

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
January 25, 2024**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, January 25, 2024, at 6:00 p.m.

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

Members Absent: Vice Mayor Patrick DeGrave. Commissioner John Mobilian participated by telephonic video conference.

Also Present: City Attorney Anita Geraci-Carver; City Treasurer Gary Bachmann; Police Chief Erik Luce; Human Resources Director John Klein; Deputy Finance Director Dennis Bowers; Michael “Mike” Rankin, Interim Community Development Director, LPG Urban & Regional Planners Inc. (consultant retained by the city); Permit and Zoning Technician Keli Fielder, 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 Commander Larry Miller, John Gella Memorial Unit 219 American Legion, gave the invocation, Captain Rains led in the pledge of allegiance to the flag.

ACTION: 6:14:37 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 Vice Mayor DeGrave and recognized Commissioner Mobilian who joined by telephonic video conference.

ACTION: 6:15:06 p.m. Upon Mayor Cheshire’s recommendation, and **by unanimous consent, the city commission excused the absence of Vice Mayor Patrick DeGrave from this evening’s meeting.**

3. CONSENT AGENDA

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

Approval of Minutes

January 11, 2024 regular meeting minutes.

ACTION: 6:15:32 p.m. **On motion of Commissioner Gunter, seconded by Commissioner Bell and unanimously carried, the city commission approved the consent agenda as previously cited.**

4. **REGULAR AGENDA**

(a) **Traffic Signal Maintenance Discussion**

Mr. La Venia referred to Lake County's request letter to budget more funds towards traffic signal devices including school flashers at a one-time cost of \$400 per unit and an annual cost of \$450 to be earmarked in the FYs 2024-25 and 2025-26 proposed budget and described the locations involved.

ACTION: 6:30:45 p.m. No action was taken.

PUBLIC HEARING

By unanimous consent, Mayor Cheshire opened the public hearings.

(b) **First Reading and Public Hearing – Ordinance 2024-002 Solid Waste Rates Increase - Waste Management Inc.**

After Ms. Geraci-Carver read the following title of proposed Ordinance 2024-002, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AN EXTENSION OF ITS SOLID WASTE COLLECTION FRANCHISE AGREEMENT WITH WASTE MANAGEMENT, INC. OF FLORIDA; ADOPTING RATES FOR THE PROVISION OF WASTE MANAGEMENT SERVICES TO THE RESIDENTS OF THE CITY OF FRUITLAND PARK; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:17:44 p.m. After Ms. Geraci-Carver recognized the need to receive the restated solid waste collection agreement (amendment document) following some discussion, **a motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission approve Ordinance 2024-002 as previously cited.** (The mayor suggested that the residents be informed on the provision of solid waste collection services on the city's website.)

(c) **Second Reading and Public Hearing – Ordinance 2023-020 Comprehensive Plan Amendment Building Heights Restriction**

It now being the time advertised to hold a public hearing, after Ms. Geraci-Carver read the following title of Ordinance 2023-020, 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. (Continued from the January 11, 2024 meeting. The first reading was held on December 14, 2023.)

Mr. Chris Zipperer, Senatore Inc., (building contractors who own properties on CR 468); addressed the plan to build multi-story buildings above three floors and referred to the zoning ordinance enacted by the city commission in 2018 showing the maximum building height clause *if adequate fire protection measures are provided . . . there shall be a maximum of six multi-story buildings . . .* subject to requirements.

Ms. Geraci-Carver, in response, mentioned her plan to obtain more information and together with staff, to make arrangements to meet with Mr. Zipperer.

ACTION: 6:20:59 p.m. A motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission enact Ordinance 2023-020 to become effective immediately as provided by law.

By unanimous consent, Mayor Cheshire closed the public hearing.

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

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

It now being the time advertised to hold a public hearing, after Ms. Geraci-Carver read the following title of proposed Ordinance 2023-019, 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.

(Continued from the January 11, 2024 meeting. The first reading was held on December 14, 2023.)

ACTION: 6:24:32 p.m. A motion was made by Commissioner Gunter and seconded by Commissioner Bell that the city commission enact Ordinance 2023-019 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 vote on the motion and declared it carried unanimously.

QUASI-JUDICIAL PUBLIC HEARING

- (e) **Second 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**

It now being the time advertised to hold a public hearing, after Ms. Geraci-Carver read the following title of proposed Ordinance 2023-023, Mayor Cheshire called for interested parties to be heard:

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. (Continued from December 14, 2023. The first reading was held on January 11, 2024.)

ACTION: 6:25:42 p.m. After much discussion, a motion was made by Commissioner Gunter and seconded by Commissioner Bell that the city commission enact Ordinance 2023-021 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 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: 6:30:25 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: 6:30:25 p.m. No action was taken.

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

With respect to the city manager recruiting firms' proposal, Mr. La Venia referred to this day's email from Mr. Colin Baenziger, Colin Baenziger & Associates, addressing his plan to submit a packet to the city commission and relayed his intent to meet with the individual elected officials on February 8, 2024 together with his colleague, prior to appearing before commission at its regular commission meeting or by telephonic conferencing.

ACTION: 6:30:25 p.m. No action was taken.

iv. **Holiday Tree Discussion**

Mr. La Venia noted that \$15,000 remains in the FY 2023-24 budget for the holiday tree and noted that Parks and Recreation Director Michelle Yoder is seeking vendors to provide a discount.

ACTION: 6:31:54 p.m. No action was taken.

v. **T D Bank Discussion**

Mr. La Venia referred to the recent meeting held with TD Bank representatives and expressed disappointment with the current services with the city's current financial institution.

Mr. Bachmann pointed out his meeting with Mr. Patrick J. Muphy, TD Bank Vice President, Relationship Manager; gave reasons why he is recommending transitioning all banking needs to TD Bank due to its:

- specialties in municipal banking with governmental entities;
- recognition as the 10 largest banks in the US; named as the *World's Safest Banks*, by Global Finance Magazine; and rated as *The Strongest Bank in North America* by Bloomberg;
- satisfaction from local and surrounding area municipal finance directors;
- lack of issues with direct deposits,
- positive pay for checks and automated clearing house,

- immediate help with 24-7 dedicated customer support service assigned to the city,
- no check fraud, and zero bank fees;
- \$1,000 credit for check stock and other supplies and,
- payments received with adjusted federal interest rates on balances in the account.

ACTION: 6:32:14 p.m. After discussion and **by unanimous consent, the city commission accepted the city treasurer's recommendations to transition the city's banking to TD Bank.**

(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: 6:36:30 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 excess proceeds is being worked on with Mr. Donovan A. Roper, attorney at Roper and Roper P.A, who is handling the cases on the city's behalf, to get the funds awarded, and dispersed to the city which is expected to be closing out shortly.

Ms. Geraci-Carver reported that mediation is tentatively scheduled for April 9, 2024 which she is working on; indicated that an official notice has not yet been received prior to mediation session, and anticipated having a closed-session meeting in the future.

ACTION: 6:36:30 p.m. No action was taken.

iii. Code of Ordinances – Codification

Ms. Geraci-Carver mentioned her confirmation with CivicPlus that draft prints on the city's code is anticipated for the end of February 2024.

ACTION: 6:37:00 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 reported that the order on joint stipulation for dismissal pertaining to the 0295 Builder, LLC v. City of Fruitland Park, et al, Lake

County Case No. 2023-C-2919 litigation was entered by the court whereby said case will be removed from the agenda in future.

ACTION: 6:37:19 p.m. No action was taken.

9. UNFINISHED BUSINESS

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

ACTION: 6:37:32 p.m. No action was taken.

10. PUBLIC COMMENTS

Mr. Fred Clark, City of Fruitland Park resident, referred to his previous appearances before the city commission regarding the constant problems experienced with users of all-terrain vehicles (ATVs) in his neighborhood; voiced his disagreement with a police officer's statements that such vehicles are the same as a golf cart, and pointed out a provision under Florida Statutes that ATVs may not be operated on public roads. He expressed concerns on a young family who recently moved in the area and the safety of the neighbors when such vehicle is present and his plea before the commission on several occasions for enforcement which has not been received.

Mr. Steven "Steve" Girard Stivlosky, City of Leesburg resident, mentioned how he has observed charter reviews around the United States, distributed the copies of personhood strategic action plan and a preamble for the charter, and requested that the city proceed towards adopting same; copies of which are filed with the supplemental papers to the minutes of this meeting.

ACTION: 6:37:36 p.m. No action was taken.

11. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

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

ACTION: 6:42:53 p.m. No action was taken.

(b) Commissioner Bell

Commissioner Bell shared improvements in his medical situation.

ACTION: 6:43:00 p.m. No action was taken.

(c) Commissioner Gunter - ATVs

In noting the purpose of ATVs, Commissioner Gunter referred to Mr. Clark's concerns; suggested that the matter of golf carts be reviewed, and pointed out the recent changes in the law on age limits which also ought to be looked into to which Mayor Cheshire indicated that ATVs should not be driven on public roadways.

ACTION: 6:43:26 p.m. No action was taken.

(d) **Vice Mayor DeGrave**

Vice Mayor DeGrave was absent from this evening's meeting.

ACTION: 6:44:14 p.m. No action was taken.

12. **MAYOR'S COMMENTS**

(a) **Charter Review Process**

In recognizing the charter review process, Mayor Cheshire shared his point of view that the city charter is to ensure that there is running water, waste collection, law enforcement, and perform as a executive team; however, controversial issues such as abortions is a state level and is not something for him to address in the city.

ACTION: 6:44:14 p.m. No action was taken.

(b) **Building Heights Restriction**

With respect to concerns regarding the building height restriction and the request for a six-story building on CR 466 roadway, Mayor Cheshire voiced his disagreement on same.

ACTION: 6:44:51 p.m. After discussion and **by unanimous consent, the city commission agreed with Mayor Cheshire's request for the city attorney and staff to review the provision outlined in Zoning Ordinance 2018-002.**

(c) **Dates to Remember**

Mayor Cheshire announced the following dates:

- February 8, 2024, City Commission regular at 6:00 p.m.;
- February 10-18, 2024, Love Week, *Attitude of Generosity and Service within Fruitland Park*:
 - February 10, 2024 5k Love Run, 205 W Berckman Street, Fruitland Park, Florida 34731 at 8:00 a.m.;
 - February 13, 2024, *Showing Love*;
 - February 15, 2024, Blood Mobile;
- February 12, 2024, City Commission Lake County Parks, Recreation and Trails Advisory Board, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 3:30 p.m.;
- February 22, 2024, City Commission regular at 6:00 p.m.;
- February 28, 2024, Lake~Sumter Metropolitan Planning Organization (LS~MPO) Governing Board Meeting, 1300 Citizens Blvd., Suite 175, Leesburg, Florida 34748 at 2:00 p.m.;

Due to the absence of Commissioner Moblian, Mr. La Venia relayed Commissioner Bell's desire to serve as a member of the LS~MPO which he accepted.

ACTION: 6:46:26 p.m. After discussion and **on motion of Commissioner Gunter, seconded by Commissioner Bell and unanimously carried, the city commission appointed Commissioner Chris Bell, replacing Commissioner**

John Mobilian, to serve as a member of the Lake~Sumter Metropolitan Planning Organization.


13. ADJOURNMENT

The meeting adjourned at 6:49 p.m.

The minutes were approved at the February 8, 2024, regular meeting.


Signed

Esther B. Coulson, City Clerk, MMC


Signed

Chris Cheshire, Mayor