

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
October 26, 2023**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, October 26, 2023, at 6:00 p.m.

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

(Commissioner Chris Bell entered the meeting room as reflected in the minutes of this evening's meeting.)

Also Present: City Attorney Anita Geraci-Carver; City Treasurer Gary Bachmann; 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); Office Assistant Emily Church, Community Development Department; Planning and Zoning Board Chair Al Goldberg; Lieutenant/Paramedic Bradley Shelley, Firefighter/Emergency Medical Technician Justin Acevedo and Joshua Meredith, 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 Tillman, New Salem Missionary Baptist Church, gave the invocation, Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:00:02 p.m. No action was taken.

2. ROLL CALL

Mayor Cheshire requested that Ms. Coulson call the roll where a quorum was declared present. He relayed Mr. Rankin's recommendation that as City Manager Gary La Venia is absent from this meeting, the commission workshop, scheduled to follow upon the conclusion of these proceedings, ought to wait upon his return.

Mayor Cheshire later announced the following changes on this evening's agenda:

5.(c) Resolution 2023-045 Lakeside Storage Variance

Addendum – replaced 2023-052 with correct resolution.

5.(e) Ordinance 2023-018 Employee Manual Personnel Policies and Procedures

Addendum – scriveners' errors.

(Commissioner Bell entered the meeting room at this time.)

ACTION: 6:01:59 p.m. and 6:02:53 p.m. **On motion Commissioner Mobilian, seconded by Vice Mayor DeGrave and unanimously carried, the city commission cancelled the city commission workshop to follow upon the conclusion of this**

evening's meeting to November 9, 2023 which would follow immediately after the regular city commission meeting.

Upon Mayor Cheshire's recommendation and **by unanimous consent, the city commission accepted the previously cited changes to this evening's agenda.**

3. SPECIAL PRESENTATIONS

(a) Veterans' Day Proclamation - November 11, 2023,

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming November 11, 2023 as *Veterans Day* and jointly, with The John Gella Memorial Unit 219 Inc. and invited all of our citizens to solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom -- on Saturday, November 11, 2023 at 11:00 a.m. outside city hall -- so that their efforts shall not have been in vain.

ACTION: 6:03:22 p.m. Commander Larry Miller, The John Gella Memorial Unit 219 Inc., accepted the proclamation with much gratitude and gave a report on the funds expended to the police department towards the nine-millimeter handguns.

(b) Scams, Fraud and Consumer Rights – Florida Department of Agriculture and Consumer Services

Ms. Lenora Spence, the Community Outreach Coordinator for the Florida Department of Agriculture and Consumer Services (the state's clearing house for consumer complaints, information and protection and business regulation), gave a presentation on scams, fraud and consumer rights; provided brochures and newsletters on same and addressed her willingness to aid the city in conducting speaking engagements workshops for the community.

ACTION: 6:08:11 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

October 12, 2023 regular minutes.

(b) Resolution 2023-068 – Independent Auditor's Report FY Ending September 30, 2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ACCEPTING THE INDEPENDENT AUDITORS' REPORT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2022 WITH ACCOMPANYING FINANCIAL STATEMENTS; PROVIDING FOR AN EFFECTIVE DATE.

(c) **Resolution 2023-069 City Manager Employment Agreement Second Amendment**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE SECOND AMENDMENT TO CITY OF FRUITLAND PARK CITY MANAGER'S EMPLOYMENT AGREEMENT BETWEEN THE CITY OF FRUITLAND PARK, FLORIDA AND GARY LA VENIA; AUTHORIZING EXECUTION OF THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

(d) **Resolution 2023-070 Legal Services Agreement Amendment**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE AMENDED LEGAL SERVICES AGREEMENT BETWEEN THE CITY OF FRUITLAND PARK, FLORIDA AND LAW OFFICE OF ANITA GERACI-CARVER P.A.; AUTHORIZING EXECUTION OF THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

(e) **Lake County Educational Concurrency Review Committee Appointment**

Motion to consider the reappointment of Commissioner John L. Gunter Jr. to the Lake County Education Concurrency Review Committee.

ACTION: 6:17:45 p.m. On motion of Vice Mayor DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved the consent agenda as previously cited.

5. REGULAR AGENDA

(a) **Resolution 2023-055 Planning and Zoning Board – Chair and Vice Chair Selection**

Ms. Geraci-Carver read into the record the title of Resolution 2023-055, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PLANNING AND ZONING BOARD CHAIR AND VICE-CHAIR SELECTION FOR FISCAL YEAR 2023/2024; PROVIDING FOR AN EFFECTIVE DATE. (Postponed from the September 28, 2023 meeting.)

ACTION: 6:18:20 p.m. After Mayor Cheshire recognized the presence of Mr. Goldberg at this day's meeting, a motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-055 as previously cited.

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

(b) **Resolution 2023-065 Records and Archive Management Plan Onsite Consulting Services – SML Inc.**

Ms. Geraci-Carver read into the record the title of Resolution 2023-065, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING A ONE-YEAR RENEWAL OF THE PROFESSIONAL SERVICES AGREEMENT BETWEEN SML, INC. & CITY OF FRUITLAND PARK CONTRACT FOR RECORDS & ARCHIVE MANAGEMENT SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

In response to concerns on the contract costs raised by Vice Mayor DeGrave, Ms. Coulson referred to her memorandum dated this day regarding Justification for Records and Archives Management; a copy of which is filed with the supplemental papers to the minutes of this meeting.

ACTION: 6:19:19 p.m. After extensive deliberations relating to Vice Mayor DeGrave's concerns on the costs involved and the need for definitive, measurable and reasonable deliverables with outcomes, **a motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission postpone its action to adopt Resolution 2023-065 for staff to explore any and all other options for economically achieving the same goal.** (The city commission requested a report on the current status, timeframe, and ultimate goal and fulfill the gap economically to the point of records management.)

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

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

PUBLIC HEARING

QUASI-JUDICIAL PUBLIC HEARING

(c) **Quasi-Judicial Public Hearing - Resolution 2023-045 Lakeside Storage Variance – Landscape Area and Water Main Size – 2600 US Highway 441/27 – Petitioner: DNA Realty Trust, LLC**

It now being the time advertised to hold a public hearing to consider the adoption of Resolution 2023-045, Ms. Geraci-Carver read into the record 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 A VARIANCE TO THE LAND DEVELOPMENT REGULATION (LDR)

REQUIREMENTS PERTAINING TO LANDSCAPE AREA AT THE END OF PARKING ROW, AND PERTAINING TO WATER MAIN SIZE OF 10" TO 8" ON THE SUBJECT PROPERTY LOCATED AT 2600 US HWY. 441/27 AND OWNED BY DNA REALTY TRUST, LLC, PROVIDING FOR AN EXPIRATION DATE; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

After Mr. Rankin relayed staff's recommendation of approval on the subject item, Mr. David Lennon Sr., DNA Realty Trust LLC, sworn in by Ms. Geraci-Carver, clarified, in response to several questions posed, the parameters surrounding the subject proposed site.

ACTION: 6:46:28 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-045 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

(d) **Public Hearing - Resolution 2023-052 Major Site Plan Approval Storage Facility Construction – Petitioner: DNA Realty Trust, LLC**

It now being the time advertised to hold a public hearing to consider the adoption of Resolution 2023-052, Ms. Geraci-Carver read into the record 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 STORAGE FACILITY INCLUDING AN OFFICE FOR A TOTAL OF 93,986 SQUARE FEET CONSISTING OF APPROXIMATELY MULTIPLE BUILDINGS AND RV/BOAT STORAGE SPACES; 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: 6:46:28 p.m. and 6:56:22 p.m. After discussion, Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-052 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) Second Reading and Public Hearing – Ordinance 2023-018 Employee Manual Personnel Policies and Procedures

It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2023-018, 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 OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, AMENDING SECTION 32.01, CHAPTER 32 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES; ESTABLISHING PERSONNEL PROCEDURES AND RULES AS SET FORTH IN SECTION 4.08 OF THE CITY CHARTER; APPROVING THE CITY OF FRUITLAND PARK EMPLOYEE MANUAL OF PERSONNEL POLICIES AND PROCEDURES; PROVIDING FOR CONFLICTS, CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on October 12, 2023.)

Ms. Geraci-Carver acknowledged the proposed changes and provisions from the old policy addressed at the August 24, 2023 workshop and consented by the city commission. She confirmed that she did not read the employee manual; however, reliance was on the labor counsel who reviewed same with the insurance company retained by the city.

ACTION: 6:58:07 p.m. Following further discussion, **a motion was made by Commissioner Gunter and seconded by Commissioner Mobilian that the city commission enact Ordinance 2023-018 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 PUBLIC HEARING

6. (a) City Manager

i. Economic Development Status Update

Due to Mr. La Venia's absence, the economic development status update was not addressed.

With respect to the 2023 Legislative Session (House Bill 411, Chapter 2023-101), Ms. Geraci-Carver referred to the redistricting of city districts to be considered by the city commission to be as nearly equal in proportion to their population as possible; not draw them (similar to what was implemented in the past) to favor or disfavor a candidate or an incumbent member of the governing body, and not make changes 270 days before a regular general election; otherwise, they would have to wait.

Mr. Rankin referred to the proposed city's voting districts option 11-A map. He addressed the best way to dissect the city; balance the districts accordingly and provide other details identifying where staff projects other community development and additional growth for presentation at a future workshop. (A copy of the map is filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:03:48 p.m. No action was taken.

ii. Commercial Developments Permits Issued Status Update

Due to Mr. La Venia's absence, the commercial developments permits was not addressed.

ACTION: 7:03:48 p.m. No action was taken.

iii. Law Enforcement Dispatch Services - Lake County Sheriff's Office

Due to Mr. La Venia's absence, the law enforcement dispatch services with the Lake County Sheriff's Office were not addressed at this time.

ACTION: 7:03:48 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 indicated that she is waiting for excess proceeds to be distributed to the city on the foreclosure pertaining to the U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845. She referred to her previous telephone call to Mr. Donovan Roper, Roper & Roper PA (Public Risk Management legal counsel retained by the city) on the subject case regarding the delay; reorganization of filing additional documents to the court, and the city's attempts to obtain hearing on same. She relayed the lack of notification which was not received and shortly heard by the judge; thus, his prior ruling which was not overruled, and addressed his attempts to rehear same anticipated to be resolved by the next month.

ACTION: 7:07:48 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 explained that discoveries are ongoing in the Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-A-1628 and anticipated that there will be a disposition on the plaintiffs mid-November 2023.

ACTION: 7:05:57 p.m. No action was taken.

iii. **Code of Ordinances – Codification**

Ms. Geraci-Carver reported on her response submitted to Municode, “now known as CivicPlus”, on the Table of Contents; the information provided by Ms. Coulson, and the plan to provide further responses to Ms. Julie Lovelace, CivicPlus Code Attorney, where the manuscript, once received, would be reviewed with additional changes during the codification process with approval anticipated by early 2024.

ACTION: 7:09:06 p.m. No action was taken.

7. **UNFINISHED BUSINESS**

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

ACTION: 7:09:52 p.m. No action was taken.

8. **PUBLIC COMMENTS**

Ms. Loren Womack, Marion County Unincorporated Area resident, Ocklawaha Community, indicated that she grew up in the City of Fruitland Park, requested that the city commission consider permitting the creation of a memorial plaque on a railing or a fishing pier bench at Veterans Memorial Park as a place of refuge in memory of her late brother, Trinnen, as his six-year anniversary draws near. She explained that she will bear the cost associated with the request, a copy which was submitted for the record and filed with the supplemental papers to the minutes of this meeting.

After discussion and in response, Mayor Cheshire indicated that Mr. La Venia will review same and communicate with Parks and Recreation Director Michelle Yoder.

ACTION: 7:09:54 p.m. No action was taken.

9. **COMMISSIONERS' COMMENTS**

(a) **Commissioner Mobilian**

Commissioner Mobilian had nothing to report at this time.

ACTION: 7:13:45 p.m. No action was taken.

(b) Commissioner Bell

Commissioner Bell reported on the improvements he has experienced as a result of the medical treatment he has received.

ACTION: 7:14:49 p.m. No action was taken.

(c) Commissioner Gunter

Commissioner Gunter referred to Ms. Geraci-Carver's earlier comments on historical files of the Town of Montverde's official minutes which he expressed preference not to eliminate to which Ms. Coulson confirmed in response to Mayor Cheshire's inquiry that they are currently preserved and will be retained as a permanent record.

ACTION: 7:14:53 p.m. No action was taken.

(d) Vice Mayor DeGrave

Vice Mayor DeGrave had nothing to report at this evening's meeting.

ACTION: 7:13:56 p.m. No action was taken.

10. MAYOR'S COMMENTS

Dates to Remember

Mayor Cheshire announced the following dates:

- October 27, 2023, Fruitland Park Recreation Halloween Party at 205 W Berckman Street, Fruitland Park, Florida 34731 at 7:00 p.m.;
- October 28, 2023, Pumpkin Chunkin at Windy Acres, 1350 Miller Boulevard, Fruitland Park, Florida 34731 at 11:00 a.m.;
- October 31, 2023, The Great Pumpkin Party at the Fruitland Park Library. 604 West Berckman Street, Fruitland Park, Florida 34731 at 4:30 p.m.

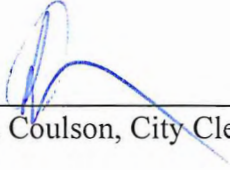
- November 4, 2023, Brews, Blues and BBQ at 604 W Berckman Street, Fruitland Park, Florida 34731 at 5:00 p.m.;
- November 9, 2023, regular city commission meeting at 6:00-p.m.;
- November 10, 2023, city hall closed in observance of Veterans Day;
- November 11, 2023, *Veterans Day*, Outside City Hall 506 W Berkman Street, Fruitland Park, Florida 34731 at 11:00 a.m.;
- November 14, 2023, "Groundbreaking Ceremony" Proposed Fruitland Park Elementary School Site at 2:00 p.m.;
- November 23, 2023, city hall closed in observance of Thanksgiving Day, and
- November 24, 2023, city hall closed, the day after Thanksgiving Day

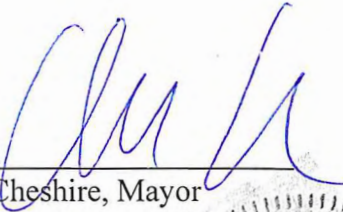
ACTION: 7:15:48 p.m. No action was taken.

11. ADJOURNMENT

The meeting adjourned at 7:17 p.m.

The minutes were approved at the November 9, 2023, regular meeting.

Signed 
Esther B. Coulson, City Clerk, MMC

Signed 
Chris Cheshire, Mayor

