

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

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, December 14, 2023, at 6:00 p.m.

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

Members Absent: Commissioner John Mobilian

Also Present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Gary Bachmann; Captain Henry Rains, Police Department; Public Works Director Robb Dicus; Human Resources Director John Klein; Michael “Mike” Rankin, Interim Community Development Director, LPG Urban & Regional Planners Inc. (consultant retained by the city); Lieutenant Barry Fitzgerald, Battalion Chief, 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 Pastor Jerry Rhomes, Connection Point Church, gave the invocation, Captain Rains led in the pledge of allegiance to the flag.

ACTION: 6:00:20 p.m. No action was taken.

2. ROLL CALL

After Mayor Cheshire requested that Ms. Coulson call the roll where a quorum was declared present, he announced the absence of Commissioner Mobilian and recognized the following changes to this evening’s agenda:

Agenda Changes:

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| Item 7b. | Resolution 2023-075 LCSO Dispatch Services
Addendum – Town of Howey-in-the-Hills’ Resolution. |
| Item 7c. | Resolution 2023-077 Comprehensive Plan Updates, LPG Urban & Regional Planners Inc.
Staff’s recommendation to postpone. |
| Item 7f. | Resolution EJDJC Standard Form of Agreement
Addendum - Resolution 2023-058 replaces the number 2023-080. |
| Item 7g. | Resolution 2023-059
Addendum – Affidavit. |
| Item 7p | Ordinance 2023-021
Addendum – Affidavit. |

- Item 7r. Resolution 2023-074
Addendum – presentation and amend provisions to include the name of the applicant under Section 1 and removing under Conditions of Approval (b) under subsection 2. (1).

ACTION: 6:01:50 p.m. Upon Mayor Cheshire’s recommendation, and by **unanimous consent, the city commission excused the absence of Commissioner John Mobilian from this evening’s meeting and accepted the previously cited changes to the agenda.**

3. SPECIAL PRESENTATION – Wreaths Across America Proclamation – Saturday, December 16, 2023

On behalf of the city commission, Mayor Cheshire read into the record a proclamation declaring Saturday, December 16, 2023 as the official *Wreaths Across America Day* in Fruitland Park in memory of our fallen heroes, in honor of our living veterans and in commending the American Legion Family of 219 for sharing this patriotic tribute to America’s veterans.

ACTION 6:06:15 p.m. Ms. Diane Rousseau (who addressed the change in venue due to the impending weather conditions) and Commander Larry Miller, John Gella Memorial Unit 219 Inc., (who announced the number of veterans at Shiloh Cemetery), accepted the proclamation with gratitude.

4. LOCAL PLANNING AGENCY

As soon as practical, at 6:15 p.m., recess to the Local Planning Agency meeting.

ACTION: 6:07:39 p.m. **By unanimous consent, the city commission recessed its meeting at 6:08 p.m. to the Local Planning Agency meeting.**

5. COMMUNITY REDEVELOPMENT AGENCY

As soon as practical at 6:30 p.m., recess to the Community Redevelopment Agency meeting.

ACTION: 6:19:32 p.m. **By unanimous consent, the city commission recessed its meeting at 6:20 p.m. to the Community Redevelopment Agency meeting and reconvened at 6:30 p.m.**

6. CONSENT AGENDA

The city commission considered its action to approve the following consent agenda items:

(a) Approval of Minutes

November 9 regular and November 9, 2023, workshop meeting minutes.

(b) Resolution 2023-076 PRM Alternate Board Member J Klein

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING THE HUMAN RESOURCES DIRECTOR TO SERVE AS THE ALTERNATE ON THE BOARD OF DIRECTORS OF PUBLIC

RISK MANAGEMENT OF FLORIDA; AND PROVIDING FOR
AN EFFECTIVE DATE.

ACTION: 6:30:15 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.**

7. **REGULAR AGENDA**

(a) **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. (Postponed from October 12 and 26, 2023.)

Mr. La Venia cited reasons in recommending approval of the subject agreement for FY 2023-24 for up to \$30,000 and the city commission's decision to subsequently include a part -time employee to work with Ms. Coulson or continue with said agreement.

ACTION: 6:30:45 p.m. After much discussion and **by unanimous consent the city commission accepted Vice Mayor DeGrave's suggestion to include limiting the \$45,000 allocated in the FY 2023-24 budget to \$30,000 (the total services fee outlined in the July 28, 2021 records and archives management plan and onsite consulting services contract) and directed the city clerk to provide an update on what was accomplished and report back to the city commission if more funds are required.**

Following further discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-065 as previously cited as amended to include limiting the \$45,000 allocated in the FY 2023-24 budget to \$30,000 and directed the city clerk to provide an update on what was accomplished and report back to the city commission if more funds are required.

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

(b) **Resolution 2023-075 Petition to the Lake County Board of County Commissioners – LCSO Dispatch Services**

Ms. Geraci-Carver read into the record the title of Resolution 2023-075, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PETITIONING THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA TO DEVELOP AN APPROPRIATE MECHANISM TO FINANCE THE LAKE COUNTY SHERIFF'S DISPATCH SERVICES THAT DOES NOT VIOLATE SECTION 125.01(7), FLORIDA STATUTES, PROVIDING FOR AN EFFECTIVE DATE.

Ms. Geraci-Carver pointed out the agenda item summary report outlining her recommendation; pointed out recent developments where the Lake County Sheriff's Office (LCSO) is no longer requesting that municipalities execute the interlocal agreement to finance its law enforcement dispatch service, and relayed her suggestion to adopt the subject resolution but not to proceed with authorizing the mayor to sign the letter to be signed by all mayors of each jurisdiction adopting their respective resolutions to the Board of County Commissioners of Lake County and Lake County Sheriff Peyton C. Grinnell.

ACTION: 6:44:02 p.m. After Mr. La Venia gave an overview of the subject issue, **a motion was made by Commissioner Gunter and seconded by Vice Mayor DeGrave that the city commission adopt Resolution 2023-075 as previously cited.**

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

(c) **Resolution 2023-077 Comprehensive Plan Updates - LPG Urban & Regional Planners LLC**

The city commission considered its action to approve the comprehensive plan update proposal for professional consulting services with LPG Urban & Regional Planners LLC.

ACTION: 6:47:44 p.m. After discussion and **on motion of Vice Mayor DeGrave, seconded by Commissioner Gunter and unanimously carried, the city commission postponed its action to approve the comprehensive plan update proposal as previously cited to the January 11, 2023, meeting at the city attorney's request to prepare a resolution.**

(d) **Resolution 2023-078 Public Safety Complex Additional Services Proposal – Halff Inc.**

Ms. Geraci-Carver read into the record the title of Resolution 2023-078, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING HALFF'S ADDITIONAL SERVICES CONFIRMATION DATED OCTOBER 31, 2023 IN THE AMOUNT NOT TO EXCEED \$48,750.00 FOR ADDITIONAL SURVEYING AND CIVIL ENGINEERING SERVICES AS WELL AS TO REFLECT INCREASED COSTS SINCE 2020 FOR THE CITY OF FRUITLAND PARK PUBLIC SAFETY COMPLEX; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:48:25 p.m. After much discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission adopt Resolution 2023-078 as previously cited.

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

(e) **Resolution 2023-079 Five-Foot Sidewalk Installation City Hall Complex – Fountain Street and College Avenue ROWs and Civil Engineering and Surveying Services Design Proposal/Agreement – Halff Inc.**

Ms. Geraci-Carver read into the record the title of Resolution 2023-079, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PROPOSAL/AGREEMENT FOR CRA SIDEWALK DATED OCTOBER 31, 2023 IN AN AMOUNT NOT TO EXCEED \$17,800.00 BETWEEN BESH HALFF AND THE CITY OF FRUITLAND PARK FOR CIVIL ENGINEERING AND SURVEYING SERVICES RELATING TO SIDEWALK INSTALLATION ALONG FOUNTAIN STREET AND COLLEGE AVENUE; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:53:18 p.m. By unanimous consent Mayor Cheshire moved the agenda. (At the CRA meeting held earlier this evening, the proposal/agreement for the community redevelopment agency sidewalk was denied.)

(f) **Resolution 2023-080 Patricia Avenue Water Main and Services Installation – EJCDC Standard Form of Agreement Amendment – D B Civil Construction LLC**

Ms. Geraci-Carver read into the record the title of Resolution 2023-080, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING BID FROM DB CIVIL CONSTRUCTION LLC AND EJCDC STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE IN THE AMOUNT OF \$244,900.00 FOR PATRICIA AVENUE WATER MAIN PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:53:26 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission adopt Resolution 2023-080 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 this evening's public hearings.

PUBLIC HEARING

(g) **Public Hearing – Resolution 2023-059 Final Adopted Millage FY 2023-24**

It now being the time advertised to hold a public hearing to consider the adoption of Resolution 2023-059.

Mayor Cheshire announced that the City of Fruitland Park is prepared to set the proposed millage rate of 3.9134 which is 8.77% 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. He requested that Ms. Geraci-Carver read the following title, 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 FINAL MILLAGE RATE OF 3.9134 LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2023-2024; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on September 14 and the second reading was held on September 28, 2023.)

ACTION: 6:55:58p.m. A motion was made by Commissioner Gunter and seconded by Commissioner Bell that the city commission adopt Resolution 2023-059 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.

(h) Public Hearing - Resolution 2023-071 Live Local Act

It now being the time advertised to hold a public hearing to consider the adoption of Resolution 2023-071, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for the public to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; PROVIDING NOTICE TO THE PUBLIC OF A PENDING ORDINANCE AND DIRECTING STAFF TO DEVELOP AND PROCESS FOR ADOPTION AN ORDINANCE TO PROVIDE FOR CERTIFICATION OF COMPLIANCE OF AFFORDABLE HOUSING PROJECTS AND OTHER POTENTIAL LAND DEVELOPMENT REGULATIONS ADDRESSING AFFORDABLE HOUSING, MIXED-USE AND MULTI-FAMILY PROJECTS TO ADDRESS THE IMPACTS OF CHAPTER 2023-17, LAWS OF FLORIDA, KNOWN AS THE LIVE LOCAL ACT.

ACTION: 6:57:33 p.m. After discussion, a motion was made by Commissioner Gunter and seconded by Commissioner Bell that the city commission adopt Resolution 2023-071 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. (Similar to Lake County, the city attorney addressed the plan to present same for adoption before the city commission at a future meeting as it relates to the annual adoption of the affordable housing component.)

(i) First Reading and Public Hearing – Ordinance 2023-022 Wastewater System Asset Management and Fiscal Sustainability Plan (AMFS)

Ms. Geraci-Carver read into the record the title of Ordinance 2023-022, 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, CREATING CHAPTER 104 OF THE CODE OF ORDINANCES AND ADOPTING THE CITY OF FRUITLAND PARK WASTEWATER SYSTEM ASSET MANAGEMENT AND FISCAL SUSTAINABILITY PLAN PREPARED BY FLORIDA RURAL WATER ASSOCIATION IN PARTNERSHIP WITH FDEP AND SRF; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on January 11, 2024.)

After discussion, Mr. Patrick Dangelo, Florida Rural Water Association, described the AMFS plan; the current wastewater system assets and how the geographical information systems mapping would be utilized with a database software program sponsored by the State of Florida Department of Environmental Protection to satisfy the needs of the state revolving fund loans. He addressed the plan to reappear before the city commission in a year's time.

ACTION: 7:02:27 p.m. After discussion, **a motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission approve Ordinance 2023-022 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.

- (j) **First Reading and Public Hearing – Ordinance 2023-023 Redistricting Maps**
Ms. Geraci-Carver read into the record the title of Ordinance 2023-023, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, CHANGING THE BOUNDARIES OF THE FIVE CITY COMMISSION DISTRICTS BASED ON POPULATION DATA REVIEWED AND PROVIDED BY LPG URBAN & REGIONAL PLANNERS, INC. AND INCLUSION OF PROPERTY ANNEXED INTO THE CITY OF FRUITLAND PARK SINCE THE ADOPTION OF THE CURRENT DISTRICT BOUNDARIES; ADOPTING A NEW EXHIBIT "A" MAP; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on January 11, 2024.)

ACTION: 7:11:06 p.m. After discussion, **a motion was made by Commissioner Gunter and seconded by Commissioner Bell that the city commission approve Ordinance 2023-023 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.

(k) First Reading and Public Hearing – Ordinance 2023-020 Comprehensive Plan Amendment Building Heights Restriction

Ms. Geraci-Carver read into the record the title of Ordinance 2023-020, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT TO RESTRICT BUILDING HEIGHTS TO 3-STORIES WITH A MAXIMUM HEIGHT OF 35' WITHIN ALL CITY OF FRUITLAND PARK FUTURE LAND USE DESIGNATIONS APPLICABLE TO ALL PROPERTIES WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN; AND PROVIDING FOR APPROVAL AND AN EFFECTIVE DATE. (The second reading will be held on January 11, 2024.)

ACTION: 7:12:20 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission approve Ordinance 2023-020 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.

(l) First Reading and Public Hearing – Ordinance 2023-019 Land Development Regulations Amendment – Building Heights Restriction

Ms. Geraci-Carver read into the record the title of Ordinance 2023-019, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 154 OF THE CITY OF FRUITLAND PARK'S LAND DEVELOPMENT CODE TO RESTRICT BUILDING HEIGHTS TO 3-STORIES WITH A

MAXIMUM HEIGHT OF 35' WITHIN ALL CITY OF FRUITLAND PARK ZONING DISTRICTS APPLICABLE TO ALL PROPERTIES WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY OF FRUITLAND PARK LAND DEVELOPMENT CODE; AND PROVIDING FOR APPROVAL AND AN EFFECTIVE DATE. (The second reading will be held on January 11, 2024.)

ACTION: 7:13:20 p.m. After discussion, a motion was made by Commissioner Gunter and seconded by Commissioner Bell that the city commission approve Ordinance 2023-019 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.

(m) **First Reading and Hearing - Ordinance 2023-015 Annexation – 16.67 ± Acres– East US Highway 441/27 and East of Register Road Griffin Preserve – Petitioner: Beryl N. Stokes III**

Ms. Geraci-Carver read into the record the title of Ordinance 2023-015, 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 16.67 ± ACRES OF LAND GENERALLY LOCATED EAST OF US HIGHWAY 441/27 AND EAST OF REGISTER ROAD; 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 January 11, 2024.)

Mr. Rankin described the subject property and relayed staff's recommendation of approval.

ACTION: 7:14:34 p.m. A motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission approve Ordinance 2023-015 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.

(n) First Reading and Public Hearing - Ordinance 2023-016 SSCPA 16.67 ± Acres– East US Highway 441/27 and East of Register Road Griffin Preserve – Petitioner: Beryl N. Stokes III

Ms. Geraci-Carver read into the record the title of Ordinance 2023-016, 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 REGIONAL OFFICE TO CITY SINGLE-FAMILY MEDIUM DENSITY OF 16.67 +/- ACRES OF PROPERTY GENERALLY LOCATED EAST OF US HWY 441/27 AND EAST OF REGISTER ROAD; 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 January 11, 2024.)

Ms. Geraci-Carver confirmed, in response to Commissioner Gunter's inquiry, that the applicant would bring forward a preliminary plat before an easement is placed and gave reasons, in answer to Vice Mayor DeGrave's question that she would recommend less than 20 years under the terms currently outlined in the master development agreement (MDA) with Beryl N. Stokes III.

Mr. Steve Sloan, Sloan Engineering Group, representing the applicant on behalf of the developer, confirmed that they would be amenable to adjust the MDA to 20 years and Mr. Chris DiMillo, Summerpark Homes, developer representing the applicant, verified his acceptance to the five-year term acceptable by Ms. Geraci-Carver.

ACTION: 7:16:14 p.m. After discussion, and upon the suggestion of Vice Mayor DeGrave, **the city commission, by unanimous consent, approved amending the terms under section 28. of the master development agreement with Beryl N. Stokes III, removing 20 years and replacing it with five years as accepted by the applicant.**

A motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission approve the aforementioned Ordinance 2023-016 as amended with the terms 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.

QUASI-JUDICIAL PUBLIC HEARING

- (o) **First Reading and Quasi-Judicial Public Hearing – Ordinance 2023-017 Rezoning 16.67± Acres Lake County Agricultural and Light Manufacturing to PUD – East US Highway 441/27 and East of Register Road – Petitioner: Beryl N. Stokes III**

Ms. Geraci-Carver read into the record the title of Ordinance 2023-017, 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, REZONING 16.67 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) AND LIGHT MANUFACTURING (LM) TO CITY OF FRUITLAND PARK PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED EAST OF US HWY. 441/27 AND EAST OF REGISTER ROAD; 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 held on January 11, 2024.)

Ms. Geraci-Carver swore in Mr. Rankin to give testimony who described the subject property and relayed staff's recommendation of approval.

Vice Mayor DeGrave referred to the loss of 15-feet of easement on the north and east, the reduction of acreage as to what is planned to be developed, and the concerns raised at the Local Planning Agency meeting held earlier this evening from Mr. Mark Knapke, State of Florida Department of Environmental Protection, Florida Park Service Manager at Lake Griffin State Park, on the respective easement.

Mr. Chris DiMillo, Summerpark Homes, developer representing the applicant, confirmed that the easement is open space which they are not purchasing, and it is not part of the 16.67 acres; however, he addressed the plan to give Lake Griffin State Park 15 foot of easement to the north that they have already which they can access as part of the easement in question.

ACTION: 7:18:43 p.m. and 7:21:12 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission approve aforementioned Ordinance 2023-017 to include amending the terms -- as cited under Agenda Item 7. (p) -- under section 28. of the master development agreement with Beryl N. Stokes III, removing 20 years and replacing it with five years as accepted 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.

(p) First Reading and Quasi-Judicial Public Hearing – Ordinance 2023-021 MDA 2nd Amendment - Mirror Lake Village PUD Phase II – Maximum Impervious Surface Ratio – Petitioner: Fruitland Park LLC

The city commission considered its action to approve Ordinance 2023-021, the substance of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE MASTER DEVELOPMENT AGREEMENT CONDITIONS OF THE MIRROR LAKE VILLAGE PLANNED UNIT DEVELOPMENT (PUD) TO PROVIDE FOR A MAXIMUM IMPERVIOUS SURFACE RATIO; PROVIDING FOR CONFLICTS, SEVERABILITY, AND SCRIVENER'S ERRORS; AND SETTING AN EFFECTIVE DATE. (The second reading will be held on January 11, 2024.)

At Mr. La Venia's request, Ms. Geraci-Carver mentioned her review of the previously enacted Ordinance 2019-001 Mirror Lake Village PUD and Ordinance 2014-024 Rezoning north of Urick Street and west of Seminole Boulevard which addresses same to be on a per lot basis. She relayed the applicant's desire --wanting more than a 50 percent impervious surface on some lots – for a per site basis requiring it to go back through the PUD process.

ACTION: 7:26:23 p.m. After discussion, and on motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission continue, to a date certain, the adoption of the previously cited Ordinance 2023-021 at staff's request.

(q) Quasi-Judicial Public Hearing - Resolution 2023-073 Variance Reinforced Concrete Pipe - South of Lake Ella Road and West of US 27/441 – Petitioner: Land Sanders Groves Land LLP

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the title of Resolution 2023-073, the substance of which is as follows, 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 SUBDIVISION REGULATION REQUIREMENTS PERTAINING TO REINFORCED CONCRETE PIPE FOR USE UNDER ROADWAYS TO UTILIZE CORRUGATED POLYETHYLENE PIPE (HP), ON THE SUBJECT PROPERTY LOCATED SOUTH OF LAKE ELLA ROAD AND WEST OF US 27/441 AND OWNED BY LAKE SAUNDERS GROVES LAND, LLP, PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE.

After Mr. Dicus described the dilemma in obtaining the reinforced concrete pipe for the proposed project, Mr. Richard C. Wohlfarth, representing the applicant, voiced his concurrence with his statements; verified the governmental entities' agreeing to the acceptable implementation of same, and gave advantages of the potential uses.

Vice Mayor DeGrave voiced concerns on the plastic pipes being placed underground on public roadways; questioned the incorporation of a provision in that regard in the master development agreement (MDA) with Lake Saunders Grove Land LLP, and referred to the October 9, 2023 Villages-News article entitled *Fertilizer Blamed for Corrosive Impact on Pipes in The Villages* (a copy of which is filed with the supplemental papers to the minutes of this meeting).

In response, Ms. Geraci-Carver confirmed that the provision in question is not included in the MDA and pointed out the petition to establish Enclave at Geneva Lakes Community Development District (CDD) would outline same as well as its responsibilities when the proposed ordinance is considered by the city commission at its future meeting.

After Mr. Wohlfarth recognized the review of the homeowners' association on the water management process (if the CDD petition is approved where such responsibility would be undertaken), he concurred in the affirmative with

Ms. Geraci-Carver's suggestion to condition the approval of the variance within the petition, if accepted, on the maintenance of corrugated polyethylene pipe.

ACTION: 7:28:47 p.m. **By unanimous consent, the city commission agreed to accept the city attorney's recommendation, agreeable by the applicant, to adopt Resolution 2023-073 granting the aforementioned variance where the petition to establish Enclave at Geneva Lakes Community Development District, if approved, would include the provision on maintaining the corrugated polyethylene pipe as previously cited.**

A motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission adopt aforementioned Resolution 2023-073 as amended -- with the amendment recommended by the city attorney and accepted by the applicant -- to grant the variance within the petition to establish Enclave at Geneva Lakes Community Development District, if approved, and to include the provision on maintaining the corrugated polyethylene pipe.

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.

(r) Quasi-Judicial Public Hearing – Resolution 2023-074 Major Site Plan – Commercial Parcels – Petitioner: Evolve Fruitland Park LLC

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the title of Resolution 2023-074, the substance of which is as follows, 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 222 MULTI-FAMILY DWELLING UNITS, ASSOCIATED PARKING, STORMWATER, RECREATIONAL AMENITIES AND TWO COMMERCIAL PARCELS; 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.

Ms. Geraci-Carver reviewed the amendment under the proposed resolution regarding two conditions of approval (removing subsection (1)(b), . . . *Obtain commission approval to repeal Resolution 2022-062 which unified the parcel into one parcel* . . .; recognized the applicant's application for a lot split (subdivision

of the commercial property from the proposed development; an administrative approval), and gave reasons for the unification, previously enacted by the city commission, to be in place; thus, she relayed the recommendation to approve the subject item.

After Mr. Rankin, who was previously sworn, recognized the presence of the developers at this evening's meeting, Ms. Geraci-Carver acknowledged that they were provided with the permanent utility and ingress-egress easement which is in the process of being executed.

Ms. Geraci-Carver swore in Mr. John McDonald, Evolve Companies LLC, who appeared on behalf of the property owner and petitioner, Evolve Fruitland Park LLC, requested approval of the major site plan relating to the 19.5-acre property (previously Burke's BBQ restaurant and other uses including a single-family residence, plant nursery and small office located at 305 CR 466A) and gave a power-point presentation revealing the site's elevations (where such renderings would be too late in the process to change), the surrounding uses, and its historical makeup.

Mr. McDonald extended the invitation for the city commission and staff to attend a future grand opening/ribbon cutting ceremony for the subject project and addressed the ability, after the minor lot split is approved, to re-engage with commercial retailers who are seeking interest to develop on the site in question.

ACTION: 7:34:13 p.m. After discussion, a motion was made by Commissioner Gunter and seconded by Commissioner Bell that the city commission adopt Resolution 2023-074 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

END OF PUBLIC HEARING

8. (a) City Manager

i. Economic Development Status Update

Mr. La Venia did not address the status on economic development.

ACTION: 7:47:29 p.m. No action was taken.

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

Mr. La Venia did not give the status of commercial development permits issued.

ACTION: 7:47:29 p.m. No action was taken.

iii. **City Manager Recruiting Firms' Proposals**

Mr. La Venia referred to city manager recruiting firms' proposals.; addressed the plan to start the process at the end of March or the beginning of April 2024, and compared the costs involved. (Copies of the proposals are filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:47:29 p.m. After discussion and **by unanimous consent, the city commission accepted Colin Baenziger & Associates' proposal to provide executive recruitment services to assist in finding the next city manager.**

After Mr. La Venia addressed his plan to contact Colin Baenziger & Associates to submit a contract for Ms. Geraci-Carver to review before considering same at a future meeting, **the city commission accepted, by unanimous consent, Vice Mayor DeGrave's suggestion to place on the next agenda discussion on national versus regional statewide search (to be supplanted in the FY 2023-24 budget); the direction to give to Colin Baenziger & Associates on the financial, economical, developmental strengths and so forth, and the city commission's determination on same.**

iv. **Stormwater Retention Status Update Report**

Mr. La Venia addressed the plan to conduct stormwater retention on the city hall's site.

ACTION: 6:50:33 p.m. and 7:50:13 p.m. No action was taken.

v. **Lake County American Rescue Plan Act Funds Status Update Report**

Mr. La Venia referred to Lake County Board of County Commissioners' approval at its August 29, 2023 regular meeting on the reallocation of American Rescue Plan Act funds towards the city's projects (\$2.5 million towards the construction of the public safety building; the proposed interlocal agreement on the \$1.1 million for the 16" water line to provide water services and any other developments along US Highway 441/27, and \$3.6 million that was awarded over the last six months).

Mr. La Venia referred to his December 5, 2023, letter to the county commission expressing gratitude and support in this regard and mentioned

his communication with Mr. Sean Beaudet, Lake County Office of Management and Budget Grant Coordinator, who would be working with the county attorney. (A copy of said letter is filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:50:52 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: 7:52:03 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 referred to the Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-A-1628 where a hearing was held and the parties were directed to move forward with mediation which will not be set for trial until notices have been filed. She explained that and she is communicating with Mr. Donovan A. Roper, attorney at Roper and Roper P.A, who is handling the cases on the city's behalf.

ACTION: 7:52:03 p.m. No action was taken.

iii. Code of Ordinances – Codification

Ms. Geraci-Carver did not address the code of ordinances codification.

ACTION: 7:52:03 p.m. No action was taken.

vi. 0295 Builder, LLC v. City of Fruitland Park, et al, Lake County Case No. 2023-CA-2919

Ms. Geraci-Carver did not address the 0295 Builder, LLC v. City of Fruitland Park, et al, Lake County Case No. 2023-C-2919.

ACTION: 7:52:03 p.m. No action was taken.

9. UNFINISHED BUSINESS – Employee Christmas Party

Earlier in the meeting and on behalf of LPG Urban & Regional Planners Inc, Mr. Rankin thanked the city commission for the opportunity to participate and serve at the December 5, 2023, Employee Christmas Party.

ACTION: 7:50:35 p.m. and 7:52:35 p.m. No action was taken.

10. PUBLIC COMMENTS

No one from the public appeared before the city commission at this time.

ACTION: 7:52:36 p.m. No action was taken.

11. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian was absent from this evening's meeting.

ACTION: 7:52:54 p.m. No action was taken.

(b) Commissioner Bell

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

ACTION: 7:52:54 p.m. No action was taken.

(c) Commissioner Gunter - Lake County Educational (School) Concurrency Review Meeting

Commissioner Gunter referred to his attendance at the December 6, 2023, Lake County (Educational) School Concurrency Committee meeting; recognized the proposed developments impacting areas all over the county and pointed out the proposed 222 units approved earlier at this evening's meeting under Item 7.(f).

Commissioner Gunter pointed out the following:

- the school district's FY 2024-2028 capital improvement plan revealing revenues of \$595,283,343;
- the school sites for a new school campus south Leesburg-north Groveland area;
- for FY 2025-26, Beverly Shores Elementary School to take over Fruitland Park Elementary -- when its newly constructed school opens -- to remodel its school., and
- the initial costs to build Fruitland Park Elementary which was \$23 million and is currently earmarked at approximately \$40 million.

A copy of the school concurrency annual report is filed in the supplemental papers to the minutes of this meeting.

ACTION: 7:53:02 p.m. No action was taken.

(d) Vice Mayor DeGrave

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

ACTION: 7:55:22 p.m. No action was taken.

12. MAYOR'S COMMENTS

Dates to Remember

Mayor Cheshire announced the following dates:

- December 16, 2023, *11th Annual Wreaths Across America* Ceremony, American Legion Post 219, 194 West Fountain Street, Fruitland Park, Florida 34731 at 12:00 p.m.;
- December 21, 2023, City Commission regular at 6:00 p.m. – Cancelled;
- December 25, 2023, City Hall Closed – Christmas Day;
- December 26, 2023. City Hall closed (public holiday), and

- January 1, 2024, City Hall closed New Year's Day'
- January 11, 2024, City Commission regular at 6:00 p.m.;
- January 15, 2024, City Hall Closed – Dr. Martin Luther King Jr., Day;
- January 19, 2024, *St John's River Water Management District Update*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 noon, and
- January 25, 2024, City Commission regular at 6:00 p.m.

ACTION: 7:55:28 p.m. No action was taken.

13. ADJOURNMENT

The meeting adjourned at 7:56 p.m.

The minutes were approved at the January 11, 2024, regular meeting.

Signed

Esther B. Coulson, City Clerk, MMC

Signed

Chris Cheshire, Mayor

