

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
September 14, 2023**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, September 14, 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 Gary Bachmann; Police 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); Permit and Zoning Technician Keli Fielder and Permit Technician Carrie Pruitt, Community Development Department, Library Director JoAnn Glendinning and Terry Dohrn, Lieutenant/Paramedic Bradley Shelley and Firefighter Sean Davis; Deputy City Clerk Candice Dennis, and City Clerk Esther B. Coulson.

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

After Mayor Cheshire called the meeting to order and Commander Larry Miller, John Gella Memorial Unit 219 American Legion, gave the invocation, Vice Mayor DeGrave 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. Dennis call the roll where a quorum was declared present; recognized the following agenda item changes and outlined the decorum for this evening’s proceedings.

Agenda Changes:

6.(a) Resolution 2023-049

Addendum – new proposed resolution with the name blank to be completed.

6.(b) Resolution 2023-047

Addendum – Quit Claim Deed

6.(i) Ordinance 2023-004

Addendum - Rezoning Presentation

ACTION: 6:05:08 p.m. **By unanimous consent and upon Mayor Cheshire’s recommendations, the city commission accepted the above-captioned changes and agreed to take Regular Agenda Item 6.(a) out of order on this evening’s agenda.**

6. **REGULAR AGENDA**

(a) **Resolution 2023-049 City Clerk Appointment**

Ms. Geraci-Carver read into the record Resolution 2023-049, the substance of which is as follows:

A RESOLUTION OF THE CITY OF FRUITLAND PARK,
APPOINTING A CITY CLERK, PROVIDING FOR THE TERM
OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:07:27 p.m. After Mayor Cheshire referred to the city commission's actions at its August 23, 2023 special meeting to take no action; address the reappointment at this day's meeting, and direct the city clerk to report daily to and take directions from the city manager, **a motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission reappoint Ms. Esther Coulson as city clerk.**

Subsequent to considerable discussions, Ms. Geraci-Carver addressed the protocol to take any type of complaint to the labor counsel to investigate which would not typically be considered before the city commission.

Following extensive discussions, Commander Miller indicated that not knowing what the complete situation is, he addressed the continual relationship he has had over the years with Ms. Coulson and always found her to be a consonant professional. In referring to the requests she has made on several American Legion topics that had arisen and on behalf of the membership, he thanked Ms. Coulson.

In response to Mayor Cheshire's question, Ms. Geraci-Carver noted the preparedness by Ms. Dorothy "Dottie" F. Green (Latham, Shuker, Eden & Beaudine LLP) labor counsel retained by the city) to address the recommendations for reappointment with conditions; noted that there is no probationary period for the reappointment for the year, and pointed out the city commission's actions at the August 23, 2023 meeting for the city clerk to answer to the city manager the day-to-day operations that would be in place. She recalled the discussions to revise the job description and duties which has been prepared and is ready for adoption; recognized the work on the public records policy which would no longer permit the city clerk to access emails but instead same to be implemented by an IT specialist and felt the required training/courses -- utilized regularly for employees and a condition for the employee manual on how to work better and communicate with co-workers -- would be helpful.

Following further discussion and **upon Vice Mayor DeGrave's recommendation, the city commission, by unanimous consent, requested that Mayor Cheshire call the motion on the floor.**

Mayor Cheshire called for a roll call vote on the motion with the city commission members voting as follows:

Commissioner Mobilian	Yes
Commissioner Bell	Yes
Commissioner Gunter	Yes
Vice Mayor DeGrave	No
Mayor Cheshire	No

The motion was declared carried on a three to two (3-2) vote.

3. SPECIAL PRESENTATION – Dolly Parton Imagination Library of Lake County, Florida Presentation

Later in the meeting, Ms. Debi Weinert, Triangle Community Alliance Inc., gave a presentation on Dolly Parton’s Imagination Library (DPIL), a 501c3 organization, and the Imagination Library, run by the Dollywood Foundation, as a global footprint. She referred to the findings from the research conducted (used from funds applied for from Lake County 2020 Census grant,) that not a single child in third grade was reading at grade level, and described the process on how DPIL could help children in the city.

Mayor Cheshire suggested that Weinert ought to make arrangements to meet with Ms. Glendinning.

ACTION 6:29:05 p.m. No action was taken.

4. COMMUNITY REDEVELOPMENT AGENCY

Recess to the Community Redevelopment Agency.

ACTION: 6:46:08 p.m. **By unanimous consent, the city commission recessed its meeting at 6:45 p.m. to the community redevelopment agency and reconvened at 7:03 p.m.**

5. CONSENT AGENDA

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

(a) Approval of Minutes

August 23, special, August 24, regular and August 24, 2023 workshop meetings minutes.

(b) Resolution 2023-046 Property and Casualty Insurance Coverage

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE RENEWAL PROPOSAL FOR PROPERTY AND CASUALTY INSURANCE COVERAGE FROM PUBLIC RISK MANAGEMENT OF FLORIDA FOR COVERAGE EFFECTIVE OCTOBER 1, 2023; PROVIDING FOR AN EFFECTIVE DATE.

(c) Resolution 2023-048 City Attorney Appointment

A RESOLUTION OF THE CITY OF FRUITLAND PARK, APPOINTING A CITY ATTORNEY, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:57:47 p.m. Upon Ms. Geraci-Carver's request, the city commission, by unanimous consent, agreed to pull Item 5.(a), August 23, 2023 special meeting minutes.

On motion of Vice Mayor DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved the previously cited consent agenda items except for Item 5.(a), August 23, 2023 special meeting minutes.

6. REGULAR AGENDA

(b) Resolution 2023-047 Quit Claim Deed – Titan Investment Corp

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING QUIT CLAIM DEED TO TITAN INVEST CORP.; AUTHORIZING THE MAYOR TO EXECUTE THE QUIT CLAIM DEED; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:58:08 p.m. After further discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2023-047 as previously cited.

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

(c) ITB 2023-02 Patricia Avenue Water Main and Services Installation

Mr. La Venia referred to the proposals received from D B Civil Construction LLC, Jumeaux Inc. and Art Walker Construction Inc on Invitation to Bid 2023-02 for the installation of water main and services on Patricia Avenue from Lewis Street to Shiloh Street; the budgeted funds (namely, Community Development Block Grant funds and water impact fees), and the recommendation from Halff Inc. (consultant retained by the city) to award the contract to D B Civil Construction.

ACTION: 6:59:22 p.m. After further discussion and on motion of Vice Mayor DeGrave, seconded by Commissioner Gunter and unanimously carried, the city commission approved the recommendation to award to the lowest, responsive and responsible bidder the previously cited bid to D B Civil Construction LLC for \$244,900.

PUBLIC HEARING

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

(d) Public Hearing Resolution 2023-036 Final Fire Assessment FY 2023-24

It now being the time advertised to hold a public hearing, to consider the adoption of Resolution 2023-036 and after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES WITHIN THE VILLAGE OF FRUITLAND PARK BENEFIT AREA IN THE CITY OF FRUITLAND PARK; ESTABLISHING THE ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ACTION: 7:04:43 p.m. A motion was made by Commissioner Mobilian and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-036 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 – Resolution 2023-050 FY 2023-24 Tentative Millage

After Ms. Geraci-Carver read into the record the following title of Resolution 2023-050, Mayor Cheshire announced that the City of Fruitland Park is prepared to set the proposed millage rate of 3.9134 which is 8.06% increase over the roll back rate of 3.5980; that the millage rate of 3.9134 mills is the same rate as the last five years, and that once the proposed rate is established, the commission cannot exceed that rate and called for the public to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF 3.9134 LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2023-2024; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 7:05:42 p.m. A motion was made by Commissioner Mobilian and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-050 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.

(f) First Reading and Public Hearing – Resolution 2023-051 FY 2023-24 Tentative Budget

After Ms. Geraci-Carver read into the record the following title of Resolution 2023-051, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2023-2024; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 7:07:07 p.m. After discussion, a motion was made by Commissioner Mobilian and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-051 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.

Upon the city attorney's suggestion and by unanimous consent, the city commission took the following items 5.(h) and 5.(g) out of order on this evening's agenda.

QUASI-JUDICIAL PUBLIC HEARING

(h) First Reading and Quasi-Judicial Public Hearing – Ordinance 2023-012 – PUD – South of Lake Ella Road and West of US 27/441 - Petitioner: Lake Saunders Groves Land, LLP

It now being the time advertised to hold a public hearing, to consider the approval of Ordinance 2023-012, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, AMENDING ORDINANCE 2006-13 AND 2022-012 TO ADOPT A SECOND AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT RELATING TO REAL PROPERTY CURRENTLY ZONED PLANNED UNIT DEVELOPMENT CONSISTING OF APPROXIMATELY 135.7 ± ACRES OF PROPERTY LOCATED BETWEEN LAKE ELLA ROAD AND SOUTH TO SPRING LAKE ROAD, FRUITLAND PARK, FLORIDA; AMENDING THE CONCEPTUAL SITE PLAN; DECREASING THE DENSITY AND NUMBER OF RESIDENTIAL UNITS; PROVIDING FOR DESIGN STANDARDS; PROVIDING FOR

SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

After Mr. Rankin described the previously cited proposed development and relayed staff's recommendation of approval, the city commission, **by unanimous consent, requested that staff review the traffic impacts from Lake Geneva Drive to US 27/441 and determine the jurisdiction in that regard.**

ACTION: 7:08:54 p.m. and 7:09:38 p.m. Following much discussion, a **motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission approve Ordinance 2023-012 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

- (g) **Public Hearing - Resolution 2023-043 Preliminary Plan Approval South of Lake Ella Road and West of US 27/441 - Petitioner: Lake Saunders Groves Land, LLP**

It now being the time advertised to hold a public hearing, to consider the adoption of Resolution 2023-043, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING PRELIMINARY PLAN APPROVAL OF THE VILLAGE AT LAKE GENEVA GENERALLY LOCATED BETWEEN LAKE ELLA ROAD AND SOUTH TO SPRING LAKE ROAD, FRUITLAND PARK, FLORIDA; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 7:08:54 p.m. and 7:30:37 p.m. A **motion was made by Commissioner Mobilian and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-043 as previously cited.**

An amended motion was made by Commissioner Mobilian and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-043 as previously cited and accepted the city attorney's advice that the approval is contingent at second reading of the planned unit development being approved.

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

(Commissioner Bell left the meeting room during the following item.)

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

It now being the time advertised to hold a public hearing, to consider the enactment of Ordinance 2023-004, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

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.

By unanimous consent, the city commission accepted staff's' request to allow a pre-recorded power-point presentation regarding Watevue at Lake Geneva Lakeview Rental Community proposed project from the applicant, Mr. Alex Stringfellow, who is absent from this evening's meeting, requested that the city commission accept staff's recommendation of approval. (A copy of the presentation is filed with the supplemental papers to the minutes of this meeting.)

After further discussion, Mr. David Stokes, Madden, Moorhead, & Glunt Inc., civil engineer for the project, confirmed in response to Vice Mayor DeGrave's inquiry that the drive by isles would be private and 24 feet wide and outside of that there would be over 18-foot parking spaces.

ACTION: 7:22:14 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission approve Ordinance 2023-004 as previously cited.

The following Fruitland Park Unincorporated Area residents voiced concerns on the proposed project:

Mr. William Birdsaw requested that the ownership of roadways by Holy Trinity Episcopal Church and Marjorie Street by Lake County be reviewed where he was reassured by Mr. Rankin that additional development would not have adverse impacts to Lake Geneva and for him to contact him for more information.

Ms. Reina Heiss who addressed the impacts the subject proposed development would have to her neighborhood.

Mr. Myron Wade noted the period when the PUD was approved, the traffic impact study conducted due to the potential major increase in traffic, he pointed out staff's report that a traffic study is not required and in concurrence, Mr. Rankin indicated that more information would be provided to him.

After Mr. Wade recognized the consideration of the potential impacts and increase in school-aged children and the lack of bus stops and accommodations available to them, Mayor Cheshire addressed the responsibility of the school district and the county as it relates to roadway improvements in the area. Mr. Wade requested more information on the proposed joint entrance for both developments; the decreased buffer to 10 foot and copies of the notification that was sent to the adjacent landowners as he did not receive any.

Ms. Jennifer Wooten questioned the removal of trees on Lake Geneva; the visibility of the proposed developments to which Mayor Cheshire recognized the reduction in density of the subject proposed project, and the safety (lighting and sidewalks) in the area.

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.

ACTION: 7:53:44 p.m. No action was taken.

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

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

ACTION: 7:53:44 p.m. No action was taken.

iii. **Lake County Grant**

Mr. La Venia announced that he received a \$1.25 million grant funding from Lake County for a 16" waterline for US 27/441 and he is waiting to determine whether the easement at Spring Lake Cove apartments would be required to connect the line which would accommodate the new developments in the area.

ACTION: 7:53:44 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 did not address the U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845.

ACTION: 7:55:21 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 did not address the Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-A-1628.

ACTION: 7:55:21 p.m. No action was taken.

iii. **Code of Ordinances – Codification**

Ms. Geraci-Carver reported on the code of ordinances codification process and the table of contents that was recently received whereby comments will be provided in a week.

ACTION: 7:55:21 p.m. No action was taken.

iv. LDR Codification

Ms. Geraci-Carver did not address the land development regulations codification.

ACTION: 7:55:21 p.m. No action was taken.

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

Ms. Geraci-Carver did not address the Kaitlin Delong vs. City of Fruitland Park, Lake County Case No. 2022-CA-00463 case.

ACTION: 7:55:21 p.m. No action was taken.

7. UNFINISHED BUSINESS

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

ACTION: 7:55:43 p.m. No action was taken.

8. PUBLIC COMMENTS

There were no comments from the public at this time.

ACTION: 7:55:44 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: 6:56:02 p.m. No action was taken.

(b) Commissioner Bell

Commissioner Bell was not present at this time.

ACTION: 6:56:02 p.m. No action was taken.

(c) Commissioner Gunter

With respect to the Patricia Avenue Water Main and Services Installation addressed earlier in this evening's meeting under agenda item 6.(c), Commissioner Gunter questioned whether consideration could be given on cost-effective measures when making underground improvements and the placement of water wastewater connections to which Mr. Dicus addressed his willingness to pursue the gravity line, if funding is approved.

ACTION: 7:57:12 p.m. No action was taken.

(d) Vice Mayor DeGrave

After Vice Mayor DeGrave referred to the September 14 question that the city clerk's job description ought to be placed on a future agenda, Mr. La Venia assured

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him that it would be on the September 28, 2023 regular agenda together with the records request policy and proposed resolutions to support same. He explained that a separate city commission workshop is planned to be held for the personnel policies and procedures manual.

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

10. MAYOR'S COMMENTS

(a) **Dates to Remember**

Mayor Cheshire announced the following dates:

- September 28, 2023, City Commission Regular at 6:00 p.m.;
- October 5, 2023 National Night Out Community Watch – First Responders Recreation Center, 7746 SE Highway 42, The Villages, Florida at 5:00p.m.;
- October 12, 2023 City Commission Regular meeting at 6:00 p.m.;
- October 25, 2023 Lake-Sumter Metropolitan Planning Organization Governing Board Meeting (MPO), 1300 Citizens Boulevard, Suite 175, Leesburg, Florida 34748 at 2:00 p.m.
- October 26, 2023 City Commission Regular meeting at 6:00 p.m.

ACTION: 8:00:16 p.m. No action was taken.

(b) **Agenda Preparation**

After Mayor Cheshire shared the concerns he voiced with Ms. Geraci-Carver, Coulson, and Mr. Rankin regarding the preparation of the agenda and addressed the need for change, Ms. Geraci-Carver recognized the lack of information and time to prepare before providing it to Ms. Coulson.

ACTION: 8:00:16 p.m. After much discussion and **by unanimous consent, the city commission agreed for the city manager to be responsible for ensuring the preparedness of the agenda, except for emergencies, to be by Thursday before the commission meeting.**

11. ADJOURNMENT

The meeting adjourned at 8:08 p.m.

The minutes were approved at the September 28, 2023, regular meeting.

Signed
Esther B. Coulson, City Clerk, MMC

Signed
Chris Cheshire, Mayor

