

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
May 11, 2023**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, May 11, 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 (attended by Zoom online video conference call); City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce; Public Works Director Robb Dicus, Human Resources Director Betty McHale; Michael “Mike” Rankin, Interim Community Development Director, LPG Urban & Regional Planners Inc. (consultant retained by the city); Lake County Fire Rescue Lieutenant/Paramedic Bradley Shelley and Joshua “Josh” Meredith, Firefighter/Emergency Medical Technician, and City Clerk Esther B. Coulson.

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

Mayor Cheshire called the meeting to order, Chief Luce gave the invocation and Vice Mayor DeGrave led in the pledge of allegiance to the flag.

ACTION: 6:11:16 p.m. No action was taken.

2. ROLL CALL

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

Mayor Cheshire recognized the following changes to this evening’s agenda:

3. (a)ii. National Teacher Appreciation Day and Teacher Appreciation Week Proclamation

Proclamation for Ms. Barnes should read *Alexis Barnes*

5. (e) Public Hearing - Resolution 2023-027 – Preliminary Plan Rolling Acres at Lake Ella – Petitioner: Resibuilt Homes LLC

To be continued at staff’s request.

5. (g-i) Ordinances 2023-001, 2023-002, and 2023-003, Park Square Homes

Addendum:

- May 3, 2023 Lake County School District’s letter regarding Adequate Public Facilities Determination;
- February 22, 2023 annexation and comp plan map and exterior elevation (front and rear) presentation, and
- May 1, 2023 staff report

ACTION: 6:12:54 p.m. Upon Mayor Cheshire's suggestion and by unanimous consent, the city commission accepted the above changes to this evening's agenda.

3. SPECIAL PRESENTATIONS

(a) National Teacher Appreciation Day (Tuesday, May 2, 2023) and Teacher Appreciation Week (May 7-13, 2023) Proclamation

On behalf of the city commission, Mayor Cheshire read into the record the following proclamations declaring Tuesday, May 2nd as *National Teacher Appreciation Day* and May 8th to 12th, 2023 as *Teachers' Appreciation Week*; recognized the theme: *It's Time to Thank a Teacher! Teaching is a Work of Heart*, and asked everyone to celebrate the daily sacrifices they make for every child:

- i. Ms. Ellen Frazier Miller, Third Grade Teacher, Teacher of the Year and
- ii. Ms. Alexis Barnes, Second Grade Teacher, Rookie Teacher of the Year

ACTION: 6:13:25: p.m. On behalf of Mses. Miller and Barnes and the teachers, Mses. Dawn Brown, Principal and Melissa F. Dillow, Assistant Principal, Fruitland Park Elementary School, accepted the proclamations with much gratitude.

(b) National Library Week (April 23-29, 2023) Proclamation

On behalf of the city commission, Mayor Cheshire proclaimed *National Library Week from April 23-29, 2023* and encouraged all residents to visit their library to explore the wealth of resources available.

ACTION: 6:03:01: p.m. The proclamation will be submitted to Library Director JoAnn Glendinning at a future date.

(c) Check Donation Presentation – March 25, 2023 Dave Robey Memorial Vefest Event

After Mayor Cheshire recognized the March 25, 2023 Dave Robey Memorial Vefest event, Chief Luce explained the annual event (hosted by American Legion (John Gella Memorial) Post, with proceeds donated to the police department), referred to the law enforcement officers' attendance invited by the post to its May 4, 2023 meeting to accept its check presented for \$6,040.71, and addressed the intent to utilize the proceeds to upgrade the department's firearm equipment.

ACTION: 6:18:17: 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

April 13, 2023 regular meeting

(b) Resolution 2023-029 – Change Order 1 – Addendum 1 to Master Services Agreement No. 19831 – MCCi LLC

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NUMBER 01 TO ADDENDUM NO. 1 TO MASTER SERVICES AGREEMENT NO. 19831 BETWEEN MCCi LLC AND CITY OF FRUITLAND PARK, FLORIDA RESULTING IN A CREDIT TO THE CITY IN THE AMOUNT OF \$8,000.00; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE.

(c) Resolution 2023-020 Utility Easement Public Works Building

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: 6:19:50 p.m. **On motion of Commissioner Mobilian, seconded by Commissioner Gunter and unanimously carried, the city commission approved the consent agenda as previously cited.**

5. REGULAR AGENDA

(a) Resolution 2023-016 Urick Street Force Main Extension Project Contract Change #2 – Cathcart Construction Company Florida LLC, Oviedo

Ms. Geraci-Carver read into the record proposed Resolution 2023-016, 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 THAT INCLUDES A THREE-DAY EXTENSION TO CONSTRUCTION TIME AND INCREASE OF \$13,111 IN THE CONTRACT PRICE REQUESTED BY CATHCART CONSTRUCTION COMPANY FLORIDA LLC, OVIEDO; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED APPROVAL; PROVIDING FOR AN EFFECTIVE DATE. (Postponed from February 23, 2023 regular meeting.)

Mr. La Venia reported on the recent meeting he had amongst Ms. Geraci-Carver, Mr. Dicus, representatives from Halff Inc. and Cathcart Construction Company Florida Inc., regarding the extension and noted the original invitation to bid and the contractor's review on the costs which were included. He addressed the city

commission's prerogative to address the plans and engineering as a separate matter at this evening's meeting or in the future and acknowledged the work already completed by Cathcart Construction.

ACTION: 6:20:11 p.m. After much discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2023-016 as previously cited; direct staff to review the contract provisions on mitigation and arbitration, and request pursuing the return of \$29,950 with Halff Inc.

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

(b) Resolution 2023-030 Public Works A1A CO 4 PR 1 Cost Change Order – New Public Works Building – Revisions to Civil Drawings

Ms. Geraci-Carver read into the record proposed Resolution 2023-030, the title of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 4 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 \$835.29 IN THE STIPULATED SUM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:25:24 p.m. After discussion, a motion was made by Commissioner Mobilian and seconded by Vice Mayor DeGrave that the city commission adopt Resolution 2023-030 as previously cited.

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

(c) Resolution 2023-031 – CDBG Program FYs 2023-24-2025-26 – Lake County

Ms. Geraci-Carver read into the record proposed Resolution 2023-031, the title of which is as follows:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, PERTAINING TO THE URBAN COUNTY COOPERATION AGREEMENT RELATING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING FOR APPROVAL OF AGREEMENT AND AUTHORIZATION TO EXECUTE; PROVIDING FOR THE

IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ACTION: 6:27:31 p.m. After discussion, a motion was made by Commissioner Gunter and seconded by Vice Mayor DeGrave that the city commission adopt Resolution 2023-031 as previously cited.

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

(d) Resolution 2023-032 School Resource Officer Program – 2023-2024

Ms. Geraci-Carver read into the record proposed Resolution 2023-032, the title of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK, FLORIDA FOR SCHOOL RESOURCE OFFICER PROGRAM [2023-2024]; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:29:21 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-032 as previously cited.

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

By unanimous consent, Mayor Cheshire opened the public hearings.

PUBLIC HEARING

(e) Public Hearing - Resolution 2023-027 – Preliminary Plan Rolling Acres at Lake Ella – Petitioner: Resibuilt Homes LLC

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING PRELIMINARY PLAN APPROVAL OF ROLLING ACRES AT LAKE ELLA GENERALLY LOCATED SOUTH OF LAKE ELLA ROAD AND EAST OF ROLLING ACRES ROAD, FRUITLAND PARK, FLORIDA; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:31:30 p.m. **On motion of Commissioner Mobilian, seconded by Vice Mayor DeGrave and unanimously carried, the city commission continued definitely its action on proposed Resolution 2023-027 at staff's request.**

(f) Public Hearing - Resolution 2023-028 Major Site Plan Approval – Veterinary Emergency Clinic – CR 466A – Petitioner: James Martin, Villages VEC

It now being the time advertised to hold a public hearing to consider the adoption of proposed Resolution 2023-028, Ms. Geraci-Carver read the following title and Mayor Cheshire called for interested parties to be heard:

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 ,850 SF VETERINARY EMERGENCY CLINIC TO BE LOCATED ON LOT 4 OF THE VILLAGE PARK COMMERCIAL SUBDIVISION ON CR 466A; 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: 6:32:06 p.m. **A motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2023-028 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.

(g) 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 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.)

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; addressed the developer's obligation to the site (conceptual) plan, and referred to his conversations with Ms. Geraci-Carver prior to this evening's meeting in that regard. (A copy of the presentation is filed with the supplemental papers to the minutes of this meeting.)

In response to Vice Mayor DeGrave's inquiry on the prevention of potential owners acquiring the property as a permitted use (multi-family medium density of 10 units per acre), Ms. Geraci-Carver recommended, for the city commission's consideration at this evening's meeting, the property owner entering into a proposed master development agreement within 10 days which outlines the maximum density allowed on the subject site; accepted Mr. Lowndes' clarification of ten business days, and acknowledged his commitment to the quality of the units in question to be developed.

Later in the meeting and in response to a question posed by Mr. Carl Yauk, The Villages of Fruitland Park (Pine Hills) resident, Mr. Rankin noted the approximate 8.8 units to the acre for the subject proposed development with no single-family homes detached.

ACTION: 6:35:28 p.m. and 6:45:28 p.m. After discussion, **a motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission enact Ordinance 2023-001, as previously cited, to become effective immediately as provided by law.** (The city commission accepted the city attorney's recommendation for the master development agreement to be contingent upon approval of the subject item.)

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 2023-002 SSCPA – 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 2023-002, Ms. Geraci-Carver 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, 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: 6:42:47 p.m. A motion was made by Commissioner Mobilian and seconded by Vice Mayor DeGrave that the city commission enact Ordinance 2023-002, as previously cited, to become effective 31 days after adoption. (If the ordinance is challenged within 30 days after adoption, it 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.

QUASI-JUDICIAL PUBLIC HEARING

(i) Second Reading and Quasi-Judicial Public Hearing - Ordinance 2023-003 Rezoning - 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 2023-003, Ms. Geraci-Carver 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, 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: 6:44:29 p.m. A motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission enact Ordinance 2023-003, as previously cited, to become effective immediately as provided by law.

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

6. (a) City Manager

i. Economic Development Status Update

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

ACTION: 6:46:10 p.m. No action was taken.

ii. Commercial Developments Permits Issued Status Update

There were no reports to submit on the issuance of commercial development permits.

ACTION: 6:46:10. p.m. No action was taken.

(b) City Attorney

i. 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: 6:46:16 p.m. No action was taken.

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

With respect to the Wayne Goodridge and Tammy Goodridge Lake County Case No. 2022-CA-1628, Ms. Geraci-Carver addressed her intent to provide a report on the purchase of the property in question.

ACTION: 6:46:16 p.m. No action was taken.

iii. Fruitland Park Official City Code

Ms. Geraci-Carver had nothing to report on the city code.

ACTION: 6:46:16 p.m. No action was taken.

iv. LDR Codification

Ms. Geraci-Carver had nothing to report on the land development regulation codification.

ACTION: 6:46:16 p.m. No action was taken.

v. 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: 6:46:16 p.m. No action was taken.

7. UNFINISHED BUSINESS

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

ACTION: 6:46:43 p.m. No action was taken.

8. PUBLIC COMMENTS

ACTION: 6:46:45 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: 6:47:09 p.m. No action was taken.

(b) **Commissioner Bell**

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

ACTION: 6:47:15 p.m. No action was taken.

(c) **Commissioner Gunter – The National Day of Prayer**

Commissioner Gunter addressed his attendance at the May 4, 2023 *National Day of Prayer* that was held at city hall and acknowledged District 11 US Congressman Daniel Webster's presence.

ACTION: 6:47:19 p.m. No action was taken.

(d) **Vice Mayor DeGrave – New Public Works Building Site**

Vice Mayor DeGrave expressed his admiration of the new public works building site that he recently visited with Mr. Dicus and commended GSB Construction and Development Inc. for its current work.

ACTION: 6:47:46 p.m. No action was taken.

10. **MAYOR'S COMMENTS**

(a) **Lake County Public Safety Department, Office of Fire Rescue**

Mayor Cheshire cited Lake County Fire Chief Jim Dickerson's April 26, 2023 email announcing that the new fire engine for the city's fire station 56 has arrived; the desire to schedule the May 26, 2023 Traditional Pushback Ceremony at the city for 3:00 p.m., and relayed whether the city commission would be available. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

ACTION: 6:48:24 p.m. **By unanimous consent, the city commission agreed to attend.**

(b) **Dates to Remember**

Mayor Cheshire recognized the following events:

- May 12, 2023, Lake County League of Cities *Legislative Update*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at noon;
- May 17, 2023 Lake 100 *34th Annual Lake County Community Service Awards Banquet*, The Venetian Center, 1 Dozier Circle, Leesburg, Florida 34748 at 6:00 p.m.;

May 11, 2023 regular meeting

- May 19, 2023, Comedy Night, Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 8:00 p.m.;
- May 20, 2023, *Ribbon Cutting Ceremony for Ashley's Cottage*, 36240 East Spring Lake Boulevard, Fruitland Park, Florida 34731 at 11:00 a.m.,
- May 25, 2023, City Commission regular at 6:00 p.m., and
- May 29, 2023, City Hall Closed – Memorial Day

ACTION: 6:49:17 p.m. No action was taken.

11. ADJOURNMENT

The meeting adjourned at 6:51 p.m.

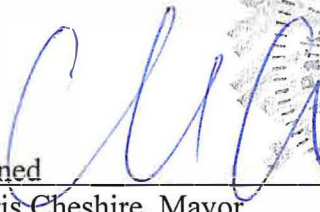
The minutes were approved at the May 25, 2023, regular meeting.

Signed



Esther B. Coulson, City Clerk, MMC

Signed



Chris Cheshire, Mayor

