

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
February 22, 2024**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, February 22, 2024, at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor Patrick DeGrave, and Commissioner Chris Bell.

Members Absent: Commissioner John L. Gunter Jr. Commissioner John Mobilian participated by telephonic video conference.

Also Present: City Manager Gary La Venia participated by telephonic video conference. City Attorney Anita Geraci-Carver; City Treasurer Gary Bachmann; Police Chief Erik Luce; Public Works Director Robb Dicus; 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); Administrative Manager Sharon Williams, Community Development, 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 Kelly Smith, Community United Methodist Church, gave the invocation, Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:01:08 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 recognized the absence of Commissioner Gunter and announced the following changes to this evening’s agenda:

4.(c) Ordinance 2024-003 SRF Amendment No. 2 to Loan Agreement

Postpone to March 14, 2024 meeting at staff’s request.

4.(d) Ordinance 2024-001 CDD Enclave at Lake Geneva

Revised changes since the first reading to be addressed by the city attorney.

ACTION: 6:01:04 p.m. Upon Mayor Cheshire’s recommendation, and **by unanimous consent, the city commission excused the absence of Commissioner John Gunter Jr. from this evening’s meeting and accepted the changes to this evening’s agenda.**

3. CONSENT AGENDA

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

(a) Approval of Minutes

February 8, 2024 regular meeting minutes.

(b) **Resolution 2024-010 Fire Department Building Demolition**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING PROFESSIONAL DIRT SERVICES, INC.'S PROPOSAL FOR DEMOLITION OF EXISTING FIRE STATION/ADMINISTRATION BUILDING IN AN AMOUNT NOT TO EXCEED \$16,000.00; AUTHORIZING THE MAYOR TO EXECUTE THE BID; PROVIDING FOR AN EFFECTIVE DATE.

(c) **Resolution 2024-011 Fire Department Asbestos Abatement**

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING PECE OF MIND ENVIRONMENTAL INC.'S BID FOR ASBESTOS ABATEMENT FOR THE FIRE STATION IN AN AMOUNT NOT TO EXCEED \$9,395.00; AUTHORIZING THE MAYOR TO EXECUTE THE BID; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:01:54 p.m. **On motion of Commissioner Bell, seconded by Vice Mayor DeGrave and unanimously carried, the city commission approved the consent agenda as previously cited.**

4. REGULAR AGENDA

(a) **Resolution 2024-012 Subrecipient Agreement - ARPA Funds Agreement 16" Water Main "Reserve at Spring Lake Water Main Improvements Project"**

Ms. Geraci-Carver read into the record the following title of proposed Resolution 2024-012:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF FRUITLAND PARK AND LAKE COUNTY, FLORIDA FOR DISBURSEMENT OF AMERICAN RESCUE PLAN ACT FUNDS IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS FOR CONSTRUCTION OF A 16" WATER MAIN REFERRED TO AS RESERVE AT SPRING LAKE WATER MAIN IMPROVEMENTS PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:02:15 p.m. **After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission adopt Resolution 2024-012 as previously cited.**

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

- (b) **Resolution 2024-013 New Public Works Building Change Order #10 to EJCDC Standard Form of Agreement - GSB Construction and Development Inc.**
Ms. Geraci-Carver read into the record the following title of proposed Resolution 2021-013:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 10 TO THE EJCDC STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE BETWEEN THE CITY OF FRUITLAND PARK AND GSB CONSTRUCTION & DEVELOPMENT, INC. TO PROVIDE FOR AN INCREASE OF \$3,181.71 IN THE STIPULATED SUM; AUTHORIZING EXECUTION OF THE CHANGE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:03:42 p.m. After discussion, a motion was made by Commissioner Bell and seconded by Vice Mayor DeGrave that the city commission adopt Resolution 2024-013 as previously cited.

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

PUBLIC HEARING

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

- (c) **Second Reading and Public Hearing Ordinance 2024-003 SRF Amendment No. 2 to Loan Agreement**

The city commission considered its action enact Ordinance 2024-003, the substance of which is as follows:

AN ORDINANCE OF CITY OF FRUITLAND PARK, FLORIDA, APPROVING STATE REVOLVING FUND AMENDMENT 2 TO LOAN AGREEMENT WW350821 AND GRANT AGREEMENT SG350822 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF FRUITLAND PARK, FLORIDA TO MAKE ADJUSTMENTS TO THE LOAN AMOUNT, SEMIANNUAL LOAN PAYMENT, LOAN SERVICE FEE AND PROJECT COSTS TO REFLECT ACTUAL COSTS AND REDUCTION OF THE LOAN AMOUNT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. (The first reading was held on February 8, 2024.)

ACTION: 6:05:51 p.m. On motion of Vice Mayor DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission continued its

action to enact Ordinance 2024-003 as previously cited to the March 14, 2024 meeting at staff's request.

(d) Second Reading and Public Hearing - Ordinance 2024-001 CDD Enclave at Lake Geneva – 135.4± Acres Between Lake Ella Road and South to Spring Lake Road - Petitioner: Lake Sunders Groves Land LLP

It now being the time advertised to hold a public hearing, after Ms. Geraci-Carver read the following title of Ordinance 2024-001, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ESTABLISHING THE ENCLAVE AT LAKE GENEVA COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR AUTHORITY AND POWER OF THE DISTRICT; ESTABLISHING THE DISTRICT; PROVIDING FOR THE BOARD OF SUPERVISORS OF THE DISTRICT; PROVIDING FOR FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR MISCELLANEOUS PROVISIONS; AND PROVIDING AN EFFECTIVE DATE. (The first reading was held on February 8, 2024.)

After Ms. Geraci-Carver relayed her recommendation of approval, she acknowledged the presence of Ms. Tucker F. Mackie, Kutak Rock LLP, attorney, at this evening's meeting who is in agreement that the city will not own any of the road system and announced the following changes to establish Enclave at Geneva Lakes Community Development District (CDD) in the agenda package which is not the latest revised document:

- the request to change the title. . . *Board of County Commissioners* to read: *The Fruitland Park City Commission*;
- the acreage from 135.4 to 134.5, and
- Table 2, Estimated Costs of Construction identifying that the city will not own any of the roads system.

ACTION: 6:06:09 p.m. After discussion, a motion was made by Vice Mayor DeGrave, and seconded by Commissioner Bell that the city commission enact Ordinance 2024-001 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

5. (a) **City Manager**

i. **Economic Development Status Update**

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

ACTION: 6:09:07 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: 6:09:07 p.m. No action was taken.

iii. **City Manager Recruiting Firm's Status Update Report**

Mr. La Venia referred to his conversations held earlier this day with Mr. Colin Baenziger, Colin Baenziger & Associates, regarding the city manager recruitment brochure where another draft will be available on February 23, 2024 for review.

ACTION: 6:09:07 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: 6:09:53 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 addressed the need to schedule a closed-session meeting in March 2024 and the requirement to make an announcement at the next meeting as mediation is scheduled for April 9, 2024 for the Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-A-1628

Depending on the availability of Mr. Donovan A. Roper, attorney at Roper and Roper P.A, to meet on March 28, 2024, Ms. Geraci-Carver confirmed, in the affirmative to Mr. La Venia's question, that she will contact Ms. Melanie Marsh, Lake County Attorney, as to her ability to also be in attendance.

Ms. Geraci-Carver indicated that she is still waiting on dates; anticipated receiving same for the next meeting to publicly make an announcement at

that time for closed-session and reported that mediation is tentatively scheduled for April 9, 2024.

ACTION: 6:10:08 p.m. After discussion and **by unanimous consent, the city commission expressed preference to hold a closed-session meeting after the regular meeting on March 28, 2024.**

iii. Code of Ordinances – Codification

Ms. Geraci-Carver indicated that further communication was received from CivicPlus who are still planning to provide the draft prints on the city's code by the end of February 2024.

ACTION: 6:09:53 p.m. and 6:14:22 p.m. No action was taken.

6. UNFINISHED BUSINESS

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

ACTION: 6:12:00 p.m. No action was taken.

7. PUBLIC COMMENTS

Ms. Michelle Osborne, City of Fruitland Park resident, referred to the appearance of City of Fruitland Park resident Ms. Crystal Rizzo before the city commission at its February 8, 2024 regular meeting regarding the city code on the keeping of chickens or fowl prohibited. In voicing support in this regard and as a resident of eight years, Ms. Osborne explained that she has never received complaints; referenced the notice of violation issued to her that it is unlawful to keep chickens, and outlined the advantages of maintaining them.

In response to Mayor Cheshire's inquiry, Ms. Geraci-Carver mentioned her preliminary findings whereby the city assigned the enforcement of animal control services to Lake County; however, the backyard chicken provision in its code is not enforced, its regulations are not imposed, and it is outside the control of code enforcement. She interpreted same to be the county's and that the city's code specifically indicates *no chickens*.

Ms. Geraci-Carver addressed her plan to report back with a final answer and clearer direction to the city commission at its next meeting as to whether subsection 91.170 of the city's code is enforced before considering same. She voiced her belief that at this time, chickens are not allowed. With reference to Animal Control Ordinance 95-008, Ms. Geraci-Carver noted the reason why the violation was issued and anticipated receiving the manuscript from CivicPlus verifying whether same was repealed.

In response, Ms. Osborne expressed preference to proceed through the petition process and place the subject issue on the ballot to which Mayor Cheshire explained that Ms. Coulson would provide assistance.

Brother Steven “Steve” Girard Stivlosky, City of Leesburg resident, addressed the how charter review would activate personhood cities; gave a history on same and distributed; a copy of which is filed with the supplemental papers to the minutes of this meeting.

ACTION: 6:12:03 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: 6:19:12 p.m. No action was taken.

(b) Commissioner Bell

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

ACTION: 6:19:22 p.m. No action was taken.

(c) Commissioner Gunter

Commissioner Gunter was absent from this evening’s meeting.

ACTION: 6:19:22 p.m. and 6:34:12 p.m. No action was taken.

(d) Vice Mayor DeGrave

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

ACTION: 6:19:25 p.m. No action was taken.

10. MAYOR’S COMMENTS

(a) Dates to Remember

Mayor Cheshire announced the following dates:

- February 28, 2024, Lake~Sumter Metropolitan Planning Organization Governing Board Meeting, 1300 Citizens Blvd., Suite 175, Leesburg, Florida 34748 at 2:00 p.m.;
- March 1, 2024, Family Campout Out, Northwest Lake Community/Cales Memorial Multipurpose Soccer Field Recreation Complex, 300 Shiloh Street, Fruitland Park, Florida at 5:00 p.m.;
- March 8, 2024, *Lake County Conservation Strategies*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at noon;
- March 14, 2024, City Commission regular at 6:00 p.m.;
- March 23, 2024, Fruitland Park Day at 10:00 a.m., and
- March 28, 2024, City Commission regular at 6:00 p.m.,

ACTION: 6:19:27 p.m. No action was taken.

11. ADJOURNMENT

The meeting adjourned at 6:21 p.m.

The minutes were approved at the March 14, 2024, regular meeting.

Signed

Esther B. Coulson, City Clerk, MMC

Signed

Chris Cheshire, Mayor

