

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
August 24, 2023**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, August 24, 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 Gary Bachmann; Deputy Finance Director Denise Bower; 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); Ms. Sharon Williams, Administrative Manager, Carrie Pruitt, Permit Technician, Community Development Department, and City Clerk Esther B. Coulson.

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

After Mayor Cheshire called the meeting to order and Pastor Greg Yarbrough, Trinity Assembly of God, gave the invocation, and Chief Luce 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 Bell’s absence was acknowledged.

ACTION: 6:02:28 p.m. **By unanimous consent, the city commission excused the absence of Commissioner Chris Bell from this evening’s meeting.**

3. SPECIAL PRESENTATION – Law Enforcement Dispatch Services Presentation

Major Glenn Hall, Lake County Sheriff’s Office (LCSO), who described the allocation of the taxes and responded to concerns raised on the law enforcement dispatch services as it related to the costs and the equity of same to be borne by the city and unincorporated area residents.

Ms. Geraci-Carver indicated, in response to Mr. La Venia’s inquiry, that she would obtain further information on whether it is feasible to impose a special assessment for law enforcement services and if the Municipal Services Tax Unit (imposed by the county which the city opts into) would be permissible.

ACTION 6:02:46 p.m. No action was taken.

4. CONSENT AGENDA

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

(a) Approval of Minutes

July 31 workshop and July 27, 2023, regular meetings minutes.

(b) Resolution 2023-044 Health and Benefits Cafeteria Plan

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE CITY OF FRUITLAND PARK CAFETERIA PLAN; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE ANY DOCUMENTS THAT MAY BE REQUIRED; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:27:47 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) Urick Street Force Main Extension Project - Mitigation and Arbitration Discussion

Ms. Geraci-Carver referred to the engineer's drawings for the Urick Street Force Main Extension Project and the contractor's submittal of Invitation to Bid 2022-04 as the sole source, low responsive and responsible bidder where a portion of the line was excluded from one side of the drawings. She relayed discussions held with the engineer and contractor and noted, during the construction phase, the deficient pipe for \$25,950 where the city was charged for the additional liner square footage (the type at the same price the bid was submitted; thus, there was no extra cost to the city) and that the contractor did not dispute the engineer who acknowledged the exclusion.

Ms. Geraci-Carver relayed the review of the engineer's contract which had no attorney mitigation and arbitration provision; noted the need to prove damages, if the city desires to pursue litigation with the engineer where if the city does or does not prevail, it would be out of litigation attorney's fees and costs, and conveyed her recommendation to not proceed in that regard.

ACTION: 6:28:08 p.m. After further discussion and on motion of Vice Mayor DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission approved withdrawing its May 11, 2023 action to pursue mitigation and arbitration litigation for the return of \$29,950 with Halff Inc.

PUBLIC HEARING

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

(b) Second Reading and Public Hearing – Ordinance 2023-011 SRF Am. 1 to Loan Agreement WW350821 and Grant Agreement SG350822 – FDEP

It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2023-011, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF CITY OF FRUITLAND PARK, FLORIDA, APPROVING STATE REVOLVING FUND AMENDMENT 1 TO LOAN AGREEMENT WW350821 AND GRANT AGREEMENT SG350822 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF FRUITLAND PARK, FLORIDA TO RESCHEDULE LOAN REPAYMENT ACTIVITIES TO ALLOW THE CITY ADDITIONAL TIME TO COMPLETE CONSTRUCTION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. (The first reading was held on July 27, 2023.)

ACTION: 6:32:35 p.m. A motion was made by Commissioner Gunter and seconded by Commissioner Mobilian that the city commission enact Ordinance 2023-011 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.

SUPPLEMENTAL AGENDA ITEM

QUASI-JUDICIAL PUBLIC HEARING

(c) First Reading and Quasi-Judicial Public Hearing – Ordinance 2023-004 – Rezoning 14-10+ Acres PUD – 2307 Spring Lake Road – Petitioner: Southwinds Commercial LTD

In response to Mayor Cheshire's inquiry, Mr. Rankin indicated that the applicant is not present at this evening's meeting and requested continuing the subject item.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 14.10 +/- ACRES OF PROPERTY FROM PLANNED UNIT DEVELOPMENT (PUD) TO CITY OF FRUITLAND PARK PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED NORTH OF SPRING LAKE ROAD AND WEST OF

POINSETTIA AVENUE; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; 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 second reading will be heard on September 14, 2023.)

ACTION: 6:34:04 p.m. At Mr. Rankin's request a motion was made by Commissioner Mobilian and seconded by Commissioner Gunter that the city commission continue its action to approve Ordinance 2023-004 as previously cited at staff's request to September 14, 2023 a date certain.

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.

ACTION: 6:38:21 p.m. No action was taken.

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

Mr. La Venia did not address commercial developments permits issued.

ACTION: 6:38:21 p.m. No action was taken.

iii. **CR 466A Phase 3B Utility Adjustment Plans Status Update Report**

Mr. La Venia referred to the CR 466A Phase 3B Utility Adjustment Plans prepared by Halff Inc.; pointed out the city's obligation to erect water and wastewater connections for approximately \$1.15 million and reported on Mr. Dicus' recent submittal of same to the county which is currently under review before the project is procured. (A copy of the respective records are filed with the supplemental papers to the minutes of this meeting.)

ACTION: 6:38:21 p.m. No action was taken.

iv. **Mirror Lake Village MDA PUD - Roadway Improvements Status Report**

Mr. La Venia pointed out the Mirror Lake Village Phase II Final Plat approval (adopted at the July 27, 2023 regular meeting); reported on staff's review of the Planned Unit Development Phase II and Lemon Street where it requires a second ingress and egress to development stages I and II, and gave reasons why traffic could not be rerouted and implanted around the development on Urick Street. In addition to Mr. Dicus' review of same,

Mr. La Venia suggested placing Lemon Street in the Community Redevelopment Agency's budget and determine the costs to widen the Lemon Street roadway by three feet.

ACTION: 6:36:40 p.m. No action was taken.

v. **2024-25 Appropriations Discussion**

At Vice Mayor DeGrave's request, Mr. La Venia gave a timeline for the CR 66A Phase 3B roadway improvements anticipated by the end of 2023.

Mr. La Venia referred to the August 14, 2023 email received from House District 26, State Representative Keith Truenow regarding the 2024 Session appropriation for the 2024-25 year and recalled the city's submitted application for \$500,000 towards the Emergency Operations Center/Public Safety which was vetoed by the Florida Governor on June 15, 2023.

Mr. La Venia recognized Lake County Board of County Commissioners' consideration on its August 29, 2023 regular agenda on the (Florida Department of Economic Development Community Development Block Grant-Coronavirus 2 Program) Grant Award, a portion of which to improve waterlines; relayed his preference to allocate same towards the subject project and the utilization of half a million dollars of city funds which will be returned as impact fees.

After Mr. La Venia voiced his preference to complete the 2024-25-year appropriation project request form and confirmed, in response to Vice Mayor DeGrave's request, that he would clarify whether loan funds could be utilized from the proposed emergency operation center construction and the waterline improvement, Ms. Geraci-Carver explained the impacts encompassed on the May 12, 2022 Water and Wastewater Impact Fee study and agreed with Mr. La Venia to reach out to Mr. Bryan A. Mantz, GovRates.

ACTION: 6:35:05 p.m. **By unanimous consent, the city commission accepted the city manager's recommendation to submit the 2024-25 year appropriation project request with the Emergency Operation Cener as a priority project.**

(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 Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845.

ACTION: 6:4:02 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-Craver had nothing to report on the Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-A-1628.

ACTION: 6:4:02 p.m. No action was taken.

iii. **Code of Ordinances – Codification**

Ms. Geraci-Carver had nothing to report on the code of ordinances codification.

ACTION: 6:4:02 p.m. No action was taken.

iv. **LDR Codification**

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

ACTION: 6:4:02 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 vs. City of Fruitland Park, Lake County Case No. 2022-CA-00463 case.

ACTION: 6:4:02 p.m. No action was taken.

vi. **Quit Claim Deed - Titan Investment Corp.**

Ms. Geraci-Carver addressed her plan to place on the September 14, 2023 agenda for consideration the quit claim deed for Titan Investment Corp; referenced the piece of property on the owner's deed revealing a public highway which could not be identified on the city's plat, and pointed out Ordinance 36 showing where the city vacated the right-of-way; thus, the owner's intent to file a quiet title lawsuit.

As opposed to the owner commencing litigation, Ms. Geraci-Carver believed that the subject issue can be resolved by a quit claim deed from the city as she cannot locate where the city has interest.

ACTION: 6:4:02 p.m. No action was taken.

7. **UNFINISHED BUSINESS**

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

ACTION: 6:50:38 p.m. No action was taken.

8. PUBLIC COMMENTS

After Mr. Steve Hawkins, City of Fruitland Park resident, questioned the lack of notification to area residents of the proposed project, Ordinance 2023-004, that was continued under Regular Agenda Item 5.(c), earlier in this evening's meeting, Mr. Rankin confirmed that the affected area residents will be informed, Ms. Geraci-Carver noted the applicant's unawareness on the consideration of same as the reason for continuance, and Vice Mayor DeGrave indicated that the agenda will be noticed on the city's website under: [Meetings | City of Fruitland Park Florida](#).

Ms. Debi Weinert, City of Tavares resident, referred to the non-profit organization Triangle Community Alliance Inc., and requested that she be placed on the next agenda to give a power-point presentation on the benefits of the Dolly Parton Imagination Library of Lake County, Florida

ACTION: 6:50:40 p.m. No action was taken.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

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

ACTION: 6:55:41 p.m.

(b) Commissioner Bell

Commissioner Bell was absent from this evening's meeting.

ACTION: 6:55:41 p.m. No action was taken.

(c) Commissioner Gunter

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

ACTION: 6:55:43 p.m. No action was taken.

(d) Vice Mayor DeGrave

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

ACTION: 6:55:49 p.m. No action was taken.

10. MAYOR'S COMMENTS

(a) Law Enforcement Dispatch Services

In response to Mayor Cheshire's concerns on the law enforcement dispatch services presentation held earlier this evening, Ms. Geraci-Carver addressed the declaratory action (the legal authority to impose on municipalities), recognized the funding sources LCSO receives from the county and other state entities and addressed plans to review LCSO's statutory authority on same as well as communicate with LCSO's legal counsel in that regard.

In response to Vice Mayor DeGrave's inquiry, Ms. Geraci-Carver indicated that she could reach out to other municipalities in this regard.

ACTION: 6:55:51 p.m. No action was taken.

(b) Dates to Remember

Mayor Cheshire announced the following dates:

- September 15, 2023, Lake County Women's Hall of Fame Nomination
- September 8, 2023, Lake County League of Cities, *School District Update*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 noon;
- September 14, 2023, City Commission Regular at 6:00 p.m., and
- September 28, 2023, City Commission Regular at 6:00 p.m.;

ACTION: 7:02:39 p.m. No action was taken.

11. ADJOURNMENT

The meeting adjourned at 7:03 p.m. (The city commission workshop is to follow.)

The minutes were approved at the September 14, 2023, regular meeting.

Signed

Esther B. Coulson, City Clerk, MMC

Signed

Chris Cheshire, Mayor