

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES  
July 13, 2023**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, July 13, 2023, at 6:00 p.m.

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

**Member Absent:** Commissioner John Mobilian

**Also Present:** Gary La Venia City Manager; City Attorney Anita Geraci-Carver; City Treasurer Gary Bachmann; Captain Henry Rains and Sergeant David Cox, Police Department; 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); Mses. Sharon Williams, Administrative Manager; Kelli Fielder, Permit and Zoning Technician, and Carrie Pruitt, Permit Technician, Community Development Department; Lieutenant/Paramedic Bradley Shelley and Firefighter/Emergency Medical Technician Bryce Benton, Lake County Fire Rescue, and City Clerk Esther B. Coulson.

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

After Mayor Cheshire called the meeting to order and Reverend Allen T. Tillman, New Salem Missionary Baptist Church, gave the invocation, Captain Rains led in the pledge of allegiance to the flag.

ACTION: 6:00:00 p.m. No action was taken.

**2. ROLL CALL**

Mayor Cheshire requested that Ms. Coulson call the roll where a quorum was declared present and Commissioner Mobilian’s absence was acknowledged.

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

**5.(a) Resolution 2023-039 – A1A Document – Scorpio**

Postpone to July 27, 2023 for more information at staff’s request.

**5.(g) First Reading and Public Hearing – Ordinance 2023-006**

Addendum – Miller at Cut-off Presentation

**5.(h) Ordinance 2023-007 Conditional Use Permit - Petitioner: Ralph W. Thiele  
2021 Revocable Trust**

Applicant’s request to move item up on the agenda and with addendum – elevation and renderings.

**ACTION: 6:01:43 p.m. By unanimous consent, the city commission excused the absence of Commissioner John Mobilian and accepted, upon Mayor Cheshire's suggestion, the above changes to this evening's agenda.**

**3. LOCAL PLANNING AGENCY**

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

**ACTION 6:02:37 p.m. By unanimous consent, the city commission recessed its meeting at 6:02 p.m. to the local planning agency and reconvened at 6:21 p.m.**

**4. CONSENT AGENDA**

**By unanimous consent, the city commission considered its action to approve the following consent agenda items:**

**(a) Approval of Minutes**

June 22, 2023, regular meeting.

**(b) Resolution 2023-038 City Treasurer Appointment**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING GARY BACHMANN AS CITY TREASURER; PROVIDING FOR THE TERM; AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION: 6:20:43 p.m. On motion of Vice Mayor DeGrave, seconded by Commissioner Gunter and unanimously carried, the city commission approved the consent agenda as previously cited.**

**5. REGULAR AGENDA**

**(a) Resolution 2023-039 – A1A Document (Construction Management Services “At Risk” New Public Safety Complex Contract RFQ 2023-01) - Scorpio**

The city commissioner considered its action to adopt proposed Resolution 2023-039, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AIA DOCUMENT A133-2019 STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER AT CONSTRUCTOR WHERE BASIS OF PAYMENT IS THE COST OF THE WORK PLUS A FEE WITH A GUARANTEED MAXIMUM PRICE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION: 6:21:02 p.m. On motion of Commissioner Gunter, seconded by Vice Mayor DeGrave and unanimously carried, the city commission postponed its action to adopt Resolution 2023-039, as previously cited, to the July 27, 2023 meeting at staff's request for more information.**

**(b) Resolution 2023-037 Police Vehicle FY 2022-23 Budget Amendment BT2023-008**

Ms. Geraci-Carver read into the record proposed Resolution 2023-037, the substance 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 EXPENDITURES IN EQUIPMENT - VEHICLES ACCOUNT FOR THE POLICE DEPARTMENT AND DECREASE EXPENDITURES IN FUEL, UNIFORMS, TUITION REIMBURSEMENT, AND NONREPAIRABLE EQUIPMENT ACCOUNTS TO ALLOW FOR THE PURCHASE AND EQUIPPING OF A POLICE VEHICLE FOR USE AS A K-9 POLICE VEHICLE; AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:21:30 p.m. After further discussion, a motion was made by and seconded by that the city commission adopt Resolution 2023-037 as previously cited.

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

**(c) Police K-9 Patrol Vehicle Purchase Quotes**

The city commission considered its action to approve the bids from Duval Chevrolet \$40,799 and Bozard Ford for \$43,836 with the attached breakdown of expenditures.

**ACTION:** 6:21:30 p.m. and 6:26:40 p.m. On motion of Commissioner Gunter, seconded by Commissioner Bell and unanimously carried, the city commission approved staff's recommendation to select the Duval Chevrolet as the lowest most responsive and responsible bidder to purchase the police K-9 patrol vehicle Chevrolet Tahoe for \$40,799 with the related expenditures.

**PUBLIC HEARING**

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

**(d) First Reading and Public Hearing - Ordinance 2023-008 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, after Ms. Geraci-Carver read into the record proposed Ordinance 2023-008, 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 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 second reading will be held on July 27, 2023.)

**ACTION:** 6:27:15 p.m. A motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission approve Ordinance 2023-008 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.

**(e) First Reading and Public Hearing Ordinance 2023-009 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, after Ms. Geraci-Carver read into the record proposed Ordinance 2023-009, 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 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 second reading will be held on July 27, 2023.)

**ACTION:** 6:28:55 p.m. A motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission approve the Local Planning Agency's recommendations of approval to approve Ordinance 2023-009, as previously cited, with the amendment that the developer commit to a future land use designation of 8.8 maximum density (not to exceed 170 units per acre) acceptable by the applicant.

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.

By unanimous consent, the city commission took the following items out of order on this evening's agenda.

#### **QUASI-JUDICIAL PUBLIC HEARING**

**(h) Second Reading and Quasi-Judicial Public Hearing – Ordinance 2023-007 Conditional Use Permit - Petitioner: Ralph W. Thiele 2021 Revocable Trust**

It now being the time advertised to hold a public hearing, after Ms. Geraci-Carver read into the record Ordinance 2023-007, 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, COUNTY OF LAKE, STATE OF FLORIDA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 24,000 SQUARE FOOT PRIVATE GARAGE LOCATED IN THE C-2 ZONING DISTRICT FOR THE HEREafter DESCRIBED LANDS WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; OWNED BY THE RALPH W. THIELE 2021 REVOCABLE TRUST DATED DECEMBER 16, 2021, AND LOCATED AT 35421 MICRO RACETRACK ROAD, FRUITLAND PARK, LAKE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on June 22, 2023.)

After "Chris" Christopher Thompson, on behalf of the owner, was sworn in by Ms. Geraci-Carver to give testimony on the subject item; he introduced family

members in attendance at this evening's meeting and distributed documents on additional illustrative rendering and the garage front elevation which related to the city commission's concerns addressed at the June 22, 2023 meeting. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

In expressing satisfaction with the subject project, Mr. Thompson agreed in the affirmative to Vice Mayor DeGrave's inquiry that the garage front elevations and the 150 flat lined wall would be submitted during the site plan process.

**ACTION: 6:27:15 p.m. A motion was made by Commissioner Gunter and seconded by Commissioner Bell that the city commission enact Ordinance 2023-007 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.**

**(f) First Reading and Quasi-Judicial Public Hearing - Ordinance 2023-010 Rezoning - South of Urick Street and West of Thomas Avenue Petitioner: Kimaya, LLC**

It now being the time advertised to hold a public hearing, after Ms. Geraci-Carver read into the record proposed Ordinance 2023-010, 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, 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 second reading will be held on July 27, 2023.)

Ms. Geraci-Carver recognized the subject issue to be contingent upon the developer entering into the master development agreement (MDA); pointed out discussions

held earlier this evening during the LPA meeting on the petitioner's request and recognized, contingent to the applicant's acceptance, the:

- Combination of town homes, duplexes and single-family dwellings to be included in the conceptual site plan and removal of the title referencing *Fruitland Park Apartments and Town Homes* from the Annexation and Comprehensive Plan that were distributed for the record;
- future land use designation of 8.8 maximum density not to exceed 170 units per acre;
- provision that apartments are not permitted (under Section 2, Land Use Development) as well as three-story buildings, and
- deletion of the language under Section 3, Elevations and Architectural Features, Exhibit C, *Roofs shall be tile*;

(The respective documents were filed with the supplemental papers to the minutes of this meeting.)

**ACTION:** 6:37:54 p.m. A motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission approve aforementioned Ordinance 2023-010 with the conditions previously cited by the city attorney.

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) First Reading and Public Hearing – Ordinance 2023-006 Petitioner: Lake Sumter Commercial LLC**

It now being the time advertised to hold a public hearing, after Ms. Geraci-Carver read into the record proposed Ordinance 2023-006, 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, REZONING APPROXIMATELY 6.54± ACRES OF PROPERTY LOCATED ON CR 466A, FRUITLAND PARK, FLORIDA FROM CITY OF FRUITLAND PARK R-3 ZONING TO THE CITY OF FRUITLAND PARK DESIGNATION OF PUD, PLANNED UNIT DEVELOPMENT WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN

EFFECTIVE DATE. (The second reading will be held on July 27, 2023.)

Messrs. Alex Stringfellow, Stringfellow Planning & Design and Marc Gauthier, Atlantic Housing Partners, representing the applicant, were sworn in by Ms. Geraci-Carver to give testimonies and gave a power-point presentation on the Miller@Cutoff proposed project, a copy of which is filed with the supplemental papers to the minutes of this meeting.

**ACTION:** 6:40:51 p.m. Following much discussion, a motion was made by Commissioner Gunter and seconded by Vice Mayor DeGrave that the city commission approve Ordinance 2023-006 as previously cited and accepted the applicant's request that the master developer's agreement include that 50 percent of homes with accessory units must be three-car garages.

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 had nothing to report on economic development at this time.

**ACTION:** 7:06:19 p.m. No action was taken.

ii. **Commercial Developments Permits Issued Status Update**

Mr. La Venia had nothing to report on the commercial developments' permits issued at this time.

**ACTION:** 7:06:19 p.m. No action was taken.

iii. **Road Paving**

At Mr. La Venia's request, Mr. Dicus addressed the need to implement and identify roadway paving projects within the Community Redevelopment Agency (CRA) and non-CRA roads currently in the FY 2022-23 budget to be considered at the next meeting.

Mr. Dicus agreed with Vice Mayor DeGrave's suggestion to find out more information from The Villages Marketplace Walmart on the vendor or product used for its asphalt parking lot and acknowledged the roadways identified in The Villages of Fruitland Park (Pine Ridge) that need attention.



ACTION: 7:06:19 p.m. No action was taken.

**iv. Sidewalk Improvements**

With respect to the sidewalks, particularly on Berckman Street, Mr. La Venia relayed the plan for Mr. Dicus to review sidewalk improvements for the proposed FY 2023-24 CRA budget.

ACTION: 7:17:57 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 reported on the U.S. Bank National Association v. Robert Moore Lake County Case No. 2022-CA-00845 and referred to the attorney's filing of the motion to collect up to \$43,000 which represents the lien on the Moore property. She explained that a family has intervened to apply for the excess proceeds; therefore, they will wait for the outcome in that regard.

ACTION: 7:19:01 p.m. No action was taken.

**ii. 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.

ACTION: 7:19:01 p.m. No action was taken.

**iii. Code of Ordinances – Codification**

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

ACTION: 7:19:01 p.m. No action was taken.

**iv. LDR Codification**

Ms. Geraci-Carver had nothing to report on the LDR codification.

ACTION: 7:19:01 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: 7:19:01 p.m. No action was taken.

**vi. 2023 State Legislative Session Updates**

Ms. Geraci-Carver identified the following new 2023 State Legislative Session laws that recently went into effect:

- Senate Bill 152, Public Records – public records exemption for information pertaining to a safe-school officer at a private school;
- CS/CS/SB 1604, Land Use and Development Regulations - revising the comprehensive plan to include at least two planning periods covering at least the first 10-year five-year period after the plan’s adoption and one covering at least a 20-year 10-year period which needs to be reviewed when it is time for the city’s year;
- Regulation of Single-Family Residential Design Elements (in 2022) – prohibiting local governments from regulating building design elements for single family homes and two-family homes with specified exceptions which apply to planned unit developments prior to July 2023;
- CS/CS/SB 258 Prohibited Applications on Government-Issued Devices - cellular telephone, desktop computer, laptop computer, computer tablet, or other electronic device capable of connecting prohibited applications from the internet owned or leased by a public employer and issued to an employee or officer for work-related purposes, and
- SB 1718, Immigration – for a public agency to require in any contract that a contractor or subcontractor register with and use the E-Verify System; thus, the reason for the postponement of agenda item 5.(a), Resolution 2023-039 (A1A Document (Construction Management Services “At Risk” New Public Safety Complex Contract RFQ 2023-01) – Scorpio) earlier at this evening’s meeting.

ACTION: 7:19:31 p.m. No action was taken.

**7. UNFINISHED BUSINESS**

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

ACTION: 7:22:43 p.m. No action was taken.

**8. PUBLIC COMMENTS**

ACTION: 7:22:45 p.m. No action was taken.

**9. COMMISSIONERS’ COMMENTS**

**(a) Commissioner Mobilian**

Commissioner Mobilian was absent from this evening’s meeting.

ACTION: 7:23:04 p.m. No action was taken.

(b) **Commissioner Bell**

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

ACTION: 7:23:04 p.m. No action was taken.

(c) **Commissioner Gunter – FY 2023-24 Proposed Budget**

After Mr. La Venia responded to Commissioner Gunter's inquiry on earmarking in the FY 2023-24 budget funds towards a splash park, he suggested that staff pursue grant funding towards same.

ACTION: 7:23:08 p.m. No action was taken.

(d) **Vice Mayor DeGrave**

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

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

10. **MAYOR'S COMMENTS**

(a) **Ordinance 2023-007 Conditional Use Permit - Petitioner: Ralph W. Thiele 2021 Revocable Trust (Item 5.(h))**

Mayor Cheshire referred to the city commission's action earlier on this evening's agenda, Item 5.(h), regarding the enactment of Conditional Use Permit (for a private garage) Ordinance 2023-007; the petitioner's initial proposition in that regard and for stringent provisions in the LDR for architectural design within the zoning designations to which Mr. Rankin indicated that staff is currently working on same.

ACTION: 7:23:30 p.m. No action was taken.

(b) **Dates to Remember**

Mayor Cheshire recognized the following events:

- July 14, 2023, Lake County League of Cities, *Lake County Sheriff's Update*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 noon;
- July 27, 2023, City Commission Regular at 6:00 p.m.;
- July 29, 2023 7-Eleven Opening – US Highway 27/441, Fruitland Park, Florida 34731 at 10:00 a.m.;
- July 29, 2023, Mom and Daughter Tea Party, Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 11:00 a.m.;
- July 31, 2023, City Commission Workshop (FY 2023-24 Proposed Budget) at 6:00 p.m.;

July 13, 2023, regular meeting

- August 1, 2023, City Commission Workshop (FY 2023-24 Proposed Budget) at 6:00 p.m. and
- August 10, 2023, City Commission Regular CANCELLED.


ACTION: 7:33:20 p.m. No action was taken.

**10. ADJOURNMENT**

The meeting adjourned at 7:34 p.m.

The minutes were approved at the July 27, 2023, regular meeting.

Signed   
\_\_\_\_\_  
Esther B. Coulson, City Clerk, MMC

Signed   
\_\_\_\_\_  
Chris Cheshire, Mayor

