DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda as previously cited.**

**5. (a) Resolution 2023-017 Civil Engineering and Surveying Services – CR 466A Phase 3B Utility Adjustments – Halff Associates Inc.**

Ms. Geraci-Carver read into the record Resolution 2023-017, the title of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AGREEMENT/PROPOSAL FOR CR 466A PHASE 3B UTILITY ADJUSTMENTS DATED FEBRUARY 14, 2023 FROM HALFF IN AN AMOUNT NOT TO EXCEED \$83,600 FOR ENGINEERING, SURVEYING, PERMITTING, ADMINISTRATIVE, BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES AND REIMBURSABLES; AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE. (Postponed from the February 23, 2023 meeting.)

**ACTION:** 6:29:15 p.m. **A motion was made by Commissioner Gunter and seconded by Commissioner Mobilian that the city commission adopt Resolution 2023-017 as previously cited.**

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

**(b) Resolution 2023-020 Underground 10' Utility Easement City of Leesburg Electric - New Public Works Building**

The city commission considered its action on the adoption of proposed Resolution 2023-020, the title of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, TO APPROVE THE PERMANENT UNDERGROUND UTILITY AGREEMENT FROM THE CITY OF FRUITLAND PARK IN FAVOR OF THE CITY OF LEESBURG, FLORIDA TO PROVIDE ELECTRIC SERVICE TO THE PUBLIC WORK'S BUILDING; AUTHORIZING THE MAYOR TO SIGN THE EASEMENT; PROVIDING FOR AN EFFECTIVE DATE

**ACTION: 6:30:40 p.m. On motion of Vice Mayor DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission postponed its action on previously cited Resolution 2023-020 to the April 13, 2023 meeting at staff's request for more information.**

**(c) Resolution 2023-021 Public Works Building Project – Change Order #1 City of Leesburg Electric - CT Metering Equipment – GSB Construction and Development Inc.**

Ms. Geraci-Carver read into the record Resolution 2023-021, the title of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO THE EJCDC STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE BETWEEN THE CITY OF FRUITLAND PARK AND GSB CONSTRUCTION & DEVELOPMENT, INC. TO PROVIDE FOR AN INCREASE OF \$4,349.19 IN THE STIPULATED SUM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION: 6:31:18 p.m. After discussion, a motion was made by Commissioner Mobilian and seconded by Vice Mayor DeGrave that the city commission adopt Resolution 2023-021 as previously cited.**

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

(d) **Resolution 2023-022 - Public Works Building Project – Change Order #2 PVC Pipe Credit – GSB Construction and Development Inc.**

Ms. Geraci-Carver read into the record Resolution 2023-022, the title of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 2 TO THE EJCDC STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE BETWEEN THE CITY OF FRUITLAND PARK AND GSB CONSTRUCTION & DEVELOPMENT, INC. TO PROVIDE FOR A REDUCTION OF \$8,000.00 IN THE STIPULATED SUM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:31:18 p.m. and 6:36:26 p.m. After discussion, a motion was made by Commissioner Mobilian and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-022 as previously cited.

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

(e) **Resolution 2023-023 - Public Works Building Project – Change Order #3 Fire Sprinkler System – GSB Construction and Development Inc.**

Ms. Geraci-Carver read into the record Resolution 2023-023, the title of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 3 TO THE EJCDC STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE BETWEEN THE CITY OF FRUITLAND PARK AND GSB CONSTRUCTION & DEVELOPMENT, INC. TO PROVIDE FOR A DECREASE OF \$18,450.00 IN THE STIPULATED SUM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:31:18 p.m. and 6:37:25 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-023 as previously cited.

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

**By unanimous consent, Mayor Cheshire opened the public hearings 1at this evening's meeting.**

## **PUBLIC HEARING**

**(f) Second 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**

It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2023-001, Ms. Geraci-Carver read into the record 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, 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. (The first reading was held on March 9, 2023.)

In response to Mayor Cheshire's inquiry, Mr. Rankin addressed the applicant's desire to present an alternative plan where Mr. Logan J. Opsahl, Lowndes et.al, Attorney representing the applicant, gave a power-point presentation featuring the project's location with the proposed bubble plan (R-10 zoning mixed multifamily asset classes of detached cottages and town homes of 190 units) and recognized the city commission's concerns raised at the March 9, 2023 regular meeting.

After discussion and following Ms. Geraci-Carver's recommendation for the subject item to be continued and for the master development agreement with a zoning ordinance to be extended, Mr. Opsahl agreed in that regard to include Ordinances 2023-002 and 2023-003 under Items 5.(g) and (h) on this evening's agenda.

Subsequent to considerable discussion, Mr. Charles "Chuck" C. Hiott, Halff Associates, Inc. (consultants retained by the city), voiced concerns on the presentation of a conceptual plan resulting in 178 units with the potential of more

prior to the final engineering; thus, the reason for not providing a more detailed layout to which Mr. Rankin voiced his commitment to work with the applicant.

Commissioner DeGrave recalled and later in the meeting addressed the city commission's enactment of Utility Service Provision Outside Municipal Boundaries, Unincorporated Areas Ordinance 2019-013 on October 10, 2019; a copy of which is filed with the supplemental papers to the minutes of this meeting.

After Mayor Cheshire recognized the concerns raised earlier by Vice Mayor DeGrave on the quality-of-life issues for the proposed development, he referred to the applicant's concurrence with the advice given at the March 9, 2023 meeting to provide the information including the new preliminary site (conceptual) plan to which Mr. Opsahl addressed the intent to work with staff and the applicant on a revised unit count.

**ACTION: 6:38:19 p.m. and 7:22:33 p.m. After considerable deliberations, and on motion Vice Mayor DeGrave, seconded by Commissioner Gunter and unanimously carried, the city commission continued the enactment of Ordinance 2023-001 as previously cited to the May 11, 2023 meeting.**

- (g) Second 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**

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. (The first reading was held on March 9, 2023.)

**ACTION: 7:17:11 p.m. On motion of Commissioner Gunter, seconded by Commissioner Mobilian and unanimously carried, the city commission continued the enactment of Ordinance 2023-002 as previously cited to the May 11, 2023 meeting.**

## QUASI-JUDICIAL PUBLIC HEARING

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

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. (The first reading was held on March 9, 2023.)

**ACTION:** 7:17:36 p.m. On motion of Commissioner Gunter, seconded by Vice Mayor DeGrave and unanimously carried, the city commission continued the enactment of Ordinance 2023-003 as previously cited to the May 11, 2023 meeting.

## END OF QUASI-JUDICIAL PUBLIC HEARING

## END OF PUBLIC HEARING

6. (a) **City Manager**  
**Economic Development Status Update**  
Mr. La Venia did not give a status on economic development; however, he acknowledged the presence of Mr. Walter A. Nickel, PE, Wright-Pierce Inc. (engineering and surveying consultant retained by the city), who will be working on CR 466A roadway project improvements.

**ACTION:** 7:17:51 p.m. No action was taken.

- (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:** 7:18:49 p.m. No action was taken.



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

Ms. Geraci-Carver reported that in the Michael and Laurie Fewless case, the parties' request for continuance was denied by the court and she will provide more information if a settlement is not reached and whether there will be a trial.

ACTION: 7:18:49 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 had nothing to report on the U.S. Bank National Association v. Robert More Lake County Case No. 2022-CA-00845.

ACTION: 7:18:49 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: 7:18:49 p.m. No action was taken.

**v. Fruitland Park Official City Code**

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

ACTION: 7:18:49 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: 7:18:49 p.m. No action was taken.

**7. UNFINISHED BUSINESS**

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

ACTION: 7:19:30 p.m. No action was taken.

**8. PUBLIC COMMENTS**

Later in the meeting, Ms. Wilgus presented the women's veterans shirt and token to some of the veterans at this evening's meeting.

Mr. Carl Yauk, The Villages of Fruitland Park (Pine Hills) resident, referred to the Water Conversation month's statistics and suggested that same be promoted in the media.

Mr. Yauk recalled the city commission's direction at its March 9, 2023 regular meeting regarding the petitioner, Kimaya, LLC's proposed development addressed earlier on this evening's agenda and voiced support of the city commission's position in this regard.

ACTION: 7:22:33 p.m. No action was taken.

**9. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

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

ACTION: 7:19:32 p.m. No action was taken.

**(b) Commissioner Bell**

Commissioner Bell was absent from this evening's meeting.

ACTION: 7:19:35 p.m. No action was taken.

**(c) Commissioner Gunter**

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

ACTION: 7:19:35 p.m. No action was taken.

**(d) Vice Mayor DeGrave**

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

ACTION: 7:19:38 p.m. No action was taken.

**10. MAYOR'S COMMENTS**

**(a) Comfort Zone Camp-Volunteers Needed for Children's Grief Camp**

Mayor Cheshire referred to The Mark Wandall Foundation's Annual Comfort Zone Camp Program where they are seeking volunteers for its virtual training (to be held on March 27 and 28, 2023) for the April 21 to 23<sup>rd</sup> Camp Program in the Unincorporated Area of Fruitland Park and indicated that such information will be available on the city's website and social media page. (A copy of the flyer is filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:19:42 p.m. No action was taken.

**(b) Dates to Remember**

Mayor Cheshire recognized the following events:

- March 25, 2023, Fruitland Park Day with BBQ Cook Off, Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.

March 23, 2023 regular meeting

- April 1, 2023, Mommy and Son Mess, Northwest Lake Soccerfield, 300 Shiloh Street, Fruitland Park, Florida 34731 at 10:00 a.m.;
- April 5, 2023 (April 6, 2023 to April 15, 2023) 102<sup>nd</sup> Annual Lake County Fair, Eustis, Florida
- April 13, 2023, City Commission regular at 6:00 p.m.;
- April 14, 2023, *State of Elections*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- April 21, 2023, Comedy Night, 205 West Berckman Street, Fruitland Park, Florida 34731 at 8:00 p.m.;
- April 26, 2023, Lake~Sumter Metropolitan Planning Organization, Governing Board Meeting, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida at 2:00 p.m.;
- April 27, 2023, City Commission regular at 6:00 p.m.

ACTION: 7:20:50 p.m. No action was taken.

**13. ADJOURNMENT**

The meeting adjourned at 7:32 p.m.

The minutes were approved at the April 13, 2023, regular meeting.

Signed

Esther B. Coulson, City Clerk, MMC

Signed

Chris Cheshire, Mayor

