



FRUITLAND PARK CITY COMMISSION REGULAR MEETING AGENDA

July 12, 2018 (Revised 2:30 p.m.)

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, FL 34731

6:00 p.m.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation – Pastors Daryl W. Allen or Pastor “Debbie” Deborah L. Allen,
Community United Methodist Church

Pledge of Allegiance – Police Chief Michael Fewless

2. ROLL CALL

3. CONSENT AGENDA

Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote.

Approval of Minutes (city clerk)

- (a) April 26, 2018 regular meeting
- (b) May 10, 2018 regular meeting

4. REGULAR AGENDA

- (a) **Resolution 2018-034 – Preliminary Fire Assessment** (city treasurer/city manager/city attorney) (revised)

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES THROUGHOUT THE CITY OF FRUITLAND PARK; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- (b) **Resolution 2018-042 - Leesburg Aquatics Club – Swim Team Revised Contract** (city manager/city attorney/parks and recreation director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE

AGREEMENT BETWEEN LEESBURG AQUATICS CLUB, INC. AND THE CITY OF FRUITLAND PARK FOR USE OF GARDENIA PARK SWIMMING POOL; REPEALING RESOLUTION 2018-037; PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING

(c) Second Reading and Public Hearing – Ordinance 2018-005 Golf Carts
(city attorney)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 73 OF THE CODE OF ORDINANCES RELATING TO THE OPERATION OF GOLF CARTS AND LOW-SPEED VEHICLES WITHIN THE CITY OF FRUITLAND PARK; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 26, 2018 and continued from May 10 and June 14, 2018 respectively.)

(d) Second Reading and Public Hearing - Resolution 2018-040 The Glen - Developer's Agreement Modification (city manager/community development/city attorney)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE MODIFICATION OF DEVELOPER'S AGREEMENT FOR THE GLEN; PROVIDING FOR RECORDING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on June 28, 2018.)

(e) Resolution 2018-041 The Glen - Phase 10 Final Plat Approval - Petitioner: M. Moukhtara (city manager/community development/city attorney)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING FINAL PLAT APPROVAL FOR PHASE 10 OF THE GLEN GENERALLY LOCATED; AND PROVIDING FOR AN EFFECTIVE DATE.

(f) First Reading and Public Hearing - Resolution 2018-043 First Amendment to Master Development Agreement (Ordinance 2006-013 Boundary Amendment Between Lake Ella Road to Spring Lake Road) - Petitioner: Lake Saunders Groves Land, LLP (city manager/community development/city attorney)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FIRST AMENDMENT TO MASTER DEVELOPMENT AGREEMENT FOR LAKE SAUNDERS GROVES LAND, LLP; PROVIDING FOR RECORDING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on July 26, 2018.)

QUASI-JUDICIAL PUBLIC HEARING

- (g) **Second Reading and Quasi-Judicial Public Hearing – Ordinance 2018-006 to Correct Scrivener’s Error on Ordinance 2016-023 SSCPA – 1.0+ Acres - N CR 466A and W Timbertop Ln - Urban Low to Commercial – Petitioner: James Phillips, Owner** (city manager/community development/city attorney)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-023 WHICH PROVIDED FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.0± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on June 28, 2018.)

- (h) **Second Reading and Quasi-Judicial Public Hearing – Ordinance 2018-007 to Correct Ordinance 2016-025 – Rezoning - Petitioner: James Phillips, Owner** (city manager/community development/city attorney)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-025 WHICH REZONED 1.0 ± ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on June 28, 2018.)

END OF QUASI-JUDICIAL PUBLIC HEARING

5. OFFICERS’ REPORTS

- (a) **City Manager** (revised)
(i) **Road Project Quotes**

(ii) **Northwest Lake Community, Cales Park Multipurpose Soccer Field Lights Quotes**

(b) **City Attorney**

6. PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

7. COMMISSIONERS' COMMENTS

(a) **Commissioner Ranize**

(b) **Commissioner Lewis**

(c) **Commissioner Bell**

(d) **Vice Mayor Gunter, Jr.**

8. MAYOR'S COMMENTS

9. ADJOURNMENT

DATES TO REMEMBER (revised)

Please note that in addition to the city commission meetings, more than one city commissioner may be present at the above-mentioned events.

July 13, 2018, LCLC 2018 Legislative Session Update – Lake Legislative Delegation, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

July 13, 2018, Movie on the Lawn *A Wrinkle in Time*, City Hall Lawn at 7:30 p.m.

July 25, 2018, City Commission Special at 6:00 p.m.

July 26, 2018, City Commission Regular at 6:00 p.m. – CANCELLED

August 2, 2018, City Commission Workshop at 6:00 p.m.

August 6, 2018, City Commission Budget Workshop at 6:00 p.m.

August 7, 2018, City Commission Budget Workshop at 6:00 p.m.

August 9, 2018, City Commission Regular at 6:00 p.m.

August 10, 2018, LCLC *Four-Hour Ethics Training Session*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

August 10, 2018, Movie on the Lawn, TBD City Hall Lawn at 7:30 p.m.

August 13, 2018, Lake County Parks, Recreation and Trails Advisory Board, Library Services Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.

August 16-18, 2018, Florida League of Cities *92 Annual Conference*, The Diplomat Beach Resort, 3555 S Ocean Drive, Hollywood, Florida 33019 at 7:30 a.m.

August 22, 2018, Lake-Sumter Metropolitan Planning Organization Governing Board, 225 W Guava Street, Lady Lake, Florida 32159 at 2:00 p.m.

July 12, 2018 Regular Agenda

August 23, 2018, City Commission Regular at 6:00 p.m. – CANCELLED

August 28, 2018, Primary Election at 7:00 a.m.

August 30, 2018, City Commission Special at 6:00 p.m.

September 3, 2018, Labor Day – City Hall Closed

September 4, 2018, Lake Emergency Management Services Inc.'s (EMS) Finance Committee Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 2:00 p.m.;

September 4, 2018, Lake EMS Employee Issues Committee Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 3:00 p.m.;

September 4, 2018, Lake EMS Operations Committee Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 4:00 p.m.;

September 13, 2018, City Commission Regular at 6:00 p.m.

September 14, 2018, LCLC Sheriff Peyton Grinnell, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

September 14, 2018, Movie on the Lawn, TBD City Hall Lawn at 7:30 p.m.

September 25, 2018, Lake EMS Board Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 2:30 p.m.;

September 26, 2018, Lake-Sumter MPO Governing Board Meeting, 225 W Guava Street, #217, Lady Lake, Florida 32159 at 2:00 p.m.;

September 27, 2018, City Commission Regular at 6:00 p.m.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.



**AGENDA ITEM
NUMBER
3ab**

CONSENT AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Draft Minutes		
For the Meeting of:	July 12, 2018		
Submitted by:	City Clerk		
Date Submitted:	July 5, 2018		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item:			
<p>Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote.</p> <p>Approve the following regular meeting minutes:</p> <p>a . April 26 2018 b . May 10, 2018</p>			
Action to be Taken: Approval			
Staff's Recommendation: Approval, if there are no corrections or amendments.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the consent agenda: _____
Mayor

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
April 26, 2018**

A regular meeting of the City of Fruitland City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, April 26, 2018 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Ray Lewis, and Rick Ranize.

Also Present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Captain Erik Luce, and Executive Assistant Karen McKillips, Police Department; Interim Fire Chief Don Gilpin and Firefighter Kevin Ducharme, Fire Department; Public Works Director Dale Bogle; Community Development Director Tracy Kelley; Human Resources Director Diane Kolcun; and City Clerk Esther B. Coulson.

1. CALL TO ORDER

After Mayor Cheshire called the meeting to order at 6:00 p.m.; Pastor Jim Keegan, New Life Church, gave the invocation and Captain Luce led in the Pledge of Allegiance to the Flag.

2. ROLL CALL

At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was present.

Later in the meeting, Mayor Cheshire outlined the decorum procedures when addressing the city commission.

**3. SPECIAL PRESENTATION
ICMA**

Mr. James "Jim" P. Gleason, City Manager of Mascotte, appeared on behalf of the Florida City County Manager's Association (FCCMA) and International City-County Manager Association (ICMA-CA), and recognized the city's 35th anniversary, the manager-council form of government that the city is operating under.

Mr. Gleason gave a historical overview of the management appointments and the formal adoption and formation of FCCMA and ICMA; gave statistics on the respective associations working with governments in the United States with the city managers' roles and commitments in that regard and commended the city commission and the community for adopting ICMA 35 years ago. He presented Mayor Cheshire and Mr. La Venia with a Certificate of Appreciation.

After discussion, Mayor Cheshire announced that the city was recognized by ICMA on March 10, 1983 as a city-manager type of government and adopted Resolution 95 on September 30, 1974 electing the city-manager plan of government.

4. LOCAL PLANNING AGENCY

By unanimous consent, the city commission recessed its meeting at 6:13 p.m. to convene to the Local Planning Agency meeting, and reconvened at 7:22 p.m.

5. CONSENT AGENDA

On motion of Commissioner Bell, seconded by Commissioner Lewis and unanimously carried, the city commission approved the consent agenda - the February 22, 2018 regular meeting minutes as submitted.

6. REGULAR AGENDA

(a) Parking Violations - Traffic Rules, Title VII, Chapter 71 - Discussion

With respect to the city's current provisions on parking violations, Captain Luce described the type of system the police department uses to issue traffic citations for moving violations with fines assessed according to state statute; the process utilized for nonpayment by forwarding same to the Lake County Clerk of Courts who notifies the defendant of the charges, and the escrow account established for the city for such purpose.

After discussion, Captain Luce, in answering Commissioner Lewis' inquiry, explained that the city does not issue parking citations.

Mayor Cheshire recognized illegal parking activities on city hall property with the inability to enforce same and mentioned including such provision in the parking ordinance.

In answering, Mr. La Venia relayed Police Chief Mike Fewless' desire to address parking violations in the city with the ability to issue parking citations; pointed out the complaints he received from The Villages' residents and anticipated that an ordinance from the city would provide the mechanism to collect fees inhouse which does not exist as it is transferred to the county whereby the city receives nothing.

Following much discussion, Commissioner Ranize addressed the need for a process and for the public to be educated initially before the city collects fines.

By unanimous consent, the city commission accepted the city attorney's request to work with the police department chief on the parking violations, traffic rules.

(b) Resolution 2018-021 Shiloh Street - Transfer ILA

Ms. Geraci-Carver read into the record the title of proposed Resolution 2018-021, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY AND THE CITY OF FRUITLAND PARK, FLORIDA FOR SHILOH STREET INFRASTRUCTURE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission postpone its action on Resolution 2018-021, as previously cited, at the city manager's request for more information.

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

(c) Resolution 2018-022 Fruitland Park Library - Change Order 1

Ms. Geraci-Carver read into the record the title of proposed Resolution 2018-021, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CITY OF FRUITLAND PARK LIBRARY - CHANGE ORDER 1 FROM PAQUETTE COMPANY IN THE AMOUNT OF \$75,426.00; PROVIDING FOR AN EFFECTIVE DATE.

After Mr. La Venia recognized the city commission's discussions at its April 12, 2018 regular meeting, **a motion was made by Commissioner Ranize and seconded by Commissioner Bell that the city commission adopt Resolution 2018-022 as previously cited.**

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

(d) Resolution 2018-019 Calling for Election

Ms. Geraci-Carver read into the record the title of proposed Resolution 2018-019, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CALLING FOR A REGULAR ELECTION TO FILL VACANCIES ON THE CITY COMMISSION; SETTING AN ELECTION DATE; NAMING THE VACANCIES TO BE FILLED; ESTABLISHING A POLLING LOCATION; ESTABLISHING A QUALIFYING PERIOD; ESTABLISHING ELECTION PROCEDURES; PROVIDING FOR ELECTION ARRANGEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

At Mayor Cheshire's request, Ms. Geraci-Carver addressed, according to the city's code and charter; the city commission's desire to hold an August 23, 2018 Primary Election, consistent with the state's, if more than two individuals are running for the same district. She recognized the November 6, 2018 General Election date where commission district seats 1 and 2 would be scheduled to be filled for a four-year period and noted the polling places she received from the Lake County Supervisor of Elections Office (SOE) for individuals to vote. Ms. Geraci-Carver explained that the qualifying period is consistent with the state and the county's which commences on Monday, June 18 starting at noon and ends at noon Friday, June 22, 2018.

A motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission adopt Resolution 2018-019 as previously cited.

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

(e) Resolution 2018-020 Road Paving and Maintenance Fund

Ms. Geraci-Carver read into the record the title of proposed Resolution 2018-020, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ESTABLISHING A ROAD PAVING AND MAINTENANCE FUND WITHIN THE GENERAL FUND; PROVIDING DIRECTIONS; PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia recognized, for the Fiscal Year 2017-18 budget, the setting aside of \$50,000 towards the purpose of paving roads whereby at the start of 'sinking funds' \$100,000 was initially allocated but reduced to \$50,000 for budgetary reasons. He indicated that not everything the city implements would be included in the Community Redevelopment Agency (especially for the newer areas of the city) but explained that such action would allow funds to be maintained as a restrictive fund set aside annually for roadway repairs when they are ready to be paved.

After Ms. Racine interjected that the maintenance of funding would be restricted, Ms. Geraci-Carver concurred with her statements on the ability to draw on said funds later if needed and indicated that for emergencies the funds could be utilized for other purposes to which Mr. La Venia identified as committed funds.

In answer to Commissioner Ranize' inquiry regarding meeting the city's purchasing requirements of up to \$4,000, Ms. Geraci-Carver explained that after the fund is budgeted and for it to be utilized, a budget amendment would be required to be considered before the city commission.

A motion was made by Commissioner Bell and seconded by Commissioner Ranize that the city commission adopt Resolution 2018-020 as previously cited.

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

In acknowledging the city commission's action, Commissioner Ranize identified the subdivisions of Wingspread, The Glen, Chelsea's Run, Gardenia Park, and The Villages of Fruitland Park which are not within the Community Redevelopment Agency. He voiced his concurrence with the comments made at the April 12, 2018 regular meeting by Mr. Bob Wille, City of Fruitland Park resident.

(f) Year to Date Budget Report – Period Ending March 31, 2018

Ms. Racine reviewed the budget report revenues and expenses for the period up to March 31, 2018.

In response to Mayor Cheshire's inquiry on the status of financing, Ms. Racine reported that Mr. Geoff Brewster, Finance Specialist, Finance Department, recently conducted a research with various banking institutions where different terms were received. She addressed her plan to apply for a two-year interest-only loan and believed the first time to accept the United States Department of Homeland Security Federal Emergency Management Agency's hurricane reimbursement to be approximately 18 months and anticipated receiving the majority of advance funds to pay same which needs to be covered at the end of the year.

Mses. Racine and Geraci-Carver concurred with Commissioner Lewis' statements on the negative fund balance expenditures whereby the city would be utilizing its restricted funds (which is accounted for) to cover cash flow needs and his previous conversations with McDirmit Davis & Co, Certified Public Accountants and the appearance of Ms. Tammy Campbell (Certified Public Accountant from said firm) at the December 14, 2017 regular commission meeting outlining same.

After Commissioner Bell recollected the city commission's previous direction at its September 28, 2017 regular meeting to pursue the line of credit with the city's financial institutions (due to Hurricane Irma's storm debris collection), Ms. Racine indicated that the city commission changed its mind and decided, at its December 14, 2017 regular meeting, to proceed pursuing reimbursement.

After Commissioner Lewis recognized the figure for the negative reserves to be unknown and the 2017 Comprehensive Annual Financial Report to be unavailable, Ms. Racine relayed Ms. Campbell's statements to her that she does not believe the number \$471,00 from unrestricted reserves would change, if the city does not borrow but anticipated it would be low and the city would be able to cover same.

After discussion and **by unanimous consent, the city commission authorized the city treasurer not to proceed pursuing funding from the financial institution and accepted her recommendation to utilize funding from the reserves.**

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

PUBLIC HEARING

(g) First Reading – Ordinance 2018-005 Golf Carts

Ms. Geraci-Carver read into the record the title of proposed Resolution 2018-021, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 73 OF THE CODE OF ORDINANCES RELATING TO THE OPERATION OF GOLF CARTS AND LOW-SPEED VEHICLES WITHIN THE CITY OF FRUITLAND PARK; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on May 10, 2018.)

Ms. Geraci-Carver referred to Chief Fewless' request at the March 22, 2018 regular meeting regarding the combination of various ordinances relating golf cars and low speed vehicles under Chapter 73; which will take place after Municode's codification. She explained that in the interim, the subject matter would currently be placed as one ordinance and resolution; it is in conformance with the Florida State Statute, and it would incorporate what the city had before. Ms. Geraci-Carver relayed Chief Fewless' request to reflect state statutes than including more details on what is being proposed. She explained that Mr. Greg Beliveau, LPG Urban Planners Inc. (consultant retained by the city) has since updated the golf cart access map.

Mr. Beliveau conveyed Chief Fewless' request for more specificity on where to stop access on Miller Street/CR 466A which is the only minor change.

In response to Vice Mayor Gunter's reference to the county's permission (Resolution 2012-111) allowing access on CR 25 (Dixie Avenue), Mr. Beliveau indicated that it has not changed.

Ms. Geraci-Carver relayed her conversations with Captain Luce earlier before this evening's meeting on her intent to meet with Chief Fewless agreeing to same which matches the map; indicated that the golf carts are permitted to travel on part of Dixie Avenue, and indicated that the correction will be made by the second reading. She addressed the need for an agreement to reflect allowing golf cart access on said roadway, if Lake County concurs.

Commissioner Lewis voiced his agreement with Vice Mayor Gunter's reference to the designated and restricted golf cart crossing at the signalized intersection on CR 466A which is permitted.

After extensive deliberations and with respect to Vice Mayor Gunter's reference to the arrangement with the county on designated golf cart crossings, Ms. Geraci-Carver explained that if an agreement exists, it will be revised; thus, she will obtain more information from Ms. Coulson.

Following further discussion, Commissioner Ranize recollected:

- his appearance, as a City of Fruitland Park resident, before the Lake County Board of County Commissioners, when the Golf Cart Operation Within the City Limits of Fruitland Park appeared on its September 11, 2012 consent agenda and the county commission's previous discussions on same, his concerns for the county commission to consider safety as it pertains to driving a golf cart on Dixie Avenue; namely, its narrow roadway, the 30 miles per hour speed limit, and the lack of survey conducted on the issue;
- the county commissioners' actions pulling the agenda item in question for discussion;
- the former City Manager Ralph Bowers' appearance before the county commission and
- the county commission's decision for the city commission to deal with same and for its law enforcement to monitor the traffic and the county commission's adoption of Resolution 2012-111 designating county roads within the city limits of Fruitland Park as appropriate for golf cart operation and signage.

Commissioner Lewis concurred with Commissioner Ranize' statements citing safety issues where he currently believes that Dixie Avenue is a bad road to operate a golf cart which is allowed.

After Commissioner Ranize inquired whether there is a provision in state statutes on a licensed driver with a suspended driver's license operating a golf cart, Ms. Geraci-Carver explained that she will review same and provide further information prior to the second reading.

A motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission approve proposed aforementioned Ordinance 2018-005 with the direction to the city attorney to report back with more information, as previously cited, prior to the second reading.

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

(h) First Reading - Ordinance 2018-013 Building and Zoning Fees

Ms. Geraci-Carver read into the record the title of proposed Resolution 2018-021, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SEC. 99.30 IN CHAPTER 99 OF THE CODE OF ORDINANCES TO AUTHORIZE THE CITY COMMISSION TO SET BUILDING AND ZONING FEES BY RESOLUTION; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on May 10, 2018.)

Mr. La Venia explained that the proposed ordinance reflects the city's existing building permit fees and is not altering the zoning fees which will remain as is to which Ms. Geraci-Carver agreed would be considered at the next meeting. She pointed out Municipal Code Corporation's preference for governing bodies to adopt fees by resolution; recommended that the city commission adopt the building and zoning fees in that regard (similar to Resolution 2017-020 Recreation and Facilities Fee Schedule) and addressed her plan to review the planning and zoning fees within Section 99.93 of the city's code which will be implemented, when ready, by resolution.

A motion was made by Commissioner Ranize and seconded by Commissioner Bell that the city commission approve Ordinance 2018-013 as previously cited.

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

(i) First Reading - Ordinance 2018-012 Lake County Countywide MSTU for Ambulance and EMS

Ms. Geraci-Carver read into the record the title of proposed Resolution 2018-021, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONSENTING TO THE INCLUSION OF THE CITY OF FRUITLAND PARK, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT (MSTU) OF THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MSTU FOR A SPECIFIED

TERM OF THREE (3) YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on May 10, 20108.)

Ms. Geraci-Carver recalled the city commission's actions at its April 12, 2018 regular meeting on the recommendation for an additional three-year extension; noted the new term which will expire July 12, 2021 and relayed her notification to the county attorney's office of the commission's position whereby there are no issues with same.

A motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission approve Ordinance 2018-012 as previously cited.

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

(j) Second Reading and Public Hearing – Ordinance 2018-008 Commission Districts

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2018-008, 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, ADOPTING CITY COMMISSION DISTRICTS AND A MAP DEPICTING SAID DISTRICTS; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 12, 2018.)

At Commissioner Lewis' request, Commissioner Ranize indicated that although he supports redistricting, he cited the method of division from The Villages of Fruitland Park to the historic Fruitland Park as reasons why he casted a "no" vote on the motion approving proposed Ordinance 2018-008.

As requested by Mayor Cheshire, Mr. Beliveau indicated that he did not review the areas where the elected officials reside; outlined how he was tasked from the beginning noting that the city has two districts in The Villages (similar to what he implemented for the Town of Lady Lake) and addressed his attempts in not allowing the city to have a majority (The Villages) in a commission district.

Mr. Beliveau explained that the maps he produced for other jurisdictions meet statutory requirements and addressed his uncertainty of the next redistricting and numerical shift due to the anticipated population growth to be generated resulting

from the planned unit developments (PUDs). He outlined how he computed homes (according to household), divided the districts and reviewed and compared same with the city's old boundaries.

After discussion, Mr. Beliveau addressed the option – with the objection of keeping the ratio 3:2 – to reconfigure and change the districts' perimeters and that the city commission inform him to implement same.

A motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission enact Ordinance 2018-008 to become effective immediately as provided by law.

There being no comments 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

- (k) **First Reading and Quasi-Judicial Public Hearing – Ordinance 2018-006 to Correct Scrivener's Error on Ordinance 2016-023 SSCPA – 1.0± Acres - N CR 466A and W Timbertop Ln - Urban Low to Commercial – Petitioner: James Phillips, Owner**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2018-021, the substance of which is as follows, Mayor Cheshire called for the public to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-023 WHICH PROVIDED FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.0± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on May 10, 2018.)

A motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission approve the local planning agency's recommendations of approval on Ordinance 2018-006 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 Quasi-Judicial Public Hearing – Ordinance 2018-007 to Correct Ordinance 2016-025 – Rezoning - Petitioner: James Phillips, Owner**
Ms. Geraci-Carver read into the record the title of proposed Ordinance 2018-007, the substance of which is as follows, Mayor Cheshire called for the public to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-025 WHICH REZONED 1.0 ± ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on May 10, 2018.)

A motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission approve the local planning agency's recommendation of approval on Ordinance 2018-007.

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 Quasi-Judicial Public Hearing - Ordinance 2018-009 Gardenia East Subdivision Annexation - Gardenia East Subdivision – Petitioner: MRSF1 LLC, Owner**
Ms. Geraci-Carver read into the record the title of proposed Ordinance 2018-009, the substance of which is as follows:

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 13.44 ± ACRES OF LAND GENERALLY LOCATED EAST OF US HIGHWAY 27/441 AND NORTH 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 SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on May 10, 2018.)

Upon LPG Urban Planning Inc.'s recommendation and **by unanimous consent, the city commission took Item 7, Ordinance 2018-009 Annexation; Item 9, Ordinance 2018-011 Large Scale Comprehensive Plan Amendment, and Item 8, Ordinance 2018-010, Rezoning out of order on this evening's agenda and accepted the request to transmit testimony from the April 26, 2018 Local Planning Agency meeting held earlier this evening to this meeting's proceedings.**

After discussion, **a motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission approve the Local Planning Agency's recommendation of approval on proposed Ordinance 2018-009 as previously cited.**

Mayor Cheshire called for the public to be heard.

There being no comments 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.

- (o) **First Reading and Quasi-Judicial Public Hearing – Ordinance 2018-011 Large-Scale Comprehensive Plan Amendment – Gardenia East Subdivision – North of Register Road Petitioner: MRSF1 LLC, Owner**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2018-011, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM LAKE COUNTY

URBAN MEDIUM DENSITY TO MULTI-FAMILY LOW DENSITY ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 13.44 ± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF REGISTER ROAD AND EAST OF US HIGHWAY 27/441; DIRECTING THE CITY CLERK 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; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on May 10, 2018.)

After discussion, a motion was made by Commissioner Lewis and seconded by Commissioner Bell that the city commission approve the Local Planning Agency's recommendation of approval on proposed Ordinance 2018-011 as previously cited.

Mayor Cheshire called for the public to be heard.

There being no comments 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 Quasi-Judicial Public Hearing - Ordinance 2018-010 Gardenia East Subdivision Rezoning - R-1 to PUD – Petitioner: MRSF1 LLC, Owner**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2018-021, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 13.44 ± ACRES OF THE PROPERTY FROM LAKE COUNTY RURAL RESIDENTIAL (R-1) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR

AN EFFECTIVE DATE. (The second reading will be held on May 10, 2018.)

Commissioner Lewis referred to Commissioner Bell's question posed at the Local Planning Agency (LPA) meeting held earlier this evening on the provision of the playground equipment for the proposed development. After Commissioner Lewis recalled The Glen Subdivision's original plans and the exclusion of its playground equipment, he requested that the city commission include with the applicant's commitment to install the playground equipment during the development that same be conditional of the PUD.

After Mr. Beliveau explained that the city no longer has an adopted level of service for recreation facilities and recognized the city's natural standard as a guideline, **by unanimous consent, the city commission accepted LPG Urban Planning Inc.'s suggestion that language on the playground equipment installation will be included by the second reading.**

Ms. Geraci-Carver pointed out the following changes agreed to by the LPA:

- the installation of privacy fences around the recreational vehicle and boat storage area in the PUD;
- the applicant's request of 40 percent lot maximum building coverage;
- the proposed development not being age-restricted, and
- language on the playground equipment installation, as previously cited, to be included before the second reading.

A motion was made by Commissioner Lewis and seconded by Commissioner Bell that the city commission approve the Local Planning Agency's recommendations of approval, as amended as previously cited, on the proposed aforementioned Ordinance 2018-010.

Mayor Cheshire called for the public to be heard.

There being no comments from the public and **by unanimous consent, Mayor Cheshire closed the public hearing.**

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

Commissioner Bell	Yes
Commissioner Lewis	Yes
Commissioner Ranize	No
Vice Mayor Gunter	Yes
Mayor Cheshire	Yes

Mayor Cheshire declared the motion carried on a four-to-one (4-1) vote.

END OF QUASI-JUDICIAL PUBLIC HEARING

7. OFFICERS' REPORTS

(a) City Manager (revised)

i. Vehicle Quotes - Code Enforcement

Later in the meeting, Mr. La Venia requested that the city commission disregard his memorandum dated April 19, 2018 regarding vehicle quotes for code enforcement.

Mr. La Venia pointed out the quote for the code enforcement officer's vehicle and recommended the 2018 Kia Soul Base Auto and pointed out the following prices where the city would obtain its own tags:

- Daytona Mitsubishi-Kia, \$18,148.75
- Bill Bryan Kia, Leesburg (local dealership), \$16,397 with \$799 dealer fee, and
- Orlando Kia West, \$16,242 with dealer fees

Mr. La Venia recommended that the city commission approve the selection of Bill Bryan Kia as the locally preferred low bidder and indicated for the low-base price, he would recommend Daytona Mitsubishi-Kia.

After discussion, Mr. La Venia noted the city commission's option of its local preference with vendors; referred to his April 19, 2018 memorandum which incorporated the following Ford Escape vehicles inclusive of dealer fees (copies of the respective documents are filed with the supplemental papers to the minutes of this meeting):

- Bartow Ford, \$20,839,
- Key Scales Ford, Leesburg, \$23,497, and
- Prestige Ford, Mount Dora \$18,890

After further discussion, Ms. Geraci-Carver concurred with Commissioner Lewis' suggestion requesting that staff elect the lowest bid and negotiate matching the price with Bill Bryan Kia.

Following much discussion, **a motion was made by Commissioner Ranize and seconded by Commissioner Bell that the city commission accept the city manager's recommendation approving the selection of Bill Bryan Kia as the locally preferred low-bidder and direct staff to renegotiate the price further.**

After discussion, **Mayor Cheshire called for a vote on the motion and declared it carried unanimously.**

Additional Item

ii. CR 466A Phase IIIA Project Status Update Report

Earlier in the meeting, Mr. La Venia reported on Lake County's total bid award of \$306,433 for the request for proposals for CR 466A Phase IIIA (Poinsettia Avenue to Century Avenue Roadway Construction) to DAB Constructors; recognized that a portion of the interlocal agreement executed by the city identified that the county's contract would perform utility work under CR 466A which is required to be completed; and pointed out the provision that there would be no charge to the city.

Mr. La Venia identified the price the city budgeted for the respective project to be \$322,000 based on the engineer's estimate.

Additional Item

iii. Lawn Mower Discussion

Mr. La Venia addressed his intent to place on the May 10, 2018 regular meeting agenda a request for a new lawn mower with prices for the Northwest Lake Community, Cales Park Multipurpose Soccer Field.

In response to Commissioner Bell's inquiry, Mr. La Venia addressed the difficulty in locating individuals that the city is seeking to retain on a contractual basis.

Following much discussion, and in response to Commissioner Ranize's question, Mr. La Venia explained that he will report back with more information as to whether the city could enter into a contract with the Town of Lady Lake or Lake County and find out the costs to utilize such service.

(b) City Attorney - 2018 Legislative Bills Passed

Ms. Geraci-Carver reported on the following 2018 Legislative bills that passed:

- DRI (CS/CS/HB 1151)

Developments of Regional Impact (DRI) -- large development to which Ms. Geraci-Carver does not believe that it applies to the city; however, in response to Commissioner Bell's recognition of The Villages, Commissioner Lewis recognized the city's DRI to which Ms. Coulson confirmed in the affirmative (the Development Order "The Villages of Fruitland Park" Villages of Sumter DRI adopted by Resolution 2014-001).

Ms. Geraci-Carver noted the state legislature's actions in previous years on the qualification of DRIs; recognized any current DRIs to be reviewed -- in compliance with the state coordinated review process -- with proposed changes to be reviewed by the local government.

- **Minimum Officer Qualifications (CS/HB 333)**

Ms. Geraci-Carver noted that individuals who served in the special operations forces of the U.S. military are exempt from completing the basic recruit training program for law enforcement, correctional or correctional probation officers; they have to serve in such capacity for a minimum of five years and apply for the exemption within four years of separating from the special operations forces. She noted the list of requirements and the ability to meet the qualifications; namely, passing the physical examination, having good moral character, demonstrate proficiency in high liability areas, and pass the officer certification exam within one year of receiving the exemption, and complete any additional training required by the Criminal Justice Standards and Training Commission, based on the applicant's prior training and experience.

- **Workers' Compensation Benefits for First Responders (CS/CS/SB 376)**

Ms. Geraci-Carver recognized the list of requirements for individuals who qualify for post-traumatic stress disorder, under the Workers' Compensation Benefits for First Responders' bill, during the course of their employment; namely, examination and diagnosis by an authorized treating psychiatrist who experienced or witnessed a traumatic event certain parameters where the disorder must be demonstrated by clear and convincing evidence with limitations on what they receive in temporary benefits.

Ms. Geraci-Carver noted that the provisions on the subject issue become effective October 1, 2018 and indicated that the city (the employing agency of the first responders, volunteers or paid staff), would be required to provide educational training relating to mental health awareness, prevention, mitigation and treatment. She addressed the need for the city to include same in its training program.

After much discussion and at Mayor Cheshire's request, Interim Chief Gilpin explained that there are no concerns with the subject bill.

- **Fire Safety (CS/SB 394)**

Interim Chief Gilpin identified concerns relating to Fire Safety under CS/SB 394 which addresses the training requirements relating to cancer and mental health risks within the fire department. Interim Chief Gilpin noted the minimizing of high risk employers placing the liability on where such risk was initiated a concern of labor/trade unions.

Following further discussion, Ms. Geraci-Carver explained that the training courses would be established by the State of Florida Department of Financial Services, Division of the State Fire Marshal as part of the firefighter and volunteer firefighter training and certification whereby the training requirements would be related to cancer and mental health risks within the fire service.

8. PUBLIC COMMENTS

There were no public comments at this time.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. Police Department

Commissioner Ranize referred to a complaint raised by Mr. Walter Birriel, City of Fruitland Park resident, at the April 12, 2018 regular meeting regarding the police department; recognized that Captain Luce was not present at that time to defend himself, and congratulated Chief Fewless on his initiative in supporting the department by inviting Mr. Birriel and his daughter after the respective meeting to review the video footage of the events that took place.

Commissioner Ranize relayed Chief Fewless' comments confirming that Mr. Birriel's complaints made at the meeting did not taken place.

Vice Mayor Gunter referred to his review of the video footage prior to the April 12, 2018 meeting and voiced his confidence in Chief Fewless.

Commissioner Ranize expressed his disappointment that Mr. Birriel is not present at this evening's meeting to apologize about the accusations made to the police department and Captain Luce.

ii. Ordinance 2018-008 Commission Districts

With respect to the city commission districts, Commissioner Ranize gave his opinion on the previous direction and the attempts made to segregate The Villages from historical Fruitland Park who are city residents and believed that the city is moving in the wrong direction.

(b) Commissioner Lewis

ii. Police Department

Commissioner Lewis voiced his concurrence with Commissioner Ranize's statements on the subject issue.

ii. Ordinance 2018-008 Commission Districts

Commissioner Lewis stated that he shares a different opinion with Commissioner Ranize on the city commission districts.

iii. Excused Absence

Commissioner Lewis announced that he will be out-of-town on May 10, 2018 and requested that his absence be excused.

iv. Lake EMS

Commissioner Lewis referred to the April 4, 2018 Lake Emergency Medical Services Inc. (EMS) he attended and his findings on the county

commission's actions, since soliciting same, establishing a contract with Motorola™ on the acquisition of emergency network radios for the county and potentially various municipal emergency personnel to accept procuring new radios conditional upon acceptance by the municipalities. He noted the initial percentage and current discount applied through Motorola; anticipated that a memorandum will be forthcoming to the city managers identifying their respective entities' current radios with related costs and indicated that the county is seeking to secure a 10-year financing which would be transferred to the cities.

FY 2018-19 Budget

Commissioner Lewis recognized the forthcoming budget workshops for FY 2018-19 and the procedures which he believes ought to be changed and relayed his conversations with Mr. La Venia and Ms. Racine recognizing the time spent on the process in meeting with the respective departments on their desires and the review of same. Commissioner Lewis addressed the need for the city commission's ultimate decision with the opportunity for the departments to appeal same. He recognized the city's growing financial goals and the building of unrestricted cash reserves (previously emphasized for the FY 2017-18 budget) which needed to be addressed whereby the number was reduced during the process.

Mr. La Venia concurred with Commissioner Lewis' statements on his preference that future budgets be presented to the city commission by Mr. La Venia and Ms. Racine, with the directors present.

After much discussion, Commissioner Bell concurred with Mr. La Venia's request for him to have the ability to make reductions; entertain any questions relating to same, and for the city commission to continue to meet its goals such as a "rainy day" fund.

Mayor Cheshire indicated that he has no objections on the budget process and addressed the need for the city commission to make a determination on making the process more efficient.

(c) Commissioner Bell

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

(d) Vice Mayor Gunter, Jr.

i. Police Department

Vice Mayor Gunter voiced his concurrence with Commissioner Ranize as it relates to his review of the police department's video footage.

ii. **FY 2018-19 Budget**

Mr. La Venia agreed with Vice Mayor Gunter's remarks expressing preference to include budget projections during the budget workshop to which Commissioner Bell indicated was previous practice.

10. **MAYOR'S COMMENTS**

Dates to Remember

- May 5, 2018, Employee Picnic Gardenia Park Pavilion and Pool, 201 W Berckman Street, Fruitland Park, Florida 34731 at 11:00 a.m.

- May 9, 2018, *2018 Lake County Community Service Awards, Receptions* 4425 N Highway 19-A, Mount Dora, Florida 32757, TBD;
Later in the meeting, Commissioner Bell encouraged the city commission's presence at the 2018 Lake County Community Service Awards and mentioned a local resident who has been nominated to receive an award in the sports/athletics category.

May 19, 2018, Coffee with the Mayor at 8:00 a.m.

- May 10, 2018, City Commission Regular at 6:00 p.m.;

- May 11, 2018, Lake County League of Cities' Board of Directors Inc. (LCLC) *Lake County Information Technology Innovations Update*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;

- May 11, 2018, Movie on the Lawn *Coco* at 8:30 p.m.;

- May 14, 2018, Parks, Recreation and Trails Advisory Board, Library Services Conference Room, 2401 Woodlea Road, Tavares, FL 32778;

- May 22, 2018, Lake EMS Finance Committee Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 2:00 p.m.;

- May 22, 2018, Lake EMS Employee Issues Committee Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 3:00 p.m.;

- May 22, 2018, Lake EMS Operations Committee Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 4:00 p.m.;

- May 22, commission workshop at 6:00 p.m.
By unanimous consent, the city commission agreed to conduct a workshop on the remaining land development regulations and directed staff to communicate with LPG Urban Planners Inc. to determine the items to be considered by the city commission.

- May 23, 2018, Lake-Sumter Metropolitan Planning Organization Governing Board Meeting, 225 W Guava Street, #217, Lady Lake, Florida 32159 at 2:00 p.m.;
- May 24, 2018, City Commission Regular at 6:00 p.m.;
- May 28, 2018, Memorial Day – City Offices Closed.

11. ADJOURNMENT

On motion made and seconded, the meeting adjourned at 7:34 pm.

The minutes were approved at the July 12, 2018 meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Chris Cheshire, Mayor

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
May 10, 2018**

A regular meeting of the City of Fruitland City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, May 10, 2018 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell and Rick Ranize.

Member Absent: Commissioner Ray Lewis

Also Present: City Manager Gary La Venia, City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Mike Fewless; Interim Fire Chief Don Gilpin and Deputy Chief Tim Yoder, Fire Department; Public Works Director Dale Bogle; Community Development Director Tracy Kelley; Human Resources Director Diane Kolcun; and City Clerk Esther B. Coulson.

1. CALL TO ORDER

After Mayor Cheshire called the meeting to order at 6:00 p.m.; Associate Pastor Reverend Loida Divine, Community United Methodist Church, gave the invocation and Chief Fewless led in the Pledge of Allegiance to the Flag.

2. ROLL CALL

At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was present.

By unanimous consent, the city commission excused the absence of Commissioner Lewis from this evening's meeting.

3. PROCLAMATION

National Police Week – May 13, 2018 to May 19, 2018

On behalf of the city commission, Mayor Cheshire read into the record, a proclamation recognizing May 13 to May 19, 2018 as *Police Week* and designating May 15, 2018 as *Peace Officers Memorial Day* and publicly saluted the service of law enforcement officers in the community and across the nation.

Chief Fewless accepted the proclamation with gratitude.

4. CONSENT AGENDA

Approval of Minutes

On motion of Commissioner Bell seconded by Commissioner Ranize and unanimously carried, the city commission approved the March 15, 2018 workshop as submitted.

5. REGULAR AGENDA

By unanimous consent, Mayor Cheshire took the following supplemental agenda items out of order on this evening's agenda and opened the public hearings at this evening's meeting.

SUPPLEMENTAL AGENDA

QUASI-JUDICIAL PUBLIC HEARING

- (j) Second Reading and Quasi-Judicial Public Hearing - Ordinance 2018-009
Gardenia East Subdivision Annexation - Gardenia East Subdivision –
Petitioner: MRSF1 LLC, Owner**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2018-009, 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 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 13.44 ± ACRES OF LAND GENERALLY LOCATED EAST OF US HIGHWAY 27/441 AND NORTH 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 SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 26, 2018.)

After Ms. Geraci-Carver administered the oath for Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., to testify, he referred to the city commission's consideration of the subject issue at the April 26, 2018 hearing and reported that there have been no changes in annexation issues since that time. He requested that the city commission proceed to the second reading and recommended approval.

A motion was made by Commissioner Ranize and seconded by Commissioner Bell that the city commission enact Ordinance 2018-009 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 the motion carried unanimously.

(k) **Second Reading and Quasi-Judicial Public Hearing – Ordinance 2018-011 Large-Scale Comprehensive Plan Amendment – Gardenia East Subdivision – North of Register Road Petitioner: MRSF1 LLC, Owner**

Mr. La Venia referred to the May 7, 2018 letter received from the State of Florida Department of Economic Opportunity (DEO) regarding the subject proposed comprehensive plan which will be reviewed according to Florida Statutes and to expect DEO's comments no later than June 3, 2018. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

After Ms. Geraci-Carver indicated that the subject item would need to be continued to a specific date and noted the recommendations by Mr. Beliveau, who was previously sworn, to hold the meeting two weeks after June 3, 2018, she suggested the regular meeting date of June 28, 2018.

On motion of Commissioner Bell, seconded by Commissioner Ranize and unanimously carried, the city commission continued its action to enact proposed Ordinance 2018-011, as cited below, to date certain June 28, 2018:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM LAKE COUNTY URBAN MEDIUM DENSITY TO MULTI-FAMILY LOW DENSITY ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 13.44 ± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF REGISTER ROAD AND EAST OF US HIGHWAY 27/441; DIRECTING THE CITY CLERK 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; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 26, 2018.)

(l) **Second Reading and Quasi-Judicial Public Hearing - Ordinance 2018-010 Gardenia East Subdivision Rezoning - R-1 to PUD – Petitioner: MRSF1 LLC, Owner**

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2018-010, 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 COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 13.44 ± ACRES OF THE PROPERTY FROM LAKE COUNTY RURAL RESIDENTIAL (R-1) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 26, 2018.)

Mr. Beliveau acknowledged the changes made by Ms. Geraci-Carver and the applicant, as previously recommended by the city commission.

Mr. Ryan Hinricher, applicant of the subject property who was sworn-in by Ms. Geraci-Carver, described the changes he made on the conceptual site plan and outlined the specifications of same; copies of which are filed with the supplemental papers to the minutes of this meeting.

After discussion, **a motion was made by Vice Mayor Gunter and seconded by Commissioner Bell that the city commission enact Ordinance 2018-010, 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 called for a roll call vote with the city commission members voting as follows:

Commissioner Ranize	No
Commissioner Bell	Yes
Vice Mayor Gunter	Yes
Mayor Cheshire	Yes

Mayor Cheshire declared the motion carried on a four-to-one (4-1) vote.

END OF QUASI-JUDICIAL PUBLIC HEARING

5. (a) Water Conservation Plan - CUP 2020 EM50 Proposal - Discussion

Mr. La Venia addressed the consumptive use permit 2020 EM50 proposal for water conservation (initial step) and addressed the need to renew St John's River Water Management District's SJRWMD's consumptive use permit (CUP) #2482 for water conservation planning by 2020; described the initial steps during the last

process to implement water conservation in the CUP which has to be renewed by 2020, and indicated that it was carried out by Ms. Jennifer C. Bolling (formerly SMW Geosciences Inc. now known as Jacobs CH2M®) with now retired Ms. Sarah M. Whittaker, SMW Geosciences Inc., who were authorized agents working on behalf of the city.

Mr. La Venia relayed his recommendation for Ms. Bolling to make a presentation before the city commission with a proposal to initiate the development of the water conservation plan to be submitted as part of the CUP renewal application which is budgeted annually.

After Vice Mayor Gunter -- in recollecting the city commission's experience in July 2009 -- noted the additional costs to restart the process due requests for additional information response extensions from SJRWMD, Mr. La Venia relayed his conversations with Ms. Bolling on the improved process; addressed her awareness of the previous issues (the Lake Griffin and the Ocklawaha River projects), and noted the phases of completion by 2020.

After much discussion, a motion was made by Commissioner Bell and seconded by Commissioner Ranize that the city commission direct the city manager to invite Ms. Jennifer C. Bolling, Jacobs CH2M®, to a future city commission meeting to give a presentation on a proposal to initiate the development of the water conservation plan to be submitted as part of St. John's River Water Management District's consumptive use permit renewal application.

Mr. La Venia confirmed, in response to an inquiry posed by Commissioner Ranize, that the city has appropriated \$10,000 in the FY 2017-18 budget to implement such work.

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

(b) Dcon Kits – Fire Service Grant Awards

The city commission considered the acceptance of the local government grant program award, also known as the "Local Fire Service Cancer Mitigation Grant Program", appropriated by the state legislature; administered by the Florida Department of Financial Services, Division of State Fire Marshal, and for post fire on-scene decontamination kit proposal items at a cost of \$150.72 from the University of Miami Health System, Sylvester Comprehensive Cancer Center.

(c) LIFEPAK – Quotes

The city commission considered its action on the following quotes for a LIFEPAK:

At Mayor Cheshire's request, Interim Chief Gilpin explained the equipment which was approved in the budget.

- LIFEPAK 15 V4 -- Monitor/Defibrillator, Adaptive Biphasic, Manual and Automated External Defibrillator, Color LCD, 100 mm Printer, Noninvasive Pacing, Metronome, Trending, and Bluetooth for \$39,774.93 from Physio-Control Inc.

and

- LIFEPAK 15 BI Pacing AED SP02/CO NIBP CO2 Bluetooth, Version 2 for \$24,894 from Cardio Partners.

On motion of Vice Mayor Gunter, seconded by Commissioner Bell and unanimously carried, the city commission approved the city manager's recommendation to accept the quote for \$24,894 from Cardio Partners, as previously cited, for a LIFEPAK.

(d) Lawn Mower Discussion

The city commission considered the following quotes for a lawn mower for Northwest Lake Community, Cales Park Multipurpose Soccer Field:

- Bermuda Grass Mower Lake County (surplus item), \$15,000 approximately,
- Toro Groundsmaster 3500, Statewide Turf Equipment, \$18,900, and
- Toro Goundsmaster 3500, Global Turf Equipment LLC, \$20,425 or \$12,000 (pre-owned)

After much discussion, a motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission accept the quote for the Bermuda Grass Mower with Lake County as previously cited.

After Ms. Racine identified the available funds in the capital improvement plan budget, **Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.**

(e) Resolution 2018-024 Road and Streets FY 2017-18 Budget Amendment – Mid-Year Hurricane Irma Expenses

Ms. Geraci-Carver read into the record proposed Resolution 2018-024, the title of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2017/2018 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE THE GENERAL FUND BUDGET \$829,712, DECREASE UTILITIES FUND BUDGET \$135,670, AND MOVE VARIOUS BUDGET LINE ITEM AMOUNTS TO COVER OVERAGES AND SHORTAGES FOR THE MID-YEAR REVIEW; PROVIDING FOR THE

AMENDMENT OF THE FISCAL YEAR 2017-2018 BUDGET;
AND PROVIDING FOR AN EFFECTIVE DATE.

After Ms. Racine gave an overview of subject budget amendment, she noted the funds remaining in reserves earmarked towards Hurricane Irma and confirmed in the affirmative to Vice Mayor Gunter's inquiry that the United States Department of Homeland Security Federal Emergency Management Agency's (FEMA's) paperwork has been completed.

Mr. La Venia addressed the plan to meet with Mr. Dustin Galle, FEMA's contractor designated to the area, regarding the city's public assistance application and described FEMA's procedures to receive reimbursement from the State of Florida.

Following further discussion, **a motion was made by Commissioner Ranize and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2018-024 as previously cited.**

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

(f) Resolution 2018-023 Building Permit Fees Revision

Ms. Geraci-Carver read into the record proposed Resolution 2018-023, the title of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FRUITLAND PARK, FLORIDA, ADOPTING A FEE
SCHEDULE FOR BUILDING AND ZONING FEES; AND
PROVIDING FOR AN EFFECTIVE DATE.

In following up Mr. La Venia's comments, Ms. Geraci-Carver pointed out Agenda Item 5.(g) which proposes the enactment of building and zoning fees, established by the subject resolution.

Commissioner Ranize' referred to the exhibit -- building and zoning fee schedule - - where he did not see that a permit to perform the removal of a tree and questioned whether it would apply to constructing a home.

Mr. La Venia confirmed in the affirmative on the requirement of paying a permit fee to remove a tree; agreed with Ms. Geraci-Carver's statements that the items within the schedule included planning fees that were previously enacted by ordinance and both indicated that they would find out whether home construction is a separate category from planning and zoning.

Mr. La Venia addressed the ability to review and address the tree protection ordinance at the same time whilst the city commission is reviewing the Land Development Code. He and Ms. Geraci-Carver recognized that the exhibit

accompanying the subject resolution includes the current zoning fees and any changes and updates would be considered before the city commission.

A motion was made by Commissioner Ranize and seconded by Commissioner Bell that the city commission adopt Resolution 2018-023 as previously cited.

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

PUBLIC HEARING

(g) Second Reading and Public Hearing - Ordinance 2018-013 Building and Zoning Fees

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2018-013, 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 COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SEC. 99.30 IN CHAPTER 99 OF THE CODE OF ORDINANCES TO AUTHORIZE THE CITY COMMISSION TO SET BUILDING AND ZONING FEES BY RESOLUTION; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 26, 2018.)

There being no one from the public and **by unanimous consent, Mayor Cheshire closed the public hearing.**

A motion was made by Vice Mayor Gunter and seconded by Commissioner Ranize that the city commission enact Ordinance 2018-013 as previously cited to become effective immediately as provided by law.

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

(h) Second Reading and Public Hearing – Ordinance 2018-005 Golf Carts

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2018-005, 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 COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 73 OF THE CODE OF ORDINANCES RELATING TO THE OPERATION OF GOLF CARTS AND LOW-SPEED VEHICLES WITHIN THE CITY OF FRUITLAND PARK; PROVIDING FOR

CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 26, 2018.)

In response to Mayor Cheshire's inquiry, Chief Fewless expressed his desire for the city commission to enact the proposed ordinance, subject to a revised golf cart access map reflecting green in designated areas allowing golf cart access and red where they are prohibited. He voiced his agreement with Commissioner Ranize's concerns to include Dixie Avenue.

On motion of Vice Mayor Gunter, seconded by Commissioner Bell and unanimously carried, the city commission continued its action on proposed Ordinance 2018-005 to a future meeting subject to receiving a revised map.

(i) Second Reading and Public Hearing - Ordinance 2018-012 Lake County Countywide MSTU for Ambulance and EMS

It now being the time advertised to hold a public hearing to consider the enactment of proposed Ordinance 2018-012, 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 COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONSENTING TO THE INCLUSION OF THE CITY OF FRUITLAND PARK, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT (MSTU) OF THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MSTU FOR A SPECIFIED TERM OF THREE (3) YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 26, 2018.)

A motion was made by Vice Mayor Gunter and seconded by Commissioner Bell that the city commission enact Ordinance 2018-012 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. OFFICERS' REPORTS

(a) City Manager

i. Vehicle Maintenance Program – VCDD Public Safety

Mr. La Venia conveyed Interim Chief Gilpin's request for the city to enter into an agreement with The Villages Community Development District's (VCDD's) Public Safety Department who retains an inhouse mechanic to perform basic mechanical repairs and maintenance on its fire equipment.

Interim Chief Gilpin explained that the city currently utilizes Ten-8 Fire Equipment located in Tampa and concurred with Mr. La Venia's statement that some of the fire department's mechanical work is performed in Orlando. Interim Chief Gilpin recognized VCDD's vendors utilized to repair equipment at its locations instead of the fire department travelling to Orlando and Mr. La Venia pointed out the costs involved in comparison to the vendors the city uses.

After discussion and **by unanimous consent, the city commission accepted staff's recommendation for the fire department to proceed in working with The Villages Community Development District's Public Safety Department to maintain its fire equipment and directed the city attorney to draft a memorandum of understanding between the city and VCDD Public Safety Department to implement same.**

ii. Countywide Public Safety Radios

Mr. La Venia distributed a letter dated April 30, 2018 from Jeff Cole, Lake County Manager, regarding the countywide public safety radios anticipated to be addressed during the city commission's FY 2018-19 budget process. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

After Commissioner Ranize calculated the replacement of the existing radios and in response to his question, Mr. La Venia addressed his intent, if the city elects to support the county, to follow-up on receiving a lower rate of interest financed for the radios offered by the county

Commissioner Ranize voiced his concurrence with a statement made by Commissioner Lewis at a previous meeting that the city commission, during its review of the proposed 2018-19 budget, ought to decide in approving or denying same.

Following much discussion, Vice Mayor Gunter addressed his agreement with Commissioner Ranize's statements to which Mr. La Venia reiterated his plan to discuss the matter further with Mr. Greg Holcomb, Director/E-911 Coordinator/Public Safety, when the subject matter was recently addressed at a meeting he attended with Chief Fewless, Interim Fire Chief Gilpin and Mr. Bogle. He addressed the probability of the proposal

before the county changing and mentioned the plan for staff to review the current radios on what is required and where savings can be made.

After further discussion, Commissioner Ranize, in response to Mayor Cheshire, recognized the advantages of the radios utilized throughout the state when communications are restricted and addressed the need to expedite providing the county with the real figures.

iii. Lake County Addressing – City Limits

Mr. La Venia pointed out the county's proposed ILA which deals with the actual addressing system within city limits. He reported that the city currently does not have geographical information system technology or cross-referencing capability and noted the number of addresses and potential projects before the city. Mr. La Venia outlined the advantages of the technical support process urgently needed by the police and fire departments to ensure the identification of the correct addresses and the avoidance of any duplications in comparison to the current addressing system. He pointed out Ordinance 90-006 Current Street Numbering Assigned to Structures with notification to the city clerk.

After discussion, Mr. La Venia indicated, in response to Commissioner Ranize's inquiry, that he would find out whether the county's addressing system would include the addition of current addresses. He indicated that the subject issue will be before the city commission at a future meeting.

Mr. La Venia recognized the unincorporated area Fruitland Park residents who would continue to have a five-digit address; mentioned staff's plan to proceed with presenting the ILA with the city's fee schedule for public safety support before the city commission for consideration at a future meeting and indicated that funds will be available in the budget to pay the county when said system is in place.

Additional Items

iv. Proposed 2018 Road Paving Program

Mr. La Venia referred to his memorandum dated May 9, 2018 regarding the proposed 2018 Road Paving Program; reviewed the 2018 list of streets to be repaved, and pointed out the condition of the city streets; copies of which are filed with the supplemental papers to the minutes of this meeting:

- Sunset Way and Old Dixie Avenue
both major roadway projects were previously addressed before the city commission;
- Olive Street (Tropic Circle to Mirror Lake Drive)
paving and questioned why Olive Street was partially improved years ago;
- Fruitland Street (Dixie Avenue to Fox Hill
intersection in very bad condition;

- Griffin Street
needs to be repaved;
- Forest Street (Dixie Avenue to Highway US 27/441)
needs to be repaved, and
- Old Dixie Avenue and Seminole Street
millings needed.

Without knowing the costs involved to improve the city's worst roads, Mr. La Venia requested the city commission's position and addressed his willingness to proceed in obtaining bids towards the implementation of same.

After Mr. Bogle mentioned his ability to identify older streets that were improved in previous years, Commissioner Bell pointed out the city commission's discussions on surveying Mirror Lake Drive for roadway improvements; questioned the widening of sidewalks for pedestrian safety, and the inclusion of conducting same for Sunset Way in the budget.

Commissioner Ranize recognized the lack of funding and acknowledged the current development taking place on the one-way dirt road, Sunset Way; noted the need for improvements to be made since the 1970s and identified Seminole Avenue as another dirt road in the city.

In understanding the need for roadway improvements, Commissioner Ranize suggested setting funds aside, obtain estimates to survey same and work on placing same in the five-year plan to which Mayor Cheshire voiced his concurrence.

Mr. Bogle identified, at Mayor Cheshire's request, the improvements that could be implemented on Mirror Lake Drive; namely, marking the roadway with double-yellow lines, working with Chief Fewless to install regulatory signage, and erect lighting in the area.

By unanimous consent, the city commission accepted the city manager's recommendation to proceed with roadway improvements for the 2018 city streets list, as previously cited, and obtain estimates to implement same.

v. FRDAP

Mr. La Venia reported that the Florida Recreation Development Assistance Grant Program recently approved \$50,000 for additional work at Gardenia Park.

vi. Police Department Status Update Report

Mr. La Venia mentioned the plan for Chief Fewless to address the city commission regarding FY 2017-18 Mid-Year Budget which is not included on this evening's agenda.

Chief Fewless gave the following status update report, a copy of which is filed with the supplemental papers to the minutes of this meeting:

- common complaints/concerns,
- calls for service,
- traffic stops,
- LEO assaults,
- Total arrests, and
- Personnel/Population Ratio

In order to keep the city safe, Chief Fewless requested that the city commission provide personnel.

Following much discussion, Commissioner Ranize mentioned his complaints on the lack of funding; recalled the city commission setting aside funds for one law enforcement position and praised Chief Fewless for justifying the need for same.

In response to Commissioner Bell's inquiry and after Ms. Racine identified the transferred funds in reserves whereby \$35,000 would be allocated for said position, Chief Fewless indicated it would be a little less to which he would delay same until June 1, 2018 and confirmed that someone is currently completing the Field Training Officer reserve program. Chief Fewless explained, in response to Vice Mayor Gunter's inquiry, that another vehicle will be required; referred to his comments during the FY 2017-18 budget session and stated same would be included in the October 1, 2018 budget.

After much discussion, **on motion of Commissioner Ranize, seconded by Commissioner Bell and unanimously carried, the city commission approved the police chief's request for a law enforcement officer position to commence on June 1, 2018 with reserve funds set aside from the FY 2017-18 budget.**

(b) City Attorney

Ms. Geraci-Carver stated that she has nothing to report at this time.

7. PUBLIC COMMENTS

There were no comments from the public at this time.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

(i) Register Road – Traffic Problems

Commissioner Ranize pointed out concerns raised by an unincorporated area of Fruitland Park resident to Mr. Beliveau prior to this evening's meeting regarding the increased traffic problems on Register Road and addressed the potential impacts due to the impending Gardenia East project.

Commissioner Ranize suggested that the county ought to conduct a traffic assessment and relocate the traffic signals from Dixie Avenue to north Register Road in order to allow access.

(ii) Proposed 2018 Road Paving Program – Mirror Lake Drive

Commissioner Ranize pointed out the costs to construct Northwest Lake Community, Cales Park Multipurpose Soccer Field; recognized the need for sidewalks on North Dixie Avenue to said park and addressed the problems to walk from the area to the proposed new Fruitland Park Library due to the lack of sidewalks which he believes ought to be placed high as a priority on the 2018 list of streets to be repaved.

(iii) Procurement Workshop

Commissioner Ranize requested the need, before he leaves office, for the city commission to conduct a workshop on the checklist of requirements to eliminate repeated shortcomings when constructing new buildings proposed for public safety and public works.

Commissioner Ranize discussed with the city commission discussed its unawareness of necessary items required prior to the construction of the new Fruitland Park Library; its reliance on the expertise of contracted staff and the unfairness to residents

(b) Commissioner Lewis

Commissioner Lewis was absent from this evening's meeting.

(c) Commissioner Bell

Commissioner Bell referred to the May 9, 2018 *2018 Lake County Community Service Awards*; acknowledged the very deserving individuals who received the awards by the Lake County Chamber Alliance and recognized Mr. David Lee, City of Fruitland Park resident, who was awarded the sports/athletics award highlighting his time in serving as coach and being an example to individuals in the community.

(d) Vice Mayor Gunter, Jr.

(i) May 5, 2018 Employee Picnic

Noting that Parks and Recreation Director Michelle Yoder is not present at this evening's meeting, Vice Mayor Gunter praised her for a job well done at the May 5, 2018 Employee Picnic.

(ii) Procurement Workshop

Vice Mayor Gunter voiced his agreement with Commissioner Ranize's comments on the new Fruitland Park library being overbudget.

After much discussion, Mr. La Venia indicated that in future, staff would review the consideration of a design-build for such proposed building projects.

9. MAYOR'S COMMENTS

(a) May 5, 2018 Employee Picnic

Mayor Cheshire reported on the success of the May 5, 2018 Employee Picnic. He recognized a firefighter staff who was in attendance; relayed his gratitude expressed for holding such events which are not taking place in other municipalities and indicated that such city events are well received by the community.

(b) Dates to Remember

Mayor Cheshire recognized the following events:

- May 11, 2018, Lake County League of Cities' (LCLC's) *Lake County Information Technology Innovations Update*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.
- May 11, 2018, Movie on the Lawn *Coco* at 8:30 p.m.
- May 14, 2018, Parks, Recreation and Trails Advisory Board, Library Services Conference Room, 2401 Woodlea Road, Tavares, FL 32778
- May 15, 2018 Fruitland Park Elementary National Elementary Honor Society (NEMS) *Induction Ceremony* at 6:00 p.m.
In response to Mayor Cheshire's recollection of elected officials being present at the May 11, 2017 ceremony, he concurred with Commissioner Bell's statements encouraging the elected officials to be in attendance on May 15, 2018.
- May 19, 2018, *Coffee with the Mayor*, Fruitland Park Library, 205 W Berckman Street, Fruitland Park, Florida 34731 at 8:00 a.m.
- May 22, 2018, Lake EMS Finance Committee Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 2:00 p.m.
- May 22, 2018, Lake EMS Employee Issues Committee Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 3:00 p.m.
- May 22, 2018, Lake EMS Operations Committee Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 4:00 p.m.'
- May 22, 2018, City Commission Workshop at 6:00 p.m.
Chapters 154, 157 164 LDRs
- May 23, 2018, Lake-Sumter MPO Governing Board Meeting, 225 W Guava Street, #217, Lady Lake, Florida 32159 at 2:00 p.m.

- May 24, 2018, City Commission Regular at 6:00 p.m., and
- May 28, 2018, Memorial Day – City Offices Closed
- June 5, 2018, Lake EMS Board Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 2:30 p.m.
- June 8, 2018, LCLC Lake County Property Appraiser’s Office, *Preliminary Tax Roll 2017*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.
- June 14, 2018, City Commission Regular at 6:00 p.m.
- June 28, 2018, City Commission Regular at 6:00 p.m.
By unanimous consent, the city commission approved Mayor Cheshire’s request to cancel the July 26, 2018 regular meeting and hold a special meeting on July 25, 2018 at 6:00 p.m. and recognized that the city commission will be considering setting the proposed Truth-in-Millage rate on its agenda.

10. ADJOURNMENT

On motion made and seconded, the meeting adjourned at 7:45 pm.

The minutes were approved at the July 12, 2018 regular meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Chris Cheshire, Mayor



**AGENDA ITEM
NUMBER
4a**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Resolution 2018-034 Preliminary Fire Assessment		
For the Meeting of:	July 12, 2018		
Submitted by:	City Treasurer		
Date Submitted:	July 5, 2018		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes (fire assessment calculations and fire department budget).		
Description of Item: Resolution 2018-042 Proposed Fire Assessment			
Fruitland Park Residential Assessment = \$ 256			
Rate per Square Foot = \$.097			
The Villages Residential = \$ 194			

Net Revenue for Fruitland Park = \$479,722			
Net Revenue for The Villages = \$332,601			
Fire Department budget for FY 2018-19 = \$797,734			
The Villages Fire costs = <u>\$330,280</u>			
Net Fire Department = \$467,454			
Summary of Fire Department's budget is attached.			
Action to be Taken: Adopt Resolution 2018-042			
Staff's Recommendation: Approval.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent agenda: _____
Mayor

RESOLUTION 2018-034

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES THROUGHOUT THE CITY OF FRUITLAND PARK; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to Ordinance No. 2016-007, Sec. 166.041 and Chapter 197, Florida Statutes, Resolution No. 2015-014 and other applicable provisions of law.

SECTION 2. PURPOSE. This Resolution constitutes the Tentative Rate Resolution as provided for in the Ordinance. All capitalized words and terms not defined herein shall have the meanings set forth in Ordinance 2016-007. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 3. PROVISION AND FUNDING OF FIRE SERVICES.

(A) Upon the imposition of Fire Service Assessment for fire services, facilities, or programs against Assessed Property located with the City of Fruitland Park, the City shall provide fire services to such Assessed Property. A portion of the cost to provide such fire services, facilities, or programs shall be funded from proceeds of the Fire Assessment collected within the City of Fruitland Park. The remaining cost, if any, required to provide fire services, facilities, and

programs shall be funded by legally available City of Fruitland Park revenues other than Fire Assessment proceeds.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City of Fruitland Park will be specially benefitted by the City of Fruitland Park's provision of fire services, facilities, and programs in an amount not less than the Fire Service Assessment imposed against such parcel, computed in the manner set forth in this Tentative Rate Resolution.

SECTION 4. IMPOSITION AND COMPUTATION OF FIRE SERVICE ASSESSMENT. The Fire Service Assessment shall be imposed against all Tax Parcels within the City of Fruitland Park subject to the assessment as set forth in this Tentative Rate Resolution. The Fire Service Assessment shall be computed in the manner set forth in this Tentative Rate Resolution.

SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.

(A) The legislative determinations of special benefit embodied in Ordinance 2016-007 is affirmed and incorporated herein by reference.

(B) The City Commission has determined and declares that the fire services assessment being imposed by the City is being fairly and reasonably apportioned among the Parcels receiving the special benefit.

- a. The City Commission relies on and adopts the study prepared by Government Services Group, Inc. on behalf of the City of Fruitland Park entitled City of Fruitland Park, Florida, Fire Assessment Memorandum dated June, 2016.

(C) Institutional Property whose use is wholly exempt from ad valorem taxation under Florida law provides facilities and uses to their ownership, occupants, and memberships as well as the public in general that otherwise might be requested or required to be provided by the City and such property uses serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon buildings located upon such parcels of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law. Accordingly, no Fire Services Assessments shall be imposed upon Institutional Buildings located upon a parcel of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law.

(D) Government Property provides facilities and uses to the community, local constituents, and the public in general that serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon parcels of Government Property.

(E) Government Property that is owed by federal government entities, such as the VA and HUD, due to foreclosures or government-backed grant programs funding housing rehabilitation are neither serving a governmental purpose nor providing a public benefit but are instead being held by these federal government entities in a proprietary capacity. Accordingly, these properties shall not be exempted from the Fire Service Assessment.

**SECTION 6. COST APPORTIONMENT AND PARCEL APPORTIONMENT
METHODOLOGIES.**

(A) The City proposes to create the Fire Services Assessment Benefit Area, consisting of two sub Assessment Areas. The City benefit area and the Village of Fruitland Park benefit area. The Benefit areas are shown on the map attached hereto as Appendix D.

(B) The Cost Apportionment and Parcel Apportionment methodologies for the City Benefit Area as set forth herein are adopted.

- a. The City has identified the full cost of providing fire services through the development and determination of the assessable costs of providing such services.
- b. The City analyzed the service delivery data and segregated to property use categories, and found the following.

Calendar Year 2015 Call Data Analysis

Fixed Property Use	Total Calls	Percentage of Calls
Residential	427	80.41%
Non-Residential	104	19.50%
TOTAL	531	100%

- c. A comprehensive analysis of all property use categories within the City was conducted and the Commission has determined the following parcels receive a special benefit from the provision of fire services, residential and non-residential (including commercial, industrial/warehouse and institutional).
- d. The following parcel apportionment shall be utilized:

Parcel Apportionment

Category	Parcel Apportionment
Residential	Dwelling Unit
Non-Residential Includes Commercial, Industrial/Warehouse and Institutional	Square Footage (capped at 17,400 sq. ft.)

(A) The Cost Apportionment and Parcel Apportionment methodology for the Villages Benefit Area as set forth herein are adopted.

a. The fire services in the Village Benefit Area are provided through an interlocal agreement with the Village Center Community Development District based on the number of single family residential parcels. Therefore, it is fair and reasonable to assess on a per dwelling unit basis for developed parcels.

**SECTION 7. DETERMINATION OF FIRE SERVICES COST;
ESTABLISHMENT OF ANNUAL FIRE SERVICE ASSESSMENT RATES.**

(A) The Fire Services Cost to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, 2018, is the amount determined in the Estimated Fire Service Assessment Rate Schedule, attached hereto as Appendix A. The approval of the Estimated Fire Service Assessment Rate Schedule by the adoption of this Tentative Rate Resolution determines the amount of the Fire Services Cost. The remainder of such Fiscal Year budget for fire services, facilities, and programs shall be funded from available City of Fruitland Park revenue other than Fire Service Assessment proceeds.

(B) The estimated Fire Service Assessments specified in the Estimated Fire Service Assessment Rate Schedule are hereby established to fund the specified Fire Services Cost determined to be assessed in the Fiscal Year commencing October 1, 2018. No portion of such Fire Services Cost is attributable to impact fee revenue that funds capital improvements

necessitated by new growth or development. Further, no portion of such Fire Services Cost is attributable to emergency medical services costs.

(C) The estimated Fire Service Assessment established in this Tentative Rate Resolution shall be the estimated assessment rates applied by the City Manager in the preparation of the updated Fire Assessment Roll for the Fiscal Year commencing October 1, 2018 as provided in Section 8 of this Tentative Rate Resolution.

SECTION 8. ANNUAL FIRE ASSESSMENT ROLL.

(A) The City Manager is hereby directed to prepare, or cause to be prepared, an updated Fire Assessment Roll for the Fiscal Year commencing October 1, 2018, in the manner provided in the Ordinance. The updated Fire Assessment Roll shall include all Tax Parcels subject to the Fire Services Assessment within the City of Fruitland Park. The City Manager shall apportion the estimated Fire Services Cost to be recovered through Fire Services Assessment in the manner set forth in this Tentative Rate Resolution.

(B) A copy of this Tentative Rate Resolution, Ordinance 2016-007, documentation related to the estimated amount of the Fire Services Cost to be recovered through the imposition of Fire Services Assessment, and the updated Fire Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Fire Assessment Roll proposed for the Fiscal Year beginning October 1, 2018 be in printed form if the amount of the Fire Services Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(C) It is hereby ascertained, determined, and declared that the method of determining the Fire Services Assessment for fire services as set forth in this Tentative Rate Resolution is a fair

and reasonable method of apportioning the Fire Services Cost among parcels of Assessed Property located within the City of Fruitland Park.

SECTION 9. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m., or as soon thereafter as the item can be heard, on September 13, 2018, in the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida, at which time the City Commission will receive and consider any comments on the Fire Services Assessments from the public and affected property owners and consider imposing Fire Services Assessment and collecting such assessments on the same bill as ad valorem taxes.

SECTION 10. NOTICE BY PUBLICATION. The City Manager shall publish a notice of the public hearing authorized by Section 9 hereof in the manner and time provided in the Uniform Assessment Collection Act. The notice shall be published no later than August 23, 2018, in substantially the form attached hereto as Appendix B.

SECTION 11. NOTICE BY MAIL. The City Commission shall provide first class mailed notice of the public hearing authorized by Section 9 hereof. Such mailed notice shall be in the form required by the Uniform Assessment Collection Act and Ordinance 2016-007 for the purpose of imposing Fire Service Assessment for the Fiscal Year Beginning October 1, 2018. The notice shall be in substantially the form attached hereto as Appendix C. All first class mailed notices must be mailed no later than August 23, 2018.

If the City determines that the truth-in-millage (“TRIM”) notice that is mailed by the Property Appraiser under section 200.069, Florida Statutes, also fulfills the requirements of this section, then the separate mailing requirement described in this section will be deemed fulfilled by the TRIM notice.

SECTION 12. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City of Fruitland Park from the Fire Services Assessment will be utilized for the provision of fire services, facilities, and programs within the City of Fruitland Park. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire services, facilities, and programs within the City of Fruitland Park.

SECTION 13. EFFECTIVE DATE. This Tentative Rate Resolution shall take effect immediately upon its passage and adoption.

DULY ADOPTED this 12th day of July, 2018.

City of Fruitland Park
Chris Cheshire, Mayor

Attest:
Esther B. Coulson, City Clerk

Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Lewis	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Ranize	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

APPENDIX A

Estimated Fire Service Assessment Rate Schedule

1. **Determination of Fire Services Costs.** The estimated Fire Services Cost to be assessed for the Fiscal Year commencing October 1, 2018, is \$918,434.
2. **Estimated Fire Services Assessment.** The estimated Fire Services Assessment to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Services Cost for the Fiscal Year commencing October 1, 2018, are hereby established as follows for the purpose of this Tentative Rate Resolution:

FY 2018-19 Preliminary Fire Assessment Rates – City of Fruitland Park Benefit Area

<u>Category</u>	<u>Rate Per Dwelling Unit</u>
Residential	\$256.00
	<u>Rate Per Square Foot</u>
Non-Residential	\$0.097
<hr/>	
Total Estimated Gross Revenue	\$552,938.00
<hr/>	
Total Estimated Government Buy-down	\$15,310.00
<hr/>	
Total Estimated Institutional Tax Exempt Buy Down	\$10,461.00
<hr/>	
Total Estimated Net Revenue	\$479,722.00

FY 2018-19 Preliminary Fire Assessment Rates – Villages of Fruitland Park Benefit Area

Residential	\$194.00 per Dwelling Unit
<hr/>	
Total Estimated Gross Revenue	\$365,496.00

- A. No Fire Services Assessment shall be imposed upon a parcel of Government Property; except Government Property that is owned by federal entities, such as the VA and HUD, and held in a proprietary capacity shall not be exempted from the Fire Services Assessment.
- B. Any shortfall in the expected Fire Services Assessment proceeds due to any reduction or exemption from payment of the Fire Services Assessment required by law or authorized by the Commission shall be supplemented by any legally available funds,

or combination of funds, and shall not be paid for by proceeds or funds derived from the Fire Services Assessments. It is the legislative determination of the Commission that in the event of a court of competent jurisdiction determining any exemption or reduction by the Commission is improper or otherwise adversely affects the validity of the Fire Services Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Services Assessment upon each affected Tax Parcel in the amount of the Fire Services Assessment that would have been otherwise imposed save and except for such reduction or exemption afforded to such Tax Parcel by the Commission.

APPENDIX B

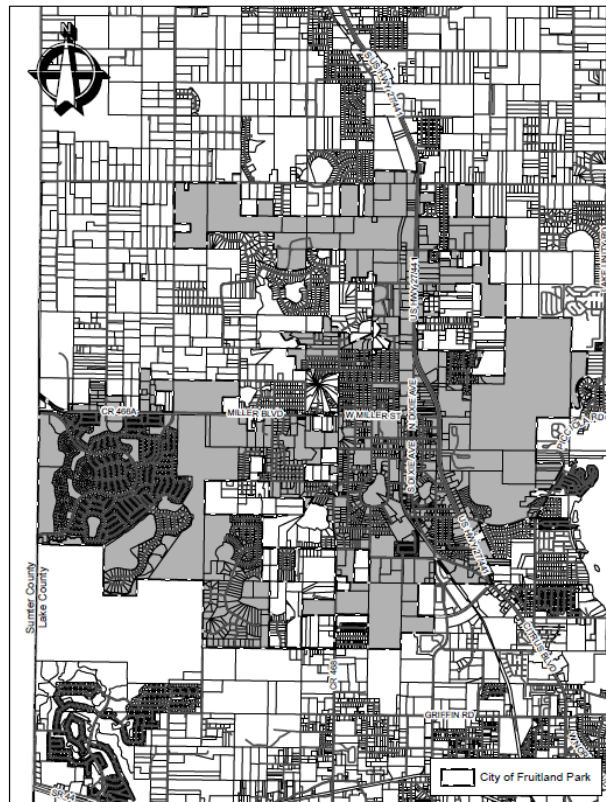
Notice of Public Hearing for Publication

To Be Published on or before August 23, 2018

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission of the City of Fruitland Park will conduct a public hearing to consider imposing fire services special assessments for the provision of fire protection services within the City for the Fiscal Year beginning October 1, 2018.

On Thursday, September 13, 2018 at 6:00 p.m. or as soon thereafter as possible, the City Commission of the City of Fruitland Park will hold a public hearing at the **Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida** for the purpose of receiving public comment concerning Resolution 2018-035 setting the rate for the fire services assessment to be imposed on real property within the City of Fruitland Park and which provides for collection of fire services assessment by the Lake County Tax Collector. All affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of this Notice of Public Hearing.



The fire services assessment for each parcel of property will be based upon each parcel's classification category and the number of billing units within the specified category. The following table reflects the proposed Fire Assessment schedule.

CITY OF FRUITLAND PARK BENEFIT AREA

Category	Rate Per Dwelling Unit
Residential	\$256.00
	Rate Per Square Foot
Non-Residential	\$0.097

VILLAGES OF FRUITLAND PARK BENEFIT AREA

Residential \$194.00 per Dwelling Unit

Persons with disabilities needing assistance to participate in this proceeding should contact the City Clerk at least 48 hours before the meetings at (352) 360-6727. All persons are advised that if he or she decides to appeal any decision made by the Commission with respect to any matter considered at the hearing, the person will need a record of the proceeding, and for such purposes, may need to ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is made.

Resolution 2015-014, the Fire Services Ordinance 2016-007, the Tentative Rate Resolution 2018-034, and the Fire Assessment Role are available at the City Clerk's Office, at City Hall located at 506 W. Berckman Street, Fruitland Park, Florida, between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday.

The fire services assessment will be collected on the ad valorem tax bill to be mailed in November 2018, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City Clerk at (352) 360-6727, Monday through Friday, from 8:00 a.m. to 5:00 p.m. Monday to Friday.

Esther Coulson, City Clerk
City of Fruitland Park

APPENDIX C

Form of Notice to be Mailed First class mail

******* NOTICE TO PROPERTY
OWNER *******

CITY OF FRUITLAND PARK
506 W. Berckman Street,
Fruitland Park, Florida

[owner name]
[mailing address]
[city, state, zip code]

CITY OF FRUITLAND PARK, FLORIDA

NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF FIRE
SERVICES NON-AD VALOREM
ASSESSMENTS

NOTICE DATE: August 23, 2018

Tax Parcel # []

As required by Section 197.3632, Florida Statutes, notice is given by the City of Fruitland Park that an annual assessment for fire services using the tax bill collection method may be levied on your property. The purpose of this assessment is to fund fire protection services benefitting property located within the City of Fruitland Park. The total annual Fire Services Assessment revenue to be collected within the City of Fruitland Park is estimated to be \$918,434 for fiscal year October 1, 2018 – September 30, 2019. The annual fire services assessment is based on the classification of each parcel of property and the number of billing units within the property categories.

The above parcel is classified as [].
The total number of billing units on the above parcel is [].
The type of billing units on the above parcel is [].
The annual Fire Services Assessment for the above parcel is \$[].
The maximum annual fire services assessment that can be charged without further notice for Fiscal Year 2018-19 and for future fiscal years for the above parcel is \$ _____.

A public hearing will be held at 6:00 p.m., or as soon thereafter as the matter may be heard on September 13, 2018, at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida, for the purpose of receiving public comment on the proposed assessment. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City of Fruitland Park within 20 days of this notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. Persons with disabilities needing assistance to participate in this proceeding should contact the City Clerk at least 48 hours before the meetings at (352) 360-6727.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission's action at the above hearing, such action shall be the final adjudication of the issues presented.

Resolution 2015-014, the Fire Services Ordinance 2016-007, the Tentative Rate Resolution 2018-034, and the Fire Assessment Role are available at the City Clerk's Office, at City Hall located at 506 W. Berckman Street, Fruitland Park, Florida, between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday.

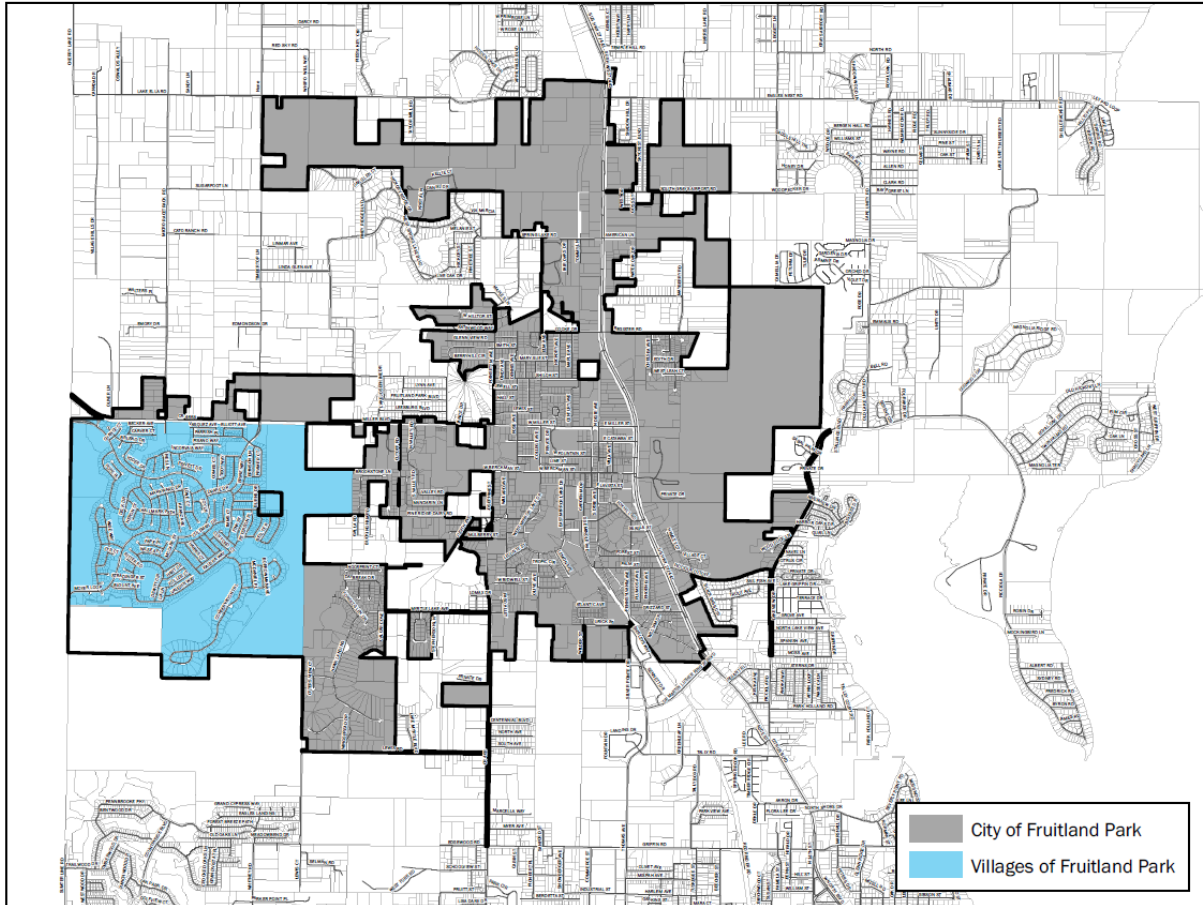
The fire services non-ad valorem assessment amount shown on this notice will be collected by the Lake County Tax Collector on the ad valorem tax bill mailed in November of each year that the assessment is imposed. Failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions, please contact the City at (352) 360-6727, Monday through Friday, from 8:00 a.m. to 5:00 p.m.

*** THIS IS NOT A BILL ***

APPENDIX D

MAP SHOWING HISTORICAL FRUITLAND PARK BENEFIT AREA AND VILLAGE OF FRUITLAND PARK BENEFIT AREA



City of Fruitland Park Fire Assessment

RATE SCENARIOS

Historical Fruitland Park

FY 2018-19 Fire Assessment Rates – 100% Rates

Residential Property Use Categories	Rate Per Dwelling Unit
Residential	\$213.00
Non-Residential Property Use Categories	Rate Per Square Foot
Non-Residential	\$0.08

Estimated Realized Revenues

Gross Revenue		\$466,055
Government Buy-down		\$12,640
Inst. Tax Exempt Buy-down		\$8,628
Certified Revenue		\$444,788
TC	2%	\$8,896
PA	2%	\$8,896
Stat. Dis.	5%	\$22,239
Total Collection Costs		\$40,031
Realized Revenue		\$404,757

Villages of Fruitland Park Rates – \$194.00 per dwelling unit

- Approximately 1,884 residential parcels

Gross/Certified Revenue		\$365,496
TC	2%	\$7,310
PA	2%	\$7,310
Stat. Dis.	5%	\$18,275
Total Collection Costs		\$32,895
Realized Revenue		\$332,601

- Scenario 3 – \$552,938

Scenario 1

Fire Dept. (General Fund)	\$467,454
Fire CIP	\$35,720
Total Scenario 1	\$503,174
Collection Costs	
5% Statutory Discount	\$27,647
2% TC Costs	\$11,059
2% PA Costs	\$11,059
Total Collection Costs	\$49,764
Total Assessable Costs - Scenario 1	\$552,938

FY 2018-19 Fire Assessment Rates – Scenario 3

Residential Property Use Categories	Rate Per Dwelling Unit
Residential	\$256.00
Non-Residential Property Use Categories	Rate Per Square Foot
Non-Residential	\$0.097

Estimated Realized Revenues

Gross Revenue	\$552,938	
Government Buy-down	\$15,310	
Inst. Tax Exempt Buy-down	\$10,461	
Certified Revenue	\$527,167	
TC	2%	\$10,543
PA	2%	\$10,543
Stat. Dis.	5%	\$26,358
Total Collection Costs	\$47,445	
Realized Revenue	\$479,722	

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808jmich | NEXT YEAR / CURRENT YEAR BUDGET ANALYSIS
 PROJECTION: FY2019 BUDGET

ACCOUNTS FOR:	2017	2018	2019			2019	CHANGE	CHANGE
		REVISED	DEPT	CHANGE		MGR	FM DEPT	FM
FIRE CONTROL	ACTUAL	BUD	REQUEST	FM FY2018		REVIEW	REQSDT	FY2018
1522 FIRE CONTROL								
WAGES	23,559	131,400	281,720	150,320	53%	192,720	-89,000	61,320
BONUS	1,893	2,500	1,700	-800	-47%	1,200	-500	-1,300
STIPENDS- FIREFIGHTERS	53,741	87,901	59,997	-27,905	-47%	42,945	-17,052	-44,956
OVERTIME	0	0	3,700	3,700	100%	0	-3,700	0
FICA	6,053	16,973	26,558	9,585	36%	18,123	-8,435	1,150
RETIREMENT	2,687	4,396	3,075	-1,321	-43%	2,151	-924	-2,245
STATE FF RETIREMENT CO	14,049	16,901	15,435	-1,466	-9%	15,435	0	-1,466
LIFE INSURANCE	0	2,478	1,836	-642	-35%	1,296	-540	-1,182
WORKERS COMPENSATION	1,703	13,260	17,048	3,788	22%	11,633	-5,415	-1,627
PERSONAL SERVICES	103,684	275,809	411,069	135,259	33%	285,503	-125,566	9,694
PROFESSIONAL FEES	1,645	5,644	5,644	0	0%	5,644	0	0
CONTRACTUAL SERVICES	7,262	5,060	5,735	675	12%	5,735	0	675
CONTRACTUAL VILLAGES	152,988	201,771	330,280	128,509	39%	330,280	0	128,509
TRAVEL/PER DIEM	0	260	260	0	0%	260	0	0
COMMUNICATIONS	5,743	6,534	13,392	6,858	51%	13,392	0	6,858
POSTAGE	205	263	263	1	0%	263	0	1
ELECTRIC	7,379	9,891	9,891	0	0%	9,891	0	0
WATER	847	1,386	1,386	0	0%	1,386	0	0
RENTAL OF EQUIPMENT	0	1,700	1,700	0	0%	1,700	0	0
INSURANCE	26,742	27,307	30,700	3,393	11%	30,700	0	3,393
RADIO REPAIRS/MAINT	4,080	17,510	7,510	-10,000	-133%	7,510	0	-10,000
VEHICLE REPAIRS/MAINT	14,222	22,000	16,000	-6,000	-38%	16,000	0	-6,000
EQUIPMENT REPAIRS/MAIN	7,135	10,390	10,390	0	0%	10,390	0	0
FACILITIES REPAIRS/MAI	6,523	3,150	3,150	0	0%	3,150	0	0
SERVICE CONTRACTS	0	210	210	0	0%	210	0	0
GOODWILL	244	210	310	100	32%	310	0	100
MISC EXPENSE	23	210	600	390	65%	600	0	390
OFFICE SUPPLIES	1,818	4,000	896	-3,104	-346%	896	0	-3,104
SUPPLIES	3,320	3,800	10,100	6,300	62%	10,100	0	6,300
UNIFORMS	4,533	7,825	8,575	750	9%	8,575	0	750
FUEL	4,012	9,650	9,560	-90	-1%	9,560	0	-90
PROMOTIONAL	3,965	1,300	1,200	-100	-8%	1,200	0	-100
PROTECTIVE CLOTHING	7,722	8,920	11,764	2,844	24%	11,764	0	2,844
PROFESSIONAL BOOKS	0	1,000	1,000	0	0%	1,000	0	0
SUBSCRIPTIONS	0	130	130	0	0%	130	0	0
TRAINING & EDUCATION	1,183	10,500	11,000	500	5%	11,000	0	500
MEMBERSHIPS	175	585	585	0	0%	585	0	0
OPERATING EXPENSES	261,764	361,205	492,231	131,025	27%	492,231	0	131,025
EQUIPMENT PURCHASES	2,325	0	10,000	10,000	0%	10,000	0	10,000
VEHICLES			10,000	0	100%	10000	0	10,000
CAPITAL OUTLAY	2,325	0	20,000	20,000	0%	20,000	0	20,000
FIRE CONTROL	367,773	637,015	923,299	286,284	31%	797,734	-125,566	160,719
W/O VILLAGE	214,786	435,244	593,019	157,776		467,454	-125,566	32,210
REMOVED								
3RD FLEX	96,091							
OT	3,700							
REMOVED 1 DEPUTY, 1 LT, 3 FIREFIGHTERS	\$ 25,775							

From: [Jeannine Racine](#)
To: [Christopher Cheshire](#); [Christopher Bell](#); [Ray Lewis](#); [Rick Ranize](#); [John Gunter](#)
Cc: [Gary La Venia](#); [Esther Coulson](#)
Subject: Proposed Fire Assessment
Date: Wednesday, July 11, 2018 7:40:33 PM
Attachments: [Fire Assessment Scenarios Proposed Fire Assessment.pdf](#)

At the Commission meeting tomorrow night (7/12/2018), we will be voting on the proposed fire assessment for FY2019. This is based on the current FY2019 Fire Dept. budget of \$467,454, the Village budget of 330,280, and Fire CIP of \$35,720. This is after all the budget cuts have been made. These includes 2 full time flex officers 24/7. The proposed assessment are as follows:

Fruitland Park
Residential - \$256.00
Commerical - \$.097/sq ft
Total Net Revenue: \$479,722

Village of Fruitland Park
Village - \$194.00
Total Net Revenue: \$332,601

Total Net Revenue: \$812,323 This revenue is what is reflected in the FY2019 budget.

If you use last year's fire assessment, your revenue will be \$737,358 and we will need to cut another \$74,965 from the General Fund budget.

Fruitland Park
Residential - \$213.00
Commerical - \$.08/sq ft
Total Net Revenue: \$404,757

Village of Fruitland Park
Village - \$194.00
Total Net Revenue: \$332,601

I wanted you to understand what the proposed fire assessment figures represent and where it came from. Please let me know if you have any questions about it.

Thank you,

Jeannine Racine
City Finance Director
City of Fruitland Park
506 W. Berckman St
Fruitland Park, FL 34731
Tel: (352) 360-6545

- Scenario 3 – \$552,938

Scenario 1

Fire Dept. (General Fund)	\$467,454	FY2019 Fire Dept Budget
Fire CIP	\$35,720	
Total Scenario 1	\$503,174	
Collection Costs		
5% Statutory Discount	\$27,647	
2% TC Costs	\$11,059	
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Total Collection Costs	\$49,764	
Total Assessable Costs - Scenario 1	\$552,938	

FY 2018-19 Fire Assessment Rates – Scenario 3

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Non-Residential	\$0.097

Estimated Realized Revenues

Gross Revenue	\$552,938	
Government Buy-down	\$15,310	
Inst. Tax Exempt Buy-down	\$10,461	
Certified Revenue	\$527,167	
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Stat. Dis.	5%	\$26,358
Total Collection Costs	\$47,445	
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City of Fruitland Park Fire Assessment

RATE SCENARIOS

Historical Fruitland Park

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**AGENDA ITEM
NUMBER
4b**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Resolution 2018-043 Leesburg Aquatics Club – Swim Team Revised Agreement		
For the Meeting of:	July 12, 2018		
Submitted by:	City Attorney/City Manager/Parks and Recreation Director		
Date Submitted:	July 5, 2018		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item:			
Action to be Taken:	Adopt Resolution 2018-043		
Staff's Recommendation:	Approval.		
Additional Comments:	Resolution 2018-043 repeals Resolution 2018-037 adopted at the June 23, 2018 regular meeting.		

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent agenda: _____
Mayor

RESOLUTION 2018-042

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE AGREEMENT BETWEEN LEESBURG AQUATICS CLUB, INC. AND THE CITY OF FRUITLAND PARK FOR USE OF GARDENIA PARK SWIMMING POOL; REPEALING RESOLUTION 2018-037; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 10, 2017, the City of Fruitland Park, Florida, a municipal corporation organized and existing under the laws of the State of Florida (hereafter the "CITY") entered into an agreement with Leesburg Aquatics Club, Inc. ("Leesburg Aquatics") to allow Leesburg Aquatics to use the pool at Gardenia Park under certain conditions (hereinafter referred to as the "Park"); and

WHEREAS, it was necessary to enter into a new agreement as the payment terms are being revised and Leesburg Aquatics would like to extend the term of the Agreement; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds the agreement is beneficial to the CITY and its residents; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida desires to adopt the Agreement between the City and Leesburg Aquatics.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Agreement between Leesburg Aquatics Club, Inc., a Florida not-for-profit corporation, and the City of Fruitland Park (the "Agreement"), a copy of which is attached hereto, is approved.

Section 2. The Commission authorizes the Mayor to execute the agreement.

Section 3. Resolution 2018-037 is hereby repealed.

Section 4. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 12th day of July, 2018, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

Chris Cheshire, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK

Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Lewis	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Ranize	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

AGREEMENT

This Agreement is made on June _____ 2018 between **Leesburg Aquatics Club, Inc.**, a Florida not-for-profit corporation, (“Leesburg Aquatics”), P.O. Box 490475, Leesburg, FL 34749 and the **City of Fruitland Park** for the Parks and Recreation Department (“the City”), 201 West Berckman Street, Fruitland Park, Florida 34731 to use the City’s swimming pool for swim practice.

The parties agree to the following terms and conditions: This Agreement between the two parties will be valid until September 30, 2019 except if otherwise terminated as provided below:

1. Leesburg Aquatics will pay the City a total of \$3,000 annually in equal monthly installments of \$250.00 if the City installs a pool heater. If a pool heater is not installed, then Leesburg Aquatics will pay the City \$250.00 monthly for each month or partial month that Leesburg Aquatics uses the City’s swimming pool. Leesburg Aquatics’ use of the pool located at Gardenia Park shall be non-exclusive. Payment shall be due and payable to the City on or before the first of each month commencing August 1, 2018 and continuing each month as provided for herein for the term of this Agreement.
2. Leesburg Aquatics shall provide, at its sole expense, a dedicated certified lifeguard on stand whose sole purpose is to guard and shall not be involved with coaching during Leesburg Aquatics use of the pool. The lifeguards will be paid directly by Leesburg Aquatics.
3. Leesburg Aquatics may use the pool for its practices. The City of Fruitland Park Recreation Director and Leesburg Aquatics will work together to determine time schedules for Leesburg Aquatics’ usage based on availability of the pool.
4. Insurance: Leesburg Aquatics, at its expense, shall acquire and maintain at all times liability insurance in the amounts specified by the City, including but not limited to, workers’ compensation, required to cover its staff, employees and lifeguards who are involved in the performance of its obligations pursuant to this Agreement. Contractor’s insurance shall name the City of Fruitland Park as an additional insured and as a certificate holder. Leesburg Aquatics shall provide a copy of all current certificates of insurance and endorsements, naming the City as an additional insured and a certificate holder, required hereunder to City within five (5) business days of execution of the contract by both parties.
5. City shall not be liable for any and all damages, actions, suits, claims, and demands of whatsoever kind made by or on behalf of any person or entity which are alleged to have arisen out of, in connection with, or by reason of Leesburg Aquatics’ use of the pool pursuant to this Agreement. In that regard, Leesburg Aquatics shall indemnify and defend and hold harmless City, its officers, directors, agents, and employees from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, monetary loss, interest, attorney’s fees, costs and expenses of whatsoever kind or nature arising out of the performance of the terms of this Agreement, including those arising out of injury to or death of any individuals, whether arising before, during, or after use of the pool, and in any manner directly or indirectly caused, occasioned, or contributed to in whole or in part, by reason of any act, omission, fault or negligence of Leesburg Aquatics or its employees, lifeguards, agents, or volunteers.

6. If Leesburg Aquatics fails to make the necessary payment twice in a row, the City may terminate this contract immediately and will be assessed a penalty of two hundred dollars (\$200.00). Leesburg Aquatics will be required to pay the City all outstanding monies owed plus the penalty.
7. **DISPUTE RESOLUTION.**
 - a. The City and Leesburg Aquatics acknowledge that issues may arise between the parties during the term of this agreement. It is the intent of the parties that any such issues or disagreements should be identified as quickly as possible and resolved using informal and escalating formal alternative dispute resolution processes identified below.
 - b. To that end, any dispute that arises should be communicated as soon as either party becomes aware of an issue. If the Board of Leesburg Aquatics identifies an issue or the City identified an issue, the issue should be discussed by the Recreation Director of the City and Ellen Earley for Leesburg Aquatics, and if possible, resolved at this level.
 - c. If the disagreement cannot be resolved at the initial level, the City Manager of the City and Ellen Earley for Leesburg Aquatics shall meet and discuss and attempt to resolve the issue. Should they be unsuccessful in resolving the issues, the parties are free to pursue any legal remedies available.
8. Leesburg Aquatics shall comply with all applicable child care regulatory requirements.
9. Governing Law/Venue and Jurisdiction: This Agreement shall be governed by the laws of the State of Florida without regard to conflicts of law provisions. Venue of any litigation arising out of this Agreement shall be only within any court of competent jurisdiction regularly sitting in Lake County, Florida.
10. Each party hereto acknowledges that this agreement contains all of the terms and provisions of the contractual relationship between the parties hereto and merges and terminates all prior or verbal negotiations with regard hereto. This agreement may not be assigned by either party without the prior written approval of other parties hereto.
11. All electronic files, audio and/or video recordings, and all papers pertaining to any activity performed by the provider for or on behalf of the CITY shall be the property of the CITY and will be turned over to the CITY upon request. In accordance with Florida "Public Records" law, Chapter 119, Florida Statutes, each file and all papers pertaining to any activities performed for or on behalf of the CITY are public records available for inspection by any person even if the file or paper resides in the CONTRACTOR'S office or facility.

IF THE CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONSULTANT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 352-360-6790, ecoulson@fruitlandpark.org, 506 West Berckman Street, Fruitland Park, FL 34731.

Approved by the City Commission of the City of Fruitland Park, Florida this ___ day of _____ 2018.

CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

(SEAL)

ESTHER COULSON, CITY CLERK

LEESBURG AQUATICS CLUB, INC.,

By: _____
Walter Birriel, President

By: _____
Ellen M. Earley, Treasurer

Dated: _____



**AGENDA ITEM
NUMBER

4c**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Second Reading and Public Hearing – Ordinance 2018-005 Golf Carts			
For the Meeting of:	July 12, 2018			
Submitted by:	City Attorney			
Date Submitted:	July 5, 2018			
Are Funds Required:		Yes	X	No
Account Number:				
Amount Required:				
Balance Remaining:				
Attachments:	Yes			

Description of Item: First reading was held on April 26, 2018. On May 24, 2018 the City Commission tabled second reading/public hearing.

The City Commission requested the following information:

1. Can the City require golf carts to be operated only with use of seat belts? **No, except to apply to unlicensed drivers.** The legislature has prescribed the safety equipment which must be included on a golf cart which is operated on a public street, and the Legislature did not include such a requirement. In 2005 revised the statute and allows the City to enact an ordinance relating to golf cart operation and equipment which is more restrictive than enumerated in §316.212, but it may only apply to an unlicensed driver.
2. Can the City require insurance be carried on golf carts when utilized on the public streets? **Probably not because the Legislature did not include such a requirement in the statute, unless carrying insurance is considered relating to “golf cart operation” and then it will only apply to an unlicensed driver.**
3. In Resolution 2012-111 the Lake County Board of County Commissioners authorized operation of golf carts in accordance with County Code on CR 25 (Dixie Avenue) between Shiloh Street and Urick Street, and designated golf cart crossings at Miller Blvd/Dixie Avenue.

General information about golf cart regulation that is provided for by Florida Statutes:
 Prior to a City designating certain streets for use by golf carts, the City Commission must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on a designated street, the City shall post appropriate signs to indicate that such operation is allowed.

A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

A golf cart may be operated only during the hours between sunrise and sunset, unless the City Commission has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

A golf cart may not be operated on public roads or streets by any person under the age of 14.

Action to be Taken: Second Reading/Public Hearing on Ordinance 2018-005

Staff's Recommendation:

Additional Comments:

Reviewed by: _____

Authorized to be placed on the Regular Consent agenda: _____
Mayor

ORDINANCE 2018-005

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 73 OF THE CODE OF ORDINANCES RELATING TO THE OPERATION OF GOLF CARTS AND LOW-SPEED VEHICLES WITHIN THE CITY OF FRUITLAND PARK; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park has certain responsibilities for the public health, safety and welfare within the municipal limits; and

WHEREAS, Chapter 166, Florida Statutes, authorizes municipalities to adopt ordinances to protect the citizen's health, safety and welfare, in exercise of the City's police power; and

WHEREAS, the City Commission has considered the speed, volume, and character of motor vehicle traffic using the roads and streets named herein and finds that golf carts may safely travel on or cross the public roads or streets listed in this ordinance;

WHEREAS, the City Commission has determined that it is in the best interests of the City to regulate the operation of golf carts on public streets within the City; and

WHEREAS, the City of Fruitland Park has advertised as required by law for a public hearing prior to adoption of this Ordinance; and

WHEREAS, the City Commission of the City of Fruitland Park, Lake County, Florida hereby finds and declares that the adoption of this ordinance is necessary, appropriate, and in the public interest of the citizens of this community.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the City of Fruitland Park, Lake County, Florida, as follows:

Section 1. **Recitals.** The foregoing recitals are true and correct.

Section 2. **Amendment.** Chapter 73 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

CHAPTER 73. - GOLF CARTS AND LOW-SPEED VEHICLES

Sec. 73.01. - Definitions.

Golf cart. Pursuant to F.S. 316.003(26), a "golf cart" is defined as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes.

Low-speed vehicle. Pursuant to F.S. § 320.01(41), a low-speed vehicle is any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including but not limited to, neighborhood electric vehicles. Said vehicles must conform to the safety standards in 49 C.F.R. 571.500 and F.S. § 316.2122.

Sec. 73.02. - Low-speed vehicles.

- (1) Low-speed vehicles may be operated on any street within the city limits where the posted speed limit is 35 miles per hour or less. Pursuant to F.S. § 316.2122(1), this does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.
- (2) A low-speed vehicle operated on any street within the city limits must:
 - (a) meet the minimum equipment standards as established by Florida Statutes; and
 - (b) be registered and insured in accordance with F.S. § 320.02.
- (3) Any person operating a low-speed vehicle on any street within the city limits must have in his or her possession a valid driver's license.
- (4) Low-speed vehicles may be operated at any time.

Sec. 73.03. - Authorization to Operate Golf Carts

- (1) Golf carts meeting the definition set forth in section 73.01 may be operated on all of the public roads and streets within the corporate limits of the City of Fruitland Park where the posted speed limit is 30 miles per hour or less unless otherwise provided herein. Golf carts meeting the definition set forth in section 73.01 may be operated on the roads listed below located within the city limits of Fruitland Park, but only those County roads or County streets, or segments thereof, named and depicted in the sketch and description prepared by LPG Urban Planners Inc. and on file with the City Clerk.
 - i. Cooke Drive
 - ii. Poinsettia Avenue
 - iii. Shiloh Street
 - iv. Urick Street

- v. Myrtle Lake Avenue
 - vi. Pine Ridge Dairy Road
 - vii. Cutoff Road
 - viii. CR 468 only at Designated Golf Cart Crossing
 - ix. CR 466A/(Miller Street) only at Designated Golf Cart Crossing
- (2) Golf carts are prohibited from operating on CR 468 and CR 466A, except at controlled intersections approved by the City Commission. Each designated controlled intersection shall be posted with signage.
 - (3) Golf cart operation on sidewalks is prohibited.
 - (4) In accordance with Florida law, a golf cart may not be operated on public roads or streets by any person under the age of 14.

Sec. 73-04. Equipment and Minimum Standards

All golf carts operated on any street shall meet the minimum equipment standards established by Florida Statutes.

Sec. 73-05. Hours of Operation

Golf carts shall only be permitted to operate on any street specified in section 73-03 during the hours between sunrise and sunset, except if equipped with headlights, brake lights, turn signals, and a windshield, then may operate between sunset and sunrise.

Sec. 73-06. Compliance with Traffic Laws

Golf carts and low-speed vehicles shall comply with all applicable local and State traffic laws, and may be ticketed for traffic violations in the same manner as motor vehicles.

Sec. 73-07. Enforcement

A violation of this chapter is enforceable in the manner provided by Florida law. Additionally, the City of Fruitland Park shall have the authority to enforce the provisions set forth herein to include, but not be limited to, issuing notices of violation and processing such violations through the city's code enforcement procedures.

Section 3. Inclusion in Code. It is the intent of the Commissioners that the provisions of this Ordinance shall become and be made a part of the City of Fruitland Park Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word "or phrase in order to accomplish such intentions.

Section 4. Severability. If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioner's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein.

Section 5. Conflicts. That all resolutions, parts of resolutions, ordinances or parts of ordinances in conflict herewith are hereby repealed. The following are specifically repealed in full: Ordinances 2014-011, 2012-025, and 2012-018 and Resolution 2012-013.

Section 6. Effective Date. This ordinance shall become effective immediately upon final adoption.

PASSED and ORDAINED this _____ day of _____, 2018, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK

Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Approved as to form:

Anita Geraci-Carver, City Attorney

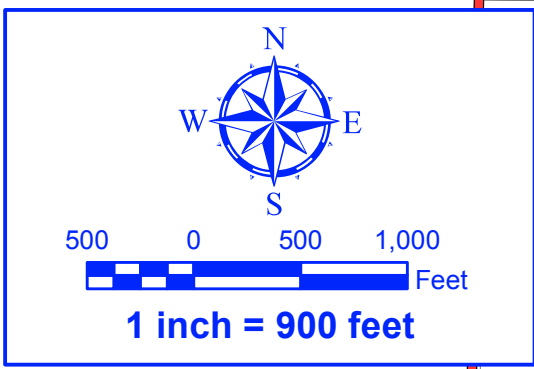
First Reading: April 26, 2018

Second Reading: _____



City of Fruitland Park Golf Cart Community

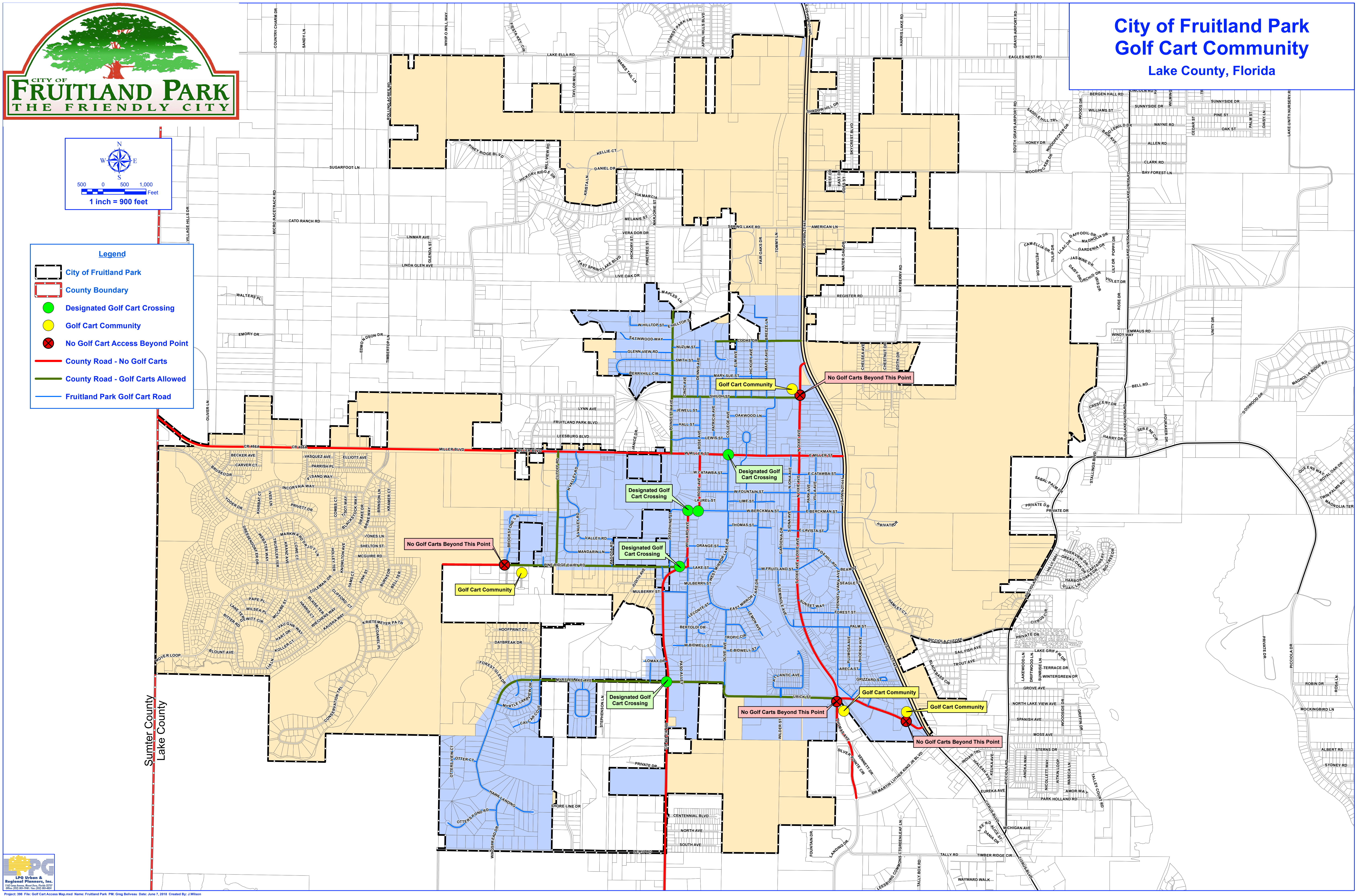
Lake County, Florida



Legend

- City of Fruitland Park
- County Boundary
- Designated Golf Cart Crossing
- Golf Cart Community
- ⊗ No Golf Cart Access Beyond Point
- County Road - No Golf Carts
- County Road - Golf Carts Allowed
- Fruitland Park Golf Cart Road

Sumter County
Lake County



RESOLUTION 2012 - 111

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; DESIGNATING COUNTY ROADS AND STREETS WITHIN THE CITY OF FRUITLAND PARK FOR GOLF CART SIGNAGE AS APPROPRIATE FOR THE OPERATION OF GOLF CARTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 2, 2003, the Lake County Board of County Commissioners approved Ordinance No. 2003-78, permitting the operation of golf carts on the roads and streets of the unincorporated County as specifically designated through a duly enacted resolution of the Board, incorporated into the Lake County Code as Section 15-15; and

WHEREAS, the City of Fruitland Park have requested that County roads within the City Limit be so designated as golf cart-appropriate and to allow the placement of Golf Cart Signage on County Roads by the City Ordinance Number 2012 - 025, approved by the City Commission on July 12, 2012;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida that:

Section 1. The Board of County Commissioners has determined that golf carts may safely travel on or cross the roads and streets designated herein, taking into consideration the speed, volume and character of the motor vehicles using such roads and streets.

Section 2. The County roads located within the city limits of Fruitland Park are hereby designated as appropriate for golf cart signage and the operation of golf carts in accordance with Section 15-15, Lake County Code. This designation shall apply only to those County roads or County streets, or segments of County roads and County streets, named in the sketch and description (Exhibit "A") and listed below:

- **Cooke Dr.**
- **Poinsettia Ave.**
- **Shiloh St.**
- **CR 25 (Dixie Ave).**
- **Urick St.**
- **Myrtle Lake Ave**
- **Pine Ridge Dairy Rd.**
- **Cutoff Rd.**
- **CR 468 only at Designated Golf Cart Crossing**
- **CR 466A / (Miller St.) only at Designated Golf Cart Crossing**

Section 3. Golf carts may not be operated on County Road 468, and County Road 466A, unless such use is at a designated crossing with signage indicating such crossing is permitted.


Section 4. Golf carts may be operated on the designated roads or streets between the hours before sunrise and after sunset if equipped with, at a minimum, headlights, brake lights, turn signals, a windshield and reflective devices on the sides of the golf cart that could include reflective tape. Golf carts that do not meet the minimum equipment standards for operation between the hours before sunrise and after sunset shall only be permitted to operate between sunrise and sunset.

Section 5. Nothing herein shall authorize the operation of golf carts on County roads within the City of Fruitland Park, the jurisdiction of the State of Florida.


PASSED AND ADOPTED THIS 11 DAY OF September, 2012

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA



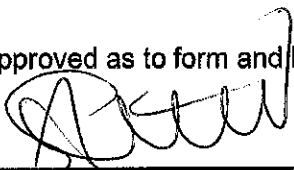
Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida



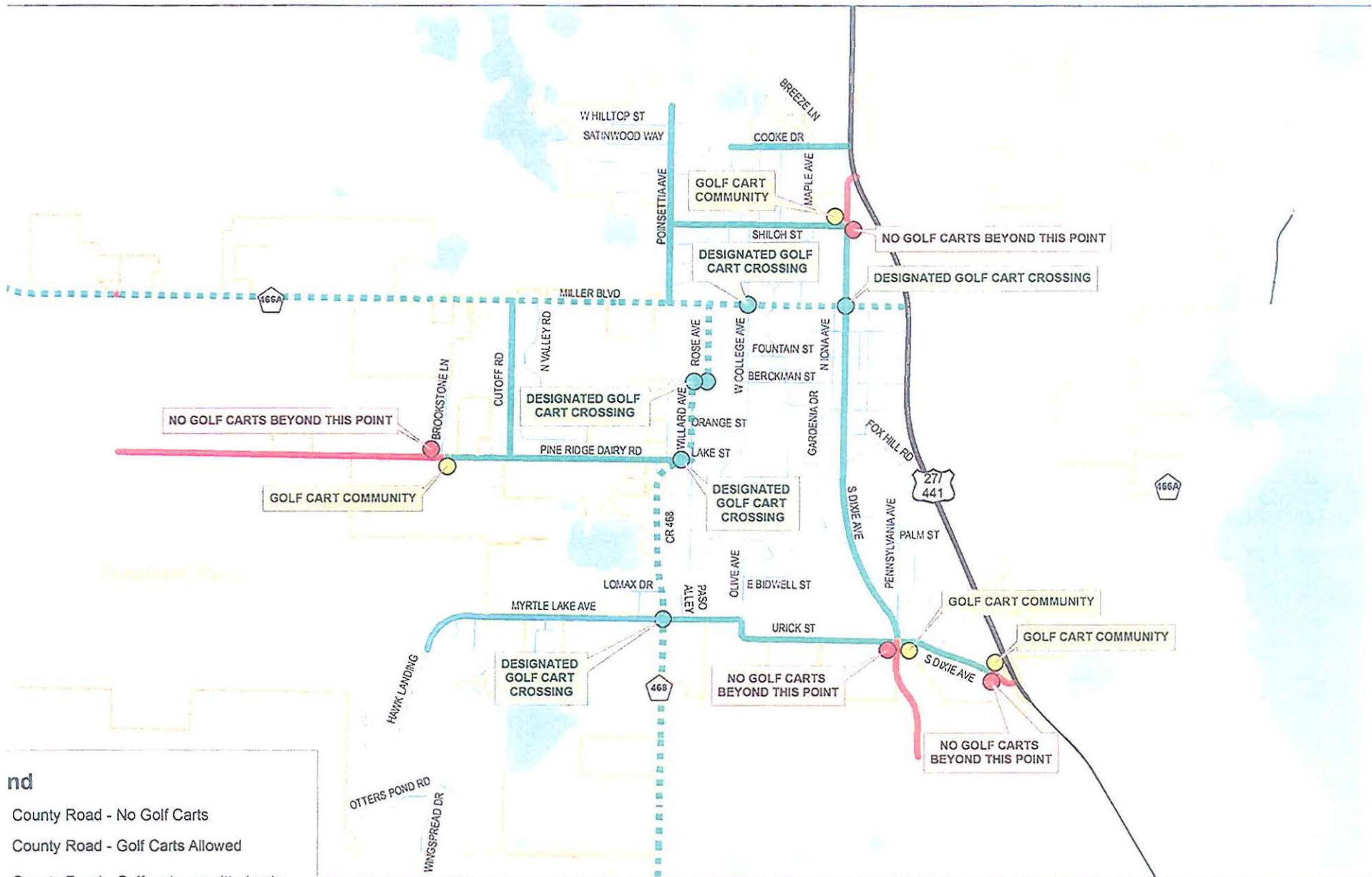
Chairman

This 12th day of September, 2012

Approved as to form and legality:



Sanford A. Minkoff
County Attorney



nd

County Road - No Golf Carts

County Road - Golf Carts Allowed

County Road - Golf carts permitted only at designated golf cart crossings

Fruitland Park golf cart roads

Fruitland Park City Limits

Signs Posted

Exhibit A
Fruitland Park Golf Cart Community

The Villages[®] DAILY SUN

Published Daily
Lady Lake, Florida
State of Florida
County Of Lake

Before the undersigned authority personally appeared **Sheryl Dufour** who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a **Legal Ad # 812901** in the matter of **ORDINANCE 2018-005, 2018-013 & 2018-012** was published in said newspaper in the issues of

MAY 1, 2018

Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

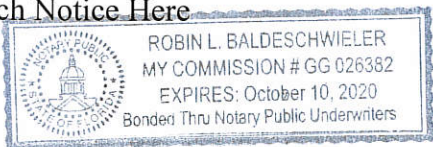

(Signature Of Affiant)

Sworn to and subscribed before me this 1
day May 2018.


Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____

Attach Notice Here



ORDINANCE 2018-005

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 73 OF THE CODE OF ORDINANCES RELATING TO THE OPERATION OF GOLF CARTS AND LOW-SPEED VEHICLES WITHIN THE CITY OF FRUITLAND PARK; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 26, 2018.)

ORDINANCE 2018-013

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SEC. 99.30 IN CHAPTER 99 OF THE CODE OF ORDINANCES TO AUTHORIZE THE CITY COMMISSION TO SET BUILDING AND ZONING FEES BY RESOLUTION; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 26, 2018.)

ORDINANCE 2018-012

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONSENTING TO THE INCLUSION OF THE CITY OF FRUITLAND PARK, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT (MSTU) OF THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MSTU FOR A SPECIFIED TERM OF THREE (3) YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 26, 2018.)

The ordinances will be presented for public hearing second reading by the Fruitland Park City Commission at its regular meeting to be held on Thursday, April 26, 2018 at 6:00 p.m. in the commission chambers of city hall, 506 West Berckman Street, Fruitland Park, Florida 34731. This meeting is open to the public. This ordinance may be reviewed or copies obtained from the city clerk's office at city hall.

Anyone requiring special accommodations at this meeting because of disability or physical impairment should contact the city clerk's office at city hall (352) 360-6727 at least three (3) business days prior to the hearing. (Florida Statutes 286.26)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (Florida Statutes 286.0105)
00812901 May 1, 2018



**AGENDA ITEM
NUMBER**
4d

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Second Reading and Public Hearing - Resolution 2018-040 The Glen MDA			
For the Meeting of:	July 12, 2018			
Submitted by:	City Manager/Community Development Director/City Attorney			
Date Submitted:	June 22, 2018			
Are Funds Required:			Yes	X No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Yes			
Description of Item: Second reading and public hearing on Resolution 2018-040 approving the modification of the developer's agreement. The first reading was held on June 28, 2018.				
Action to be Taken: Adopt Resolution 2018-040 contingent upon meeting the Homeowner Association Responsibility provisions under Section 4, of the modified developer's agreement for The Glen as outlined by staff.				
Staff's Recommendation: Approval contingent upon: <ul style="list-style-type: none"> - submittal of a commercial/recreational park grade playground equipment (consisting of a swing set, slides, jungle hum climbs, benches, and wood mulch and surrounded by a 48" black-vinyl coated chain-link fence with a gate); - receiving \$30,000 minimum of hard investment cost (excluding fence, gate mulch and installation cost to be paid for by the HOA or developer and - approval and verification by the community development director prior to installation. 				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent agenda: _____
Mayor f

RESOLUTION 2018-040

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE MODIFICATION OF DEVELOPER'S AGREEMENT FOR THE GLEN; PROVIDING FOR RECORDING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a PUD zoning ordinance and Master Development Agreement - The Glen Planned Unit Development was approved by the City Commission on August 12, 1999 and recorded October 27, 1999 in Official Records Book 1763, pages 1174 – 1179, public records of Lake County, Florida; and

WHEREAS, on or about April 10, 2003, the City approved a preliminary plat for the Property expressly conditioned on the execution of a developer's agreement to clarify certain issues regarding the future development of the Property; and

WHEREAS, a Developer's Agreement for The Glen dated November 13, 2003 was approved by the City Commission and recorded December 2, 2008 in Official Records Book 2460, Page 1195, public records of Lake County, Florida; and

WHEREAS, a Modification of Developer's Agreement for The Glen dated October 2, 2017 was recorded in the public records of Lake County in Official Records Book 5009, Page 2020 on October 6, 2017; however, there is no record of the document coming before the City Commission; and

WHEREAS, the City Commission desires to ratify the Modification of Developer's Agreement for The Glen dated October 2, 2017 as recorded in the public records.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Ratifying Modification of Developer's Agreement for The Glen.

Approval of the Modification of Developer's Agreement for The Glen, a copy of which is attached hereto, for the real property described in **Exhibit A** attached hereto is RATIFIED AND APPROVED.

Section 2. This resolution, with the attached Modification of Developer's Agreement for The Glen shall be recorded in the public records of Lake County, Florida, immediately upon adoption.

Section 3. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this _____ day of _____ 2018, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park

Chris Cheshire, Mayor

Attest:
Esther B. Coulson, City Clerk

Mayor Cheshire	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Vice Mayor Gunter	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Lewis	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Ranize	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

First Reading: June 28, 2018
Second Reading:

MODIFICATION OF DEVELOPER'S AGREEMENT FOR THE GLEN



THIS MODIFICATION of the Developer's Agreement ("modification Agreement") is made this 2 th day of OCTOBER, 2017, between the CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation, (hereinafter referred to as the "City"), whose address is 506 W Berckman Street, Fruitland Park, FL 34731 and A.A. Moukhtara Company, a Florida Corporation, and/or its successors and assigns, whose address is 7717 NW 20th Lane, Gainesville, FL 32605 (hereinafter referred to as the "Developer").

This Modification Agreement will attach to the original Developer's Agreement dated November 13, 2003. Filed in Lake County, FL, BK 02460 PGS 1195-1202.

This Modification Agreement will also reference attached construction plans by H. Bennett Walling, P.E., dated May 2002 and REVISED November 19, 2003.

The Master Development Agreement, O.B. 1763, PGS 1174-1179 of Public Records of Lake County, Florida will be attached.

Any plans or correspondence from Springstead Engineering will also be included in final agreement.

WHEREAS, the Developer intends on completing the original development as was approved by the City Commission and called "The Glen". The Glen will contain approximately 238 single family residences at full completion.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants and benefits herein contained, and for other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, City and Developer agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein by reference. This Agreement shall be supplemental to the Master Development Agreement and Ordinance 99-005 previously approved by the City for the Property.
2. **Development Conditions and Improvements.** Developer agrees to abide by and comply in all respects to the requirements of the City's land development rules, codes and ordinances, including, without limitation, those pertaining to the subdivision and development of real property.
3. **Developer's Assumptions of Risk and Indemnification of City.** At its own request, Developer assumes all risks of proceeding with improvements prior to final plat of subdivision. Developer agrees to indemnify, defend, save and hold harmless City for any and all claims and demands, including, but not limited to, attorney's fees and costs, arising from, out of, or occurring because of Developer's so proceeding.

4. **Homeowner Association Responsibility.** The homeowner association for the Subdivision shall be responsible for the maintenance and operation of all stormwater retention areas, common area landscaping, and recreational areas. The City will accept the recreation area next to the Wingspread/Glen gate as meeting all requirements provided the park area is completed with playground equipment.

The playground equipment will be commercial/recreational park grade consisting of a swing sets, slides, jungle gym climbs, benches, wood mulch, and surrounded by a 48" black vinyl coated chain-link fence with gate. The playground equipment will be commercial/recreational park grade and is required to be a minimum of \$30,000.00 hard investment cost, not including fence, gate, mulch and install cost which will be paid by HOA or Developer. The plans and equipment must be approved and verified by CDD before install.

Developer shall delineate this responsibility in the Subdivision's covenants and restrictions satisfactory to City. Such covenants and restrictions shall be recorded at the time of the final plat and prior to the sale of any lots within the Subdivision. The final plat shall contain language satisfactory to City that dedicates park and recreation area to public use.

5. **Phasing.** Final Phases of construction of the roads, stormwater and final utilities must begin within twelve (12) months of City approval of this modification agreement:

All Phases and all construction must be completed within five (5) years of date of this agreement unless an extension is granted by the City Manager for good cause shown.

6. **Sidewalks.** All sidewalks shall be installed per City code and the approved construction plans for the Subdivision. No home within the Subdivision shall be granted a certificate of occupancy until any sidewalk located on the home's lot, adjacent to, or in front of the home has been constructed. Additionally, all sidewalks for each phase of the Subdivision shall be constructed when building permits for eighty percent (80%) or more of the homes in that phase of the Subdivision have been issued, within two (2) years of the date of the final plat for that phase of Subdivision, whichever first occurs. The City may postpone issuance of building permits until such sidewalks are constructed.

7. **Maintenance.** As required by Section 157.060 of the City's Land Development Regulations, Developer shall maintain all improvements, including, but not limited to, roads, sidewalks, and street lights, for a period of two (2) years from the date of final plat approval or one (1) year from the date that a certificate of completion is issued by the City Manager, whichever is later. Additionally, because the Subdivision is being developed in phases, Developer recognizes the possibility that development and construction activities of subsequent phases could damage improvements in preceding phases. Therefore, in addition to the above reference maintenance responsibilities, Developer shall be responsible for any damage to any phase of the Subdivision caused by Developer or related to any construction or development activity within the Subdivision whether or not such damage occurs within such time period as set forth above. Developer shall

pay for any damages, including the costs of repair, to City upon demand by City. Additionally, City may pursue any maintenance bond or security given by Developer to City.

8. **Access to Wingspread.** Road access between the Subdivision and Wingspread Subdivision located immediately south of the Subdivision shall be for emergency access, postal, and public works and maintenance purposes only. Developer shall construct a gate across such access to City’s requirements and specifications. Developer shall coordinate the logistics of the gate with City’s Public Safety Director and the Post Office.

9. **Inspection by City.** Any and all inspections and plan review of the improvements contemplated by this Agreement or related to the Subdivision shall be performed at the cost and expense of Developer. Developer agrees to reimburse City for the cost and expense of Developer. Developer agrees to reimburse City for the cost of such inspections and plan reviews, including engineer’s time, within thirty (30) days from receipt of an invoice from the City for such cost. Notwithstanding the foregoing, Developer shall submit to City from Developer’s project engineer copies of all contractors affidavits, certificates from the project engineer and a set of “as-built” drawings upon completion of the improvements contemplated hereby.

10. **Notices.** Any notices or payment required under this Agreement shall be made at the following addresses:

To the City: City Manager
506 W Berckman Street
Fruitland Park, FL 34731

To Developer: A.A. Moukhtara Company
7717 NW 20th Lane
Gainesville, FL 32605

11. **Successors and Assigns.** This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

12. **Waiver, Modification.** The failure by any party to insist upon or enforce any of their rights shall not constitute a waiver thereof and nothing shall constitute a waiver of any party’s right to insist upon strict compliance with the terms of this Agreement. Any party may waive the benefit of any provision or conditions for its benefit which is contained herein. No oral modification of this Agreement shall be binding upon the parties any modification must be in writing and signed.

13. **Governing Law.** This Agreement shall be governed by and constructed under the laws of the State of Florida. Venue of any proceedings shall be in the appropriate court in Lake County, Florida.

14. **Application; Affect.** If any provision of this Agreement or the application thereof to any party, person or circumstance shall be held or deemed to be invalid or unenforceable to any extent, the remainder of the Agreement and the application of such provisions to other parties, person or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

15. **Attorney's Fees.** In the event of any dispute hereunder or of any action to interpret or enforce this Agreement, any provisions hereof or any matter arising herefrom, the prevailing party shall be entitled to recover its reasonable costs, fees and expenses, including, but not limited to, witness fees, expert fees, consultant fees, attorney, paralegal and legal assistant fees, costs and expenses whether suit be brought or not, and whether in settlement, in any declaratory action, at trial or on appeal.

16. **Recording.** This Agreement shall be recorded by City in the Public Records of Lake County, Florida and shall constitute a covenant running with the land.

IN WITNESS WHEREOF, the parties have set their hands and seals this 2 th day of OCTOBER, 2017.

WITNESS:

Dana M Coleman

Printed Name: DANA M COLEMAN

Marie A. Azzolino

Printed Name: MARIE A. AZZOLINO

ATTEST:

[Signature]

Esther Coulson
City Clerk

Printed Name: Jeanine Racine

Jeanine Racine

Printed Name: Kelly Turner

Kelly Turner

CITY OF FRUITLAND PARK, FLORIDA

By: [Signature]
Gary La Venja, City Manager



A.A. Moukhtara Company, a Florida Corporation

By: [Signature]
President Michel Moukhtara (Developer)

STATE OF FLORIDA
COUNTY OF Lake

The foregoing instrument was acknowledged before me this 2nd day of October 2017 by Michael P. Moulton and n/a who are personally known to me or who have produced FL Driver License as identification and who did (did not) take an oath.



[Signature]
Notary Public
Notary Public - State of Florida
Commission No GG 069771
My Commission Expires 2/5/2021

ACCEPTED BY THE CITY OF FRUITLAND PARK

Approved as to form and
Legality for use and reliance
by the City of Fruitland Park

By: [Signature]
Gary La Veria, City Manager

Date: October 2, 2017

ATTEST: [Signature]
Esther P. Coulson
City Clerk

[Signature]
Notary Public
Notary Public - State of Florida
Commission No 292424
My Commission Expires June 21, 2019



I certify that the foregoing is an accurate copy of the document
as reflected in the Official Records. Portions may be redacted.
NEIL KELLY, CLERK OF CIRCUIT COURT LAKE COUNTY

By Beverly Thomas, Deputy Clerk 10/6/2017 3:53:19 PM

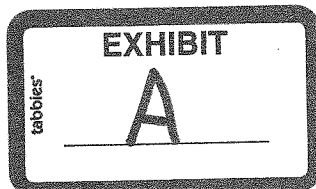
EXHIBIT "A"

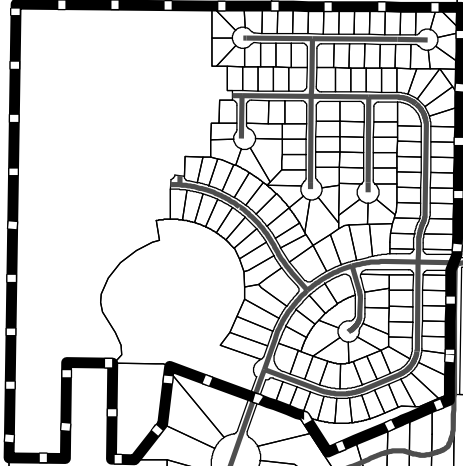
That part of the East ½ of the Southwest ¼ of Section 8, Township 19 South, Range 24 East, Lake County, Florida, described as follows; from the Northeast corner of said East ½ of the Southwest ¼ of Section 8, Township 19 South, Range 24 East, run N 89°22'17" W, along the north boundary of the East ½ of the Southwest ¼ of said Section 8, a distance of 308.46 feet, to the Point of Beginning of the following described parcel; from said Point of Beginning, continue N 89°22'17" W, along said north boundary, a distance of 268.98 feet; thence S 01°05'32" W, a distance of 143.41 feet; thence S 88°54'28" E, a distance of 53.12 feet; thence S 37°15'30" W, a distance of 61.93 feet; thence N 88°54'28" W, a distance of 50.00 feet; thence S 03°55'27" W, a distance of 588.53 feet; thence S 88°54'28" E, a distance of 43.04 feet; thence S 06°24'05" E, a distance of 131.80 feet, to a point on a curve concave southerly and having a radius of 635.00 feet; thence Easterly along the arc of said curve, through a central angle of 6°16'53", a distance of 69.62 feet (Chord Bearing N 86°44'22" E and Chord Length 69.58 feet), to a Point of Reverse Curve located on the westerly boundary of THE GLEN PHASE'S 4,5,6 & 9, recorded in Plat Book 56, Pages 11 and 12, Public Records of Lake County, Florida, said reverse curve being concave northwesterly and having a radius of 25.00 feet; thence along said westerly boundary of THE GLEN PHASE'S 4,5,6 & 9, the following courses; Northeasterly and Northerly, along the arc of said reversed curve, through a central angle of 88°47'16", a distance of 38.74 feet (Chord Bearing N 45°29'10" E and Chord Length 34.98 feet), to the end of said curve; thence S 82°38'54" E, a distance of 50.30 feet; thence N 01°05'32" E, a distance of 102.09 feet; thence S 88°54'28" E, a distance of 133.34 feet, to the Southwest corner of THE GLEN PHASE'S 7 & 8, recorded in Plat Book 59, Pages 25 and 26, Public Records of Lake County, Florida; thence along the west boundary of THE GLEN PHASE'S 7 & 8, the following courses; N 01°05'32" E, a distance of 175.57 feet; thence S 89°14'27" E, a distance of 42.00 feet; thence N 01°05'32" E, a distance of 120.00 feet; thence S 89°14'27" E, a distance of 67.20 feet; thence N 00°45'33" E, a distance of 50.00 feet; thence N 89°14'27" W, a distance of 28.56 feet; thence N 00°45'33" E, a distance of 125.00 feet; thence N 89°14'27" W, a distance of 81.05 feet; thence N 00°16'27" E, a distance of 316.66 feet, to the Point of Beginning, and end of this description..

LEGAL DESCRIPTION

PARCEL "C" (A FUTURE HIGH DENSITY DEVELOPMENT):
THE EAST 1/2 OF THE S.W. 1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, LESS THE SOUTH 275 FEET OF THE WEST 325 FEET OF THE NORTH 500 FEET OF THE SOUTH 775 FEET THEREOF;
AND THE WEST 3/4 OF THE N.W. 1/4 OF THE S.E. 1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA; AND THE WEST 3/4 OF THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCEL OF LAND: COMMENCE AT THE N.E. CORNER OF THE WEST 3/4 OF THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, AND RUN S.01°10'19"W., ALONG THE EAST LINE OF THE WEST 3/4 OF THE S.W. 1/4 OF THE S.E. 1/4 A DISTANCE OF 950.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING, RUN THENCE S.32°49'41"E., 385.72 FEET TO A POINT ON THE SOUTH LINE OF THE S.W. 1/4 OF THE S.E. 1/4 OF SAID SECTION 8; THENCE S.88°51'31"E., ALONG THE SOUTH LINE OF THE S.W. 1/4 OF THE S.E. 1/4 A DISTANCE OF 483.16 FEET TO THE SOUTHEAST CORNER OF THE WEST 3/4 OF THE S.W. 1/4 OF THE S.E. 1/4 OF SAID SECTION 8; THENCE N.01°10'19"E ALONG THE EAST LINE OF THE WEST 3/4 OF THE S.W. 1/4 OF THE S.E. 1/4 A DISTANCE OF 377.74 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD, IF ANY.





MYRTLE LAKE AVE

CR 468

CR 468

LEWIS RD



The Villages
DAILY SUN

Published Daily
 Lady Lake, Florida
 State of Florida
 County Of Lake

Before the undersigned authority personally appeared **Sheryl Dufour** who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a **Legal Ad #821815** in the matter of **NOTICE OF PUBLIC HEARINGS**, was published in said newspaper in the issues of

JUNE 19, 2018

Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

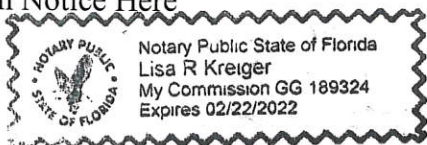

 (Signature Of Affiant)

Sworn to and subscribed before me this 19th
 day June 2018.


 Lisa R. Kreiger, Notary

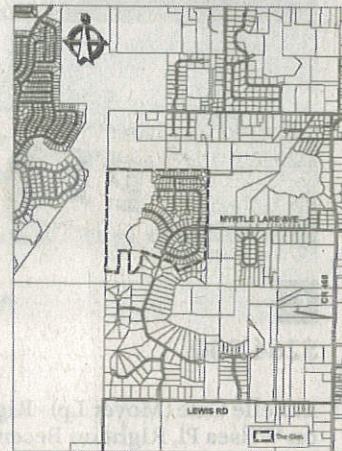
Personally Known X or
 Production Identification _____
 Type of Identification Produced _____

Attach Notice Here



NOTICE OF PUBLIC HEARINGS

Notice of Intent is hereby given that the City of Fruitland Park will consider a development agreement modification for property located in the City of Fruitland Park known as The Glen, consisting of 114.31 acres +/- of real property generally located at West of CR 468, South of 466A and North of Lewis Road.



The development agreement provides for a single-family residential subdivision consisting of approximately 238 residences that will not exceed 35' in height, generating a population of approximately 690.

The City Commission will hold a public hearing on the development agreement at the following public meetings:

- City Commission on June 28, 2018, at 6:00 p.m.; and
- City Commission on July 12, 2018, at 6:00 p.m.

The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berckman Street, Fruitland Park FL 34731.

The full proposed development agreement which includes a metes and bounds legal description of the property, may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed development agreement.

A person who decides to appeal any decision made by any board, agency or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105). Persons with disabilities needing assistance to participate in any of these proceedings should contact Esther Coulson, City Clerk at (352) 360-6790 at least 48 hours before the date of the scheduled hearing.

#821815 June 19, 2018



**AGENDA ITEM
NUMBER**

4e

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Public Hearing – Resolution 2018-041 The Glen Phase 10 Final Plat Approval		
For the Meeting of:	July 12, 2018		
Submitted by:	City Manager/Community Development Director		
Date Submitted:	June 22, 2018		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item: Resolution 2018-041 The Glen Phase - 10 Final Plat Approval – Petitioner M. Moukhtara.			
Action to be Taken: Adopt Resolution 2018-041.			
Staff’s Recommendation: Approval contingent upon the adoption of Resolution 2018-040 The Glen Developer’s Agreement Modification.			
Additional Comments: Applicant to submit Mylars (plat) to be executed upon approval.			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent agenda: _____
Mayor

RESOLUTION 2018-041

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING FINAL PLAT APPROVAL FOR PHASE 10 OF THE GLEN GENERALLY LOCATED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant has petitioned for final plat approval of Phase 10 of The Glen;
and

WHEREAS, The Glen consists of 114.31 +/- acres that will consist of approximately 238 single family residences, has a future land use designation of Single Family Medium Density and has a zoning of PUD as provided for in Ordinance 99-005;

WHEREAS, the Planning and Zoning Board and the City Commission of the City of Fruitland Park have considered the application in accordance with the procedures for granting Final Plat Approval set forth in Section 157-060(d)(20) of the City of Fruitland Park Land Development Code;

WHEREAS, the Planning and Zoning Board recommended approval of the Final Plat;

WHEREAS, the City Commission finds that the Final Plat of Phase 10 of The Glen is in compliance with the City's land development regulations.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Granting of Final Plat Approval.

Approval of the Final Plat of Phase 10 of The Glen consisting of 19 single family homes, **a copy of which is attached hereto**, is GRANTED.

Section 2. Effective Date.

This resolution shall become effective immediately upon its passage.

PASSED AND RESOLVED this ____ day of ____ 2018, by the City Commission of the City of Fruitland Park, Florida.

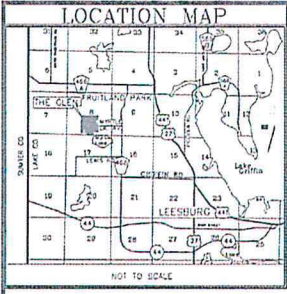
City of Fruitland Park

Chris Cheshire, Mayor
Attest:
Esther B. Coulson, City Clerk

Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Lewis	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Ranize	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney



THE GLEN PHASE 10

A Subdivision in the City of Fruitland Park
Being a Portion of:
Section 8, Township 19 South, Range 24 East
Lake County, Florida

DESCRIPTION THE GLEN PHASE 10:

That part of the East 1/2 of the Southwest 1/4 of Section 8, Township 19 South, Range 24 East, Lake County, Florida, described as follows: from the Northeast corner of said East 1/2 of the Southwest 1/4 of Section 8, Township 19 South, Range 24 East, run S 89° 22' 17" W, along the north boundary of the East 1/2 of the Southwest 1/4 of said Section 8, a distance of 308.46 feet, to the Point of Beginning of the following described parcel; from said Point of Beginning, continue N 80° 22' 17" W, along said north boundary, a distance of 268.98 feet; thence S 01° 05' 32" W, a distance of 145.41 feet; thence S 88° 54' 28" E, a distance of 53.12 feet; thence S 37° 15' 30" W, a distance of 61.93 feet; thence N 88° 54' 28" W, a distance of 50.00 feet; thence S 03° 58' 27" W, a distance of 588.53 feet; thence S 88° 54' 28" E, a distance of 43.04 feet; thence S 06° 24' 07" E, a distance of 131.30 feet, to a point on a curve concave southerly and having a radius of 635.00 feet; thence Easterly along the arc of said curve, through a central angle of 6° 16' 53", a distance of 69.62 feet (Chord Bearing N 86° 44' 22" E and Chord Length 69.58 feet), to a Point of Reverse Curve concave northwesterly and having a radius of 25.00 feet; thence run Northwesterly and Northerly, along the arc of said curve, through a central angle of 88° 47' 06", a distance of 38.74 feet (Chord Bearing N 45° 29' 00" E and Chord Length 34.98 feet), to the end of said curve; thence S 82° 38' 54" E, a distance of 50.30 feet; thence N 01° 05' 32" E, a distance of 102.09 feet; thence S 88° 54' 28" E, a distance of 133.74 feet, to the Southwest corner of THE GLEN PHASES 7 & 8, recorded in Plat Book 59, Pages 25 and 26, Public Records of Lake County, Florida; thence along the west boundary of THE GLEN PHASES 7 & 8, the following courses: N 01° 05' 32" E, a distance of 175.57 feet; thence S 89° 14' 27" E, a distance of 42.60 feet; thence N 01° 05' 32" E, a distance of 120.00 feet; thence S 89° 14' 27" E, a distance of 67.20 feet; thence N 01° 05' 32" E, a distance of 50.00 feet; thence N 89° 14' 27" W, a distance of 28.56 feet; thence N 00° 45' 33" E, a distance of 125.00 feet; thence N 89° 14' 27" W, a distance of 81.65 feet; thence N 06° 16' 27" E, a distance of 116.66 feet, to the Point of Beginning, and end of this description; area described contains 6.41 acres.

NOTICE:
This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.

- NOTES:**
- 1) Easements are based on the recorded plat of THE GLEN PHASES 7 & 8, as recorded in Plat Book 59, Pages 25 and 26, Public Records of Lake County, Florida, and the centerline of Duval Drive as being N 89° 14' 27" W.
 - 2) Distances are shown in U.S. survey feet and decimals thereof.
 - 3) Lot corners have been set in accordance with Chapter 177.001(9), Florida Statutes.
 - 4) All planned utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance and operation of cable television services, provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electric Safety Code as adopted by the Florida Public Service Commission.
 - 5) Plats to be set prior to expiration of bond or other surety.
 - 6) The Title Opinion is to be filed as a separate document.
 - 7) No construction, trees, or shrubs will be placed in easements or rights-of-way without the City of Fruitland Park approval.
 - 8) It is the responsibility of the property owner to operate and maintain any storm water management system not located within the right-of-way of the road unless such responsibility is voluntarily assumed by the City of Fruitland Park.

Prepared by:
Billy Earl Owens, PSM
Professional Surveyor and Mapper
Address: 39 CR 494
Lake Parkwood Office, FL 33558
PH: 352-703-2824

CERTIFICATE OF APPROVAL OF MUNICIPALITY

THIS IS TO CERTIFY, that this plat was presented to the _____ City Council of _____ City of _____, Florida, and approved by said _____ City Council of _____, Florida, for record, and the dedication of _____ the streets _____ are accepted for municipal purposes of said city on the _____ day of _____, 20____, provided it is recorded in the Office of the Clerk of the Circuit Court of LAKE COUNTY, FLORIDA, within _____ days from the date of approval by said _____ City Council of _____, Florida.

Attest: Clerk _____
Approved as to Form and Legal Sufficiency _____ Date _____
City Attorney _____

APPROVAL OF MUNICIPAL PLANNING AND ZONING BOARD

THIS IS TO CERTIFY, that on _____ day of _____, the foregoing plat was officially approved by the PLANNING AND ZONING BOARD of the city of Fruitland Park, Florida.

Examined and Approved: _____

CERTIFICATE OF CLERK

THIS IS TO CERTIFY, that I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on _____ day of _____, 20____.

I the Sub _____
Clerk of the Circuit Court in and for Lake County, Florida

PLAT BOOK _____
AND PAGE _____

DEDICATION FOR THE GLEN PHASE 10

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the owner in fee simple of the lands described in the foregoing caption to this plat, does hereby dedicate said lands and plot for the uses and purposes thereon expressed, all streets and right-of-ways shown on this plat are hereby dedicated in perpetuity to the City of Fruitland Park for the use and benefit of the public for proper purposes; all utility easements shown are dedicated in perpetuity to the City of Fruitland Park for construction, installation, maintenance and operation of utilities by any utility provider, including cable television services, in compliance with such ordinances and regulations as may be adopted from time to time by the City Commission of Fruitland Park; all drainage easements and storm water management tracts or easements as shown are dedicated in perpetuity for construction and maintenance of drainage facilities and shall be perpetual maintenance obligation of The Glen Homeowners' Association; lots, park and recreation areas as shown are dedicated in perpetuity for the use and enjoyment of the owners of lots in this subdivision and shall be the perpetual maintenance obligation of The Glen Homeowners' Association Inc.

IN WITNESS WHEREOF,
The undersigned owner has executed this Dedication in the manner provided by Law, on _____
Signed, Sealed and delivered in our presence as witnesses:

WITNESS:	GRANTEE:
Signature _____	A. A. Moukhtara, Inc. a Florida Corporation
Print Name _____	by: Michel Moukhtara, President
Signature _____	
Print Name _____	

STATE OF FLORIDA
COUNTY OF LAKE
The foregoing Dedication was acknowledged before me, an officer duly authorized to take acknowledgments in the State of Florida and County of Lake, this _____ day of _____, 20____, by Michel Moukhtara, President, on behalf of A. A. Moukhtara, Inc., a Florida Corporation.

He/ | is personally known to me, or | has produced _____ as identification.

NOTARY PUBLIC - STATE OF FLORIDA

Signature: _____
Print Name: _____
My commission expires: _____

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being a Florida licensed and registered Surveyor and Mapper, does hereby certify that on May 23, 2018, he completed the survey of the lands described on this plat; that this plat is a correct representation of the lands here described and plotted or subdivided, and that Permanent Reference Monuments and Permanent Control Points have been placed and that this plat meets the requirements of Chapter 177, Florida Statutes, and is located in Fruitland Park, Florida.

Billy Earl Owens
Professional Surveyor and Mapper
39 County Road 494
Lake Parkwood Office, Florida 33558

Billy Earl Owens, PSM
Florida Registration No. 3522 Date _____

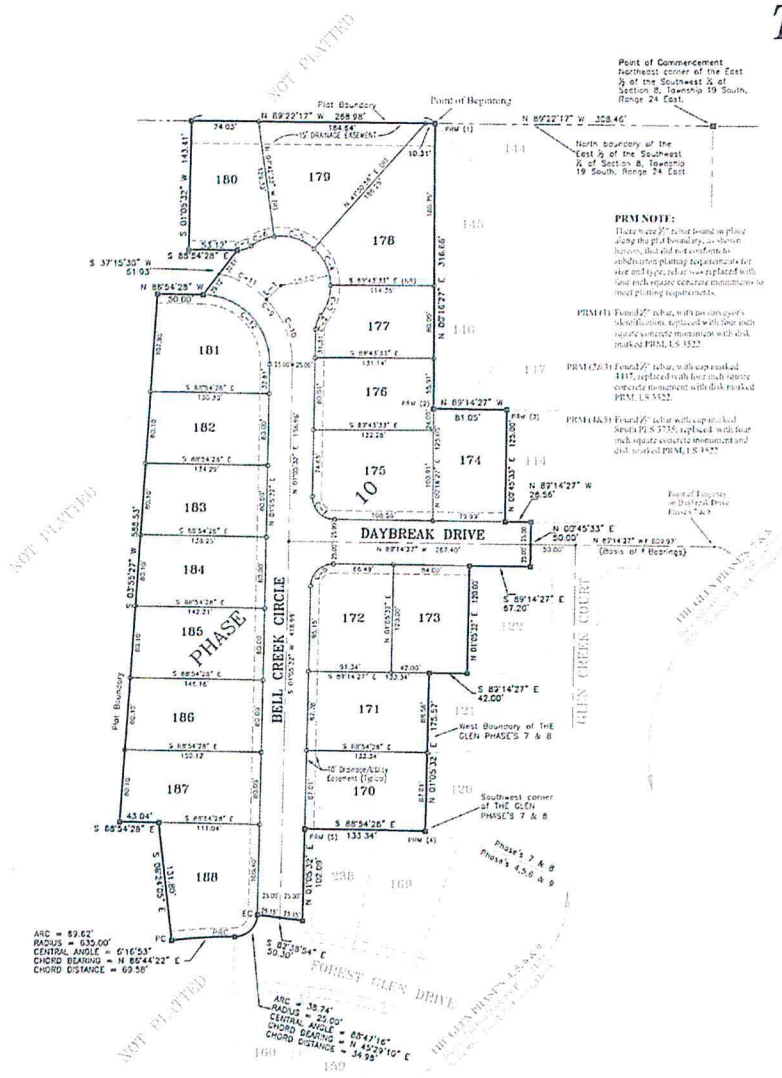
RECORD PLAT REVIEW STATEMENT

"Pursuant to Section 177.084, Florida Statutes, I have reviewed this Plat for conformity to Chapter 177, Florida Statutes, and find that said Plat complies with the technical requirements of that chapter; provided, however, that my review does not include field verification of any of the coordinates, points or measurements shown on this Plat."

Name: _____ Date: _____
Florida Registered Surveyor and Mapper,
Registration No. _____

THE GLEN PHASE 10

A Subdivision in the City of Fruitland Park
 Being a Portion of:
 Section 8, Township 19 South, Range 24 East
 Lake County, Florida



Point of Commencement
 Northwest corner of the East
 1/2 of the Southwest 1/4 of
 Section 8, Township 19 South,
 Range 24 East.

Point of Beginning
 North boundary of the
 East 1/2 of the Southwest
 1/4 of Section 8, Township
 19 South, Range 24 East.

PRMNOTE:
 There are 27 "Not Platted" parcels
 along the plat boundary, as shown
 herein, that did not conform to
 subdivision platting requirements for
 size and type, and was replaced with
 one rectangular substitute dimensions to
 meet platting requirements.

PRM143 Found 2" x 3/4" iron nail survey
 identification, replaced with four inch
 square concrete monument with disk
 marked PRM, L.S. 3522.

PRM143 Found 2" x 3/4" iron nail survey
 identification, replaced with four inch
 square concrete monument with disk
 marked PRM, L.S. 3522.

PRM143 Found 2" x 3/4" iron nail survey
 identification, replaced with four inch
 square concrete monument with disk
 marked PRM, L.S. 3522.

PRM143 Found 2" x 3/4" iron nail survey
 identification, replaced with four inch
 square concrete monument with disk
 marked PRM, L.S. 3522.



LEGEND

- = Permanent Reference Monument-Four inch square concrete
 Permanent Reference Monument, with Disk, Marked PRM, L.S.
 3522, on the boundary of THE GLEN PHASE 10.
- = Permanent Control Point - PK nail and disk marked PUC, L.S.
 3522, set on rock in center of Point on Boundary, Point of
 Intersection, Point of Curvature and Point of Tangency.
- = Iron nails to be replaced with brass, PSM 3522, at
 all corners.
- PC = Point of Curvature
- EC = End of Curve
- PRM = Point of Reverse Curve
- RI = Rail of Line
- OSN = Not Noted at Line

Lot Numbers 100-188 is a continuation
 of previously recorded phases.

Line and Curve Table

LINE NO.	START	END	BEARING	DISTANCE	START	END	BEARING	DISTANCE
1	100	101	N 89°22'17" W	268.98'	101	102	N 89°22'17" W	268.98'
2	102	103	S 89°22'17" E	268.98'	103	104	S 89°22'17" E	268.98'
3	104	105	N 89°22'17" W	268.98'	105	106	N 89°22'17" W	268.98'
4	106	107	S 89°22'17" E	268.98'	107	108	S 89°22'17" E	268.98'
5	108	109	N 89°22'17" W	268.98'	109	110	N 89°22'17" W	268.98'
6	110	111	S 89°22'17" E	268.98'	111	112	S 89°22'17" E	268.98'
7	112	113	N 89°22'17" W	268.98'	113	114	N 89°22'17" W	268.98'
8	114	115	S 89°22'17" E	268.98'	115	116	S 89°22'17" E	268.98'
9	116	117	N 89°22'17" W	268.98'	117	118	N 89°22'17" W	268.98'
10	118	119	S 89°22'17" E	268.98'	119	120	S 89°22'17" E	268.98'
11	120	121	N 89°22'17" W	268.98'	121	122	N 89°22'17" W	268.98'
12	122	123	S 89°22'17" E	268.98'	123	124	S 89°22'17" E	268.98'
13	124	125	N 89°22'17" W	268.98'	125	126	N 89°22'17" W	268.98'
14	126	127	S 89°22'17" E	268.98'	127	128	S 89°22'17" E	268.98'
15	128	129	N 89°22'17" W	268.98'	129	130	N 89°22'17" W	268.98'
16	130	131	S 89°22'17" E	268.98'	131	132	S 89°22'17" E	268.98'
17	132	133	N 89°22'17" W	268.98'	133	134	N 89°22'17" W	268.98'
18	134	135	S 89°22'17" E	268.98'	135	136	S 89°22'17" E	268.98'
19	136	137	N 89°22'17" W	268.98'	137	138	N 89°22'17" W	268.98'
20	138	139	S 89°22'17" E	268.98'	139	140	S 89°22'17" E	268.98'
21	140	141	N 89°22'17" W	268.98'	141	142	N 89°22'17" W	268.98'
22	142	143	S 89°22'17" E	268.98'	143	144	S 89°22'17" E	268.98'
23	144	145	N 89°22'17" W	268.98'	145	146	N 89°22'17" W	268.98'
24	146	147	S 89°22'17" E	268.98'	147	148	S 89°22'17" E	268.98'
25	148	149	N 89°22'17" W	268.98'	149	150	N 89°22'17" W	268.98'
26	150	151	S 89°22'17" E	268.98'	151	152	S 89°22'17" E	268.98'
27	152	153	N 89°22'17" W	268.98'	153	154	N 89°22'17" W	268.98'
28	154	155	S 89°22'17" E	268.98'	155	156	S 89°22'17" E	268.98'
29	156	157	N 89°22'17" W	268.98'	157	158	N 89°22'17" W	268.98'
30	158	159	S 89°22'17" E	268.98'	159	160	S 89°22'17" E	268.98'

Prepared by:
 Billy Earl Owens, PSM
 Professional Surveyor and Mapper
 Address: 376 E. 494
 Lake Park, Florida, 32053
 TEL: 352-756-2544



**AGENDA ITEM
NUMBER
4f**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	First Reading and Public Hearing - Resolution 2018-043 First Amendment MDA			
For the Meeting of:	July 12, 2018			
Submitted by:	City Manager/City Attorney/Community Development Director			
Date Submitted:	July 3, 2018			
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Yes			
Description of Item: First reading and public hearing on Resolution 2018-043 approving the first amendment to the developer's agreement – Petitioner: Lake Saunders Groves Land, LLP. The second reading will be held on, July 26, 2018.				
Action to be Taken: Approve Resolution 2018-043.				
Staff's Recommendation: Approval.				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent agenda: _____
Mayor

RESOLUTION 2018-043

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FIRST AMENDMENT TO MASTER DEVELOPMENT AGREEMENT FOR LAKE SAUNDERS GROVES LAND, LLP; PROVIDING FOR RECORDING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a PUD zoning ordinance and Master Development Agreement was approved by the City Commission on August 24, 2006 and recorded October 27, 2006 in Official Records Book 3291, Pages 1582 - 1601, public records of Lake County, Florida; and

WHEREAS, the Owner, Lake Saunders Groves Land, LLP, filed a petition with the City to extend the Term of Agreement; and

WHEREAS, the City Commission desires to grant an extension; and

WHEREAS, public notice has been provided for two public hearings as required by law.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. First Amendment to Master Development Agreement.

Approval of the First Amendment to Master Development Agreement, a copy of which is attached hereto, for the real property described in **Exhibit A** attached hereto is APPROVED.

Section 2. The First Amendment to Master Development Agreement shall be recorded in the public records of Lake County, Florida, immediately upon adoption.

Section 3. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this ____ day of _____, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk

Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Lewis	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Ranize	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

Record and Return to:
City of Fruitland Park
Attn: City Clerk
506 W. Berckman Street
Fruitland Park, Florida 34731

FIRST AMENDMENT TO MASTER DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into and made as of the ____th day of _____, 2018, between the CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation, (hereinafter referred to as the "City"), and Lake Saunders Groves Land, LLP., a Florida limited liability partnership (hereinafter referred to as the "Owner").

WHEREAS, the City and Owner executed that certain Master Development Agreement dated August 24, 2006 which is attached hereto as Exhibit "A" and incorporated herein by reference for the purpose of addressing issues related to the development of real property (referred to herein as the "Property");

WHEREAS, the Owner filed a petition with the City to extend the Term of Agreement;

WHEREAS, the City conducted an analysis with respect to the proposed development of the Property and, on the basis thereof, determined that it was feasible to provide an extension to the Term of Agreement; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the parties agree as follows:

RECITALS

1. The above recitals are true and correct, are incorporated herein by reference and form a material part of this First Amendment. All exhibits to this First Amendment are incorporated herein by reference, including the Master Development Agreement attached hereto, and form a material part of this First Amendment.

2. Term of Agreement. The term of this Agreement shall commence on the date this Agreement is executed by both the City and Owner. Implementation of the project shall substantially commence within 48 months of approval of this Agreement. In the event that the conditions of the Master Development Agreement have not been substantially implemented during the required time period, the Term of Agreement may be extended by mutual consent of the City and the Owner provided the extension request is filed 90 days prior to the expiration date. Failure to file a timely extension request, the PUD shall be null and void.

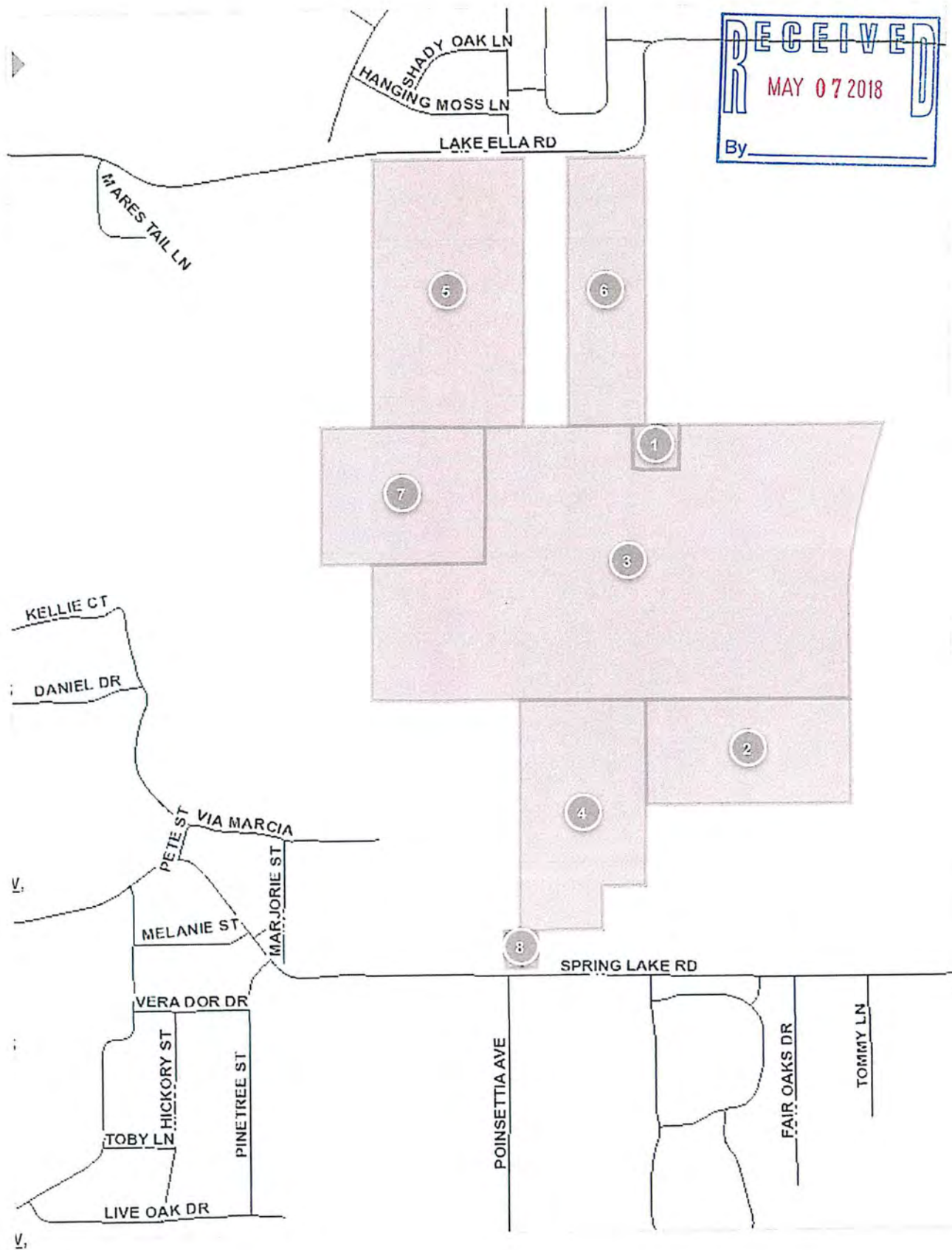
IN WITNESS WHEREOF, the Owner and the City have caused this First Amendment to be duly executed by the duly authorized representatives as of the day and year first above written.

Notary Public

Notary Public - State of Florida

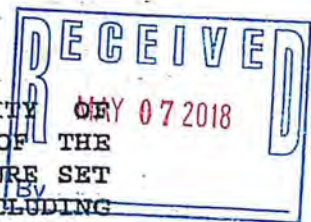
Commission No _____

My Commission Expires _____



CFN 2006160337
Blk 03291 Pgs 1582 - 1601: (20pgs)
DATE: 10/27/2006 09:42:09 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 171.50

ORDINANCE 2006-013



AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, BY INCLUDING WITHIN THE CITY APPROXIMATELY 135.621± ACRES OF PROPERTY GENERALLY LOCATED BETWEEN LAKE ELLA ROAD AND SOUTH TO SPRING LAKE ROAD; REZONING THE PROPERTY FROM COUNTY "A" (AGRICULTURE) TO "PUD" (PLANNED UNIT DEVELOPMENT/RESIDENTIAL) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT REGARDING THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from applicant, Lake Saunders Groves Land, LLP, as owners, requesting that real property be annexed to and made a part of the City of Fruitland Park, and rezoned from Lake County "A" (Agriculture), to "PUD" (Planned Unit Development/Residential) within the city limits of Fruitland Park; and

WHEREAS, the petition bears the signature of all required parties; and

WHEREAS, the property is contiguous to the City of Fruitland Park and reasonably compact; and

WHEREAS, the required notice of the proposed annexation has been properly published;

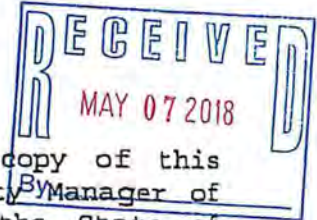
NOW, THEREFORE, be it ordained by the City Commission of the City of Fruitland Park, Florida:

Section 1. The following described property consisting of approximately 135.621+/- acres generally located between Lake Ella Road south to Spring Lake Road and contiguous to the City Limits, is hereby incorporated into and made a part of the City of Fruitland Park.

See Attached Exhibit "A"

The property annexed in this section shall be assigned a zoning designation of "PUD" (Planned Unit Development/Residential) and shall be developed according to the Master Development Agreement attached hereto as Exhibit "B," which includes, but is not limited to, the "Lake Saunders Conceptual Site Plan" prepared by Kimley-Horn and Associates, Inc.

Return To:
City Clerk
City of Fruitland Park
506 W. Berckman St.



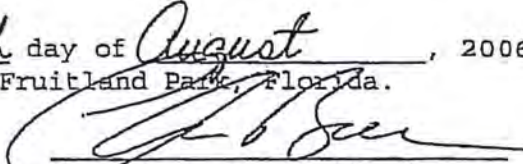
Section 2. The City Clerk shall forward a certified copy of this Ordinance to the Clerk of the Circuit Court, the County ^{By} ~~Manager~~ of Lake County Florida, and the Secretary of State of the State of Florida within seven days after its passage on second and final reading.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

Section 4. The property annexed in this Ordinance is subject to the Land Use Plan of the Lake County Comprehensive Plan and county zoning regulations until the City adopts the Comprehensive Plan Amendment to include the parcel annexed in the City Comprehensive Plan.

Section 5. This Ordinance shall become effective immediately upon passage.

PASSED AND ORDAINED this 24th day of August, 2006, by the City Commission of the City of Fruitland Park, Florida.


Christopher J. Bell, Mayor

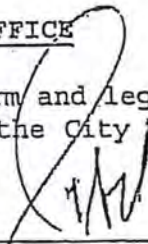



Linda S. Rodrick, City Clerk

Passed First Reading July 13, 2006
Passed Second Reading August 24, 2006

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Fruitland Park, Florida.

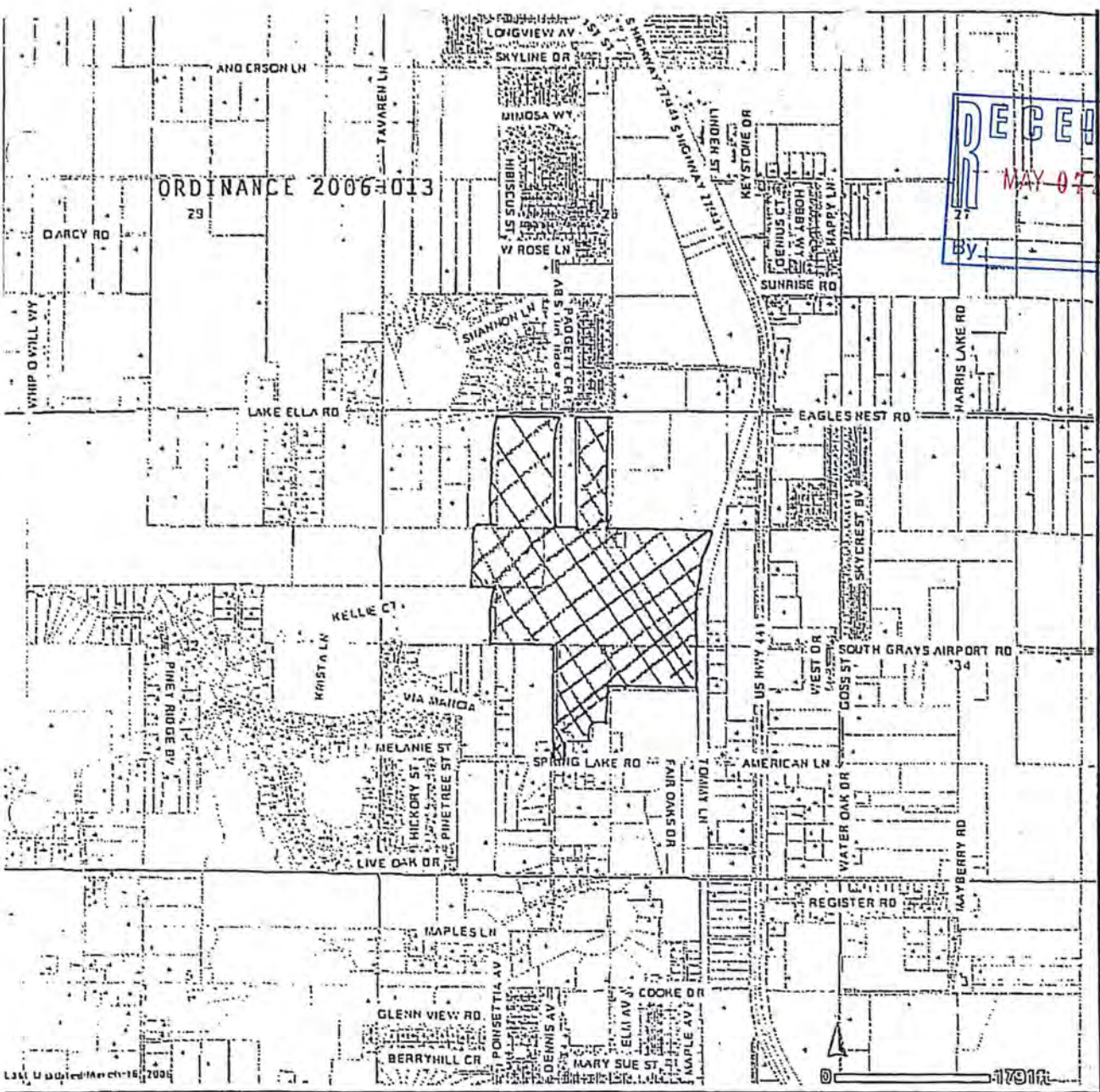



























Scott A. Gerken, City Attorney

Date 8/24/06

ORDINANCE 2006-013

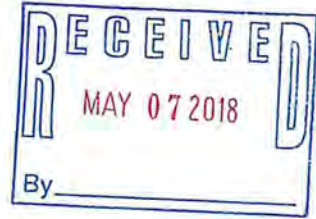
RECEIVED
MAY 07 2018
By: _____



 LAKE APOPKA LCR	LEGEND	 WIMECOLA
 PARCELS	 ASTAI JLA	 MONTERCE
 STRUCTURES-ADDRESS	 CLERMONT	 MOUNT DORA
 COUNTY PROPERTY	 EUSTIS	 TAVARES
 STREETS	 FRUITLAND PARK	 JUALLA
 CITY LIMITS	 GROVELAND	 SECTIONS
 WATER	 HEWLETTHEILLS	 LAKES
	 LADY LAKE	 COUNTY BOUNDARY
	 LEESBURG	
	 VASCOVILLE	
	 WATER	

The quality of this image is equivalent to the quality of the original document.

EXHIBIT "A"
Legal Description.



PARCEL 1:

The SW¹/₄ of the SW¹/₄; the East $\frac{1}{2}$ of the SE¹/₄ of the SW¹/₄; LESS the West 120 feet of the South 230 feet; the North 25 feet of the West 205 feet of the SW¹/₄ of the SE¹/₄ of the SW¹/₄; the North 512 feet of the NE¹/₄ of the SW¹/₄ of the SE¹/₄; and the West 205 feet of the South 110 feet of the NE¹/₄ of the SE¹/₄ of the SE¹/₄ of Section 29, Township 18 South, Range 24 East.

PARCEL 2:

The East 60 feet of the North 210 feet of the SW¹/₄ of the NE¹/₄ and the West 160 feet of the North 210 feet of the SW¹/₄ of the NE¹/₄ of Section 33 Township 18 South, Range 24 East.

PARCEL 3:

- Begin at the Northwest corner of the SW¹/₄ of the NE¹/₄ of Section 33, Township 18 South, Range 24 East, run thence East 1254 feet, thence South 210 feet, thence East 226 feet, thence North 210 feet, thence East to the westerly right of way of the railroad, thence Southerly along said railroad right of way to the South line of the SW¹/₄ of the NE¹/₄, thence West to the Southwest corner of the SW¹/₄ of the NE¹/₄, thence North 1320 feet to the point of beginning, LESS the West 550 feet of the North $\frac{1}{2}$ of the SE¹/₄ of the NE¹/₄ of Section 33, Township 18 South, Range 24 East.

PARCEL 4:

- Begin at the Northeast corner of the NE¹/₄ of the SW¹/₄ of Section 33, Township 18 South, Range 24 East, run thence South 900.5 feet, thence West 209.53 feet, thence South 209.88 feet, thence West 400.12 feet, thence North 1092.88 feet, thence East 610 feet to the point of beginning.

PARCELS:

The North 511 feet of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 33, Township 18 South, Range 24 East, lying West of the Railroad.

LESS a strip of land of Equal Width 40.0 feet wide off of the entire North side of the following described parcel 6:

PARCEL 6:

The Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 33, Township 18 South, Range 24 East, Lake County, Florida.

LESS

~~... (mirrored text from the 'LESS' section above) ...~~

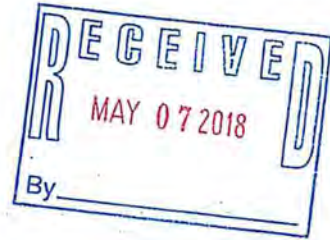
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ALL OF THE ABOVE DESCRIBED PROPERTIES ARE LOCATED IN LAKE COUNTY, FLORIDA.

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LESS the North 40 feet thereof for right-of-way of Lake Ella Road.

EXHIBIT "A"
Legal Description (Continued)



AND LESS

Commence at the Northeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 33, Township 18 South, Range 24 East, in Lake County, Florida, and run South 07°33'40" West along the North line of the Northwest 1/4 of the Northwest 1/4 a distance of 380.35 feet to the Point of Beginning of this description; from said Point of Beginning, run South 00°02'24" West, 1326.45 feet to a point on the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 33; thence South 09°51'10" West along the South line of the Northeast 1/4 of the Northwest 1/4 of the Northwest 1/4 of said Section 33 a distance of 207.28 feet; thence North 00°02'26" East, 1326.72 feet to a point on the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 33; thence North 00°30'40" East along the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 33 a distance of 209.29 feet to the Point of Beginning. LESS the North 400 feet thereof for right-of-way of Lake Ella Road. LESS Commence at the Northeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 33, Township 18 South, Range 24 East, in Lake County, Florida, and run South 03°30'40" West along the North line of the Northwest 1/4 of the Northwest 1/4 a distance of 380.35 feet to the Point of Beginning of this description; from said Point of Beginning, run South 00°02'24" West, 1326.45 feet to a point on the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 33; thence South 09°51'10" West along the South line of the Northeast 1/4 of the Northwest 1/4 of the Northwest 1/4 of said Section 33 a distance of 167.79 feet; thence North 00°02'26" East, 1326.67 feet to a point on the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 33; thence North 00°30'40" East along the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 33 a distance of 169.39 feet to the Point of Beginning. LESS the North 40 feet thereof for right-of-way of Lake Ella Road.

TOGETHER WITH

PARCEL 7:

The South 209.88 feet of the West 157.5 feet of the East 682.5 feet of the NE 1/4 of the SW 1/4 of Section 33, Township 18 South, Range 24 East, Public Records of Lake County, Florida.

PARCEL 8:

The East 240 feet of the North 1/4 of the Southwest 1/4 of the Northwest 1/4 and the West 550 feet of the North 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 33, Township 18 South, Range 24 East, Lake County, Florida.

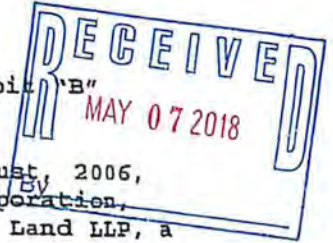
ALL OF THE ABOVE DESCRIBED PROPERTIES ARE LOCATED IN LAKE COUNTY, FLORIDA:

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The quality of this image is equivalent to the quality of the original document.

MASTER DEVELOPMENT AGREEMENT

Exhibit "B"



THIS AGREEMENT entered into and made as of the 24th day of August, 2006, between the CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation, (hereinafter referred to as the "City"), and Lake Saunders Groves Land LLP, a Florida limited liability partnership, (hereinafter referred to as the "Owner/Developer").

RECITALS

1. The Owner/Developer desires to annex into the City of Fruitland Park approximately 135 acres of property currently located in unincorporated Lake County, Florida, described and depicted as set forth on Exhibit "A" attached to and incorporated in this Agreement (hereafter referred to as the "Property").

2. The Property is currently located in unincorporated Lake County, Florida, and is currently zoned "Agriculture" with a future land use designation on the Lake County Future Land Use Map of "Urban."

3. Owner/Developer has filed applications for annexation, rezoning, and amendment to the City's Comprehensive Plan for the Property as a residential planned unit development.

4. Owner/Developer represents that it is the sole legal owner of the Property and that it has the full power and authority to make, deliver, enter into, and perform pursuant to the terms and conditions of this Agreement and has taken all necessary action to authorize the execution, delivery, and performance of the terms and conditions of this Agreement.

5. The City of Fruitland Park has determined that the annexation of the Property and the proposal for its development presents, among other things, an opportunity for the City to secure quality planning and growth, protection of the environment, and a strengthened and revitalized tax base.

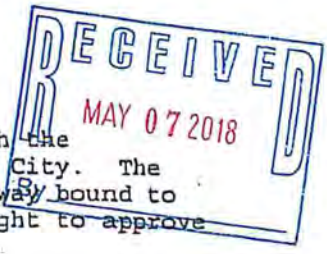
6. Owner/Developer will fund certain public improvements and infrastructure to facilitate the development of the Property.

7. The Property is within the City's Chapter 180, Florida Statutes, utility district, and Owner/Developer has requested and City desires to provide water and sewer as well as other municipal services to the Property.

ACCORDINGLY, in consideration of the mutual benefits and the public interest and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Section 1. Recitals. The above recitals are true and correct, are hereby incorporated herein by reference, and form a material part of this Agreement. All exhibits to this Agreement are hereby deemed a part thereof.

Section 2. Conditions Precedent. Owner/Developer has filed an application for voluntary annexation, and the City has initiated the process to approve this Agreement and to annex the Property in accordance with the laws of the State of Florida. It is understood and agreed to by the City and the Owner/Developer that this Agreement shall not be binding or enforceable as to any party unless and until: a) the City duly adopts the Agreement and adopts an ordinance annexing the Property into the corporate limits of the City; and b) City's comprehensive plan amendment implementing or related to the Agreement is found



in compliance by the state land planning agency in accordance with the applicable Florida Statutes and such plan amendment is adopted by City. The parties hereto understand and acknowledge that the City is in no way bound to annex the Property. The City shall have the full and complete right to approve or deny the application for voluntary annexation.

Section 3. Land Use/Development. Development of the Property shall be substantially consistent with the "Lake Saunders Conceptual Site Plan" prepared by Kimley-Horn and Associates, Inc., dated July 31, 2006 and attached as Exhibit "B" (the "Plan"). All development shall be consistent with City's "PUD" (Planned Unit Development/Residential) zoning district and, subject to City approval after public hearings and DCA approval, City's Single Family Medium Density Residential land use category for the portion of the Property generally lying westward of the 12.82 acre lake as depicted on the Plan, and Multiple Family High Density Residential for the portion of the Property generally lying eastward of the 12.82 lake as depicted on the Plan. As set forth further below, all land use issues addressed herein must be adopted by City through its regular procedures and approved by DCA before being effective.

Section 4. Density. Overall gross density for the Property shall not exceed 4.01 units per acre. Gross acreage is approximately 135 acres and the maximum density shall not exceed 542 units. However, the density on the eastern portion of the Property shall be greater to allow for a transition from commercial and industrial areas to the east to the single family areas to the west.

Section 5. Phasing. Owner/Developer may develop the Property in five (5) separate phases, and shall not proceed to develop subsequent phases until the infrastructure of the previous phase is 75% completed. If Owner/Developer chooses to develop phases simultaneously, Owner/Developer shall, after acquiring the written consent of the City Manager to do so, not be subject to the above 75% build-out requirement.

Owner/Developer shall construct single-family homes during Phases 1 and 2, and shall construct condominiums and/or townhomes during Phases 3 and 4. During Phase 5, Owner/Developer shall develop either additional townhomes, condominiums, or an assisted living facility. In the event Owner/Developer seeks to provide an assisted living facility within the Property, Owner/Developer may amend this phasing schedule to provide such assisted living facility in any phase of the development. The Phases are more specifically set forth below and are demarcated accordingly on the Plan.

- A. Phase I: Single Family Dwelling Units
Number of units: 82
- B. Phase II: Single Family Dwelling Units
Number of units: 76
- C. Phase III: Condominiums and/or Townhomes
Number of units: 80
- D. Phase IV: Condominium and/or Townhomes
Number of units: 64
- E. Phase V: Condominiums, Townhomes, and/or Assisted Living Facility
Number of units: 240

Section 6. Development Standards. City and Owner/Developer agree that the unit mix for development of the Property shall be substantially as follows:



A. Single Family Dwelling Unit

- i. Minimum Building Setbacks
 - a. Front: 20 feet
 - b. Side: 5 feet
 - c. Rear: 15 feet
- ii. Minimum Living Area: 1,200 SF
- iii. Minimum Lot Width: 60 feet
- iv. Minimum Lot Area: 8,500 SF
- v. Maximum Building Coverage: 40%
- vi. Minimum Open Space: 25%

B. Townhomes and Condominiums

- i. Minimum Building Setbacks
 - a. Front: 20 feet
 - b. Side: 10 feet (between building pads)
 - c. Side: 12.5 feet (building to street)
 - d. Side: 0 feet (between units)
 - e. Rear: 15 feet
- ii. Minimum Living Area: 600 SF
- iii. Minimum Lot Width: 15 feet
- iv. Minimum Lot Area: 1,500 SF
- v. Maximum Building Coverage: 45%
- vi. Minimum Open Space: 25%

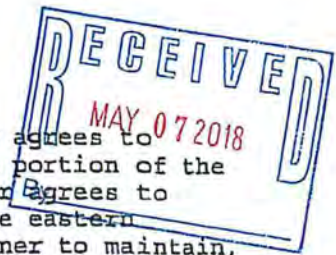
C. Assisted Living Facility

In the event that Owner/Developer chooses to develop an Assisted Living Facility within the Property, such portion of the development shall be treated as a commercial building within the City's C-1 zoning district, and City shall require Owner/Developer to follow a separate site plan approval process. Further, any such facility shall comply with all Land Development Regulations applicable to assisted living facilities contained within the City's C-1, Commercial zoning district.

D. Building Heights. The maximum building height within the Property is 35 feet.

E. There shall be no apartments or multi-family rental units constructed within the Property. All units within the Property shall be subject to individual fee simple ownership.

Section 7. Homeowners Association. Owner/Developer shall establish a homeowners association, which shall be responsible for maintenance of common areas and infrastructure within the Property, including, but not limited to, parks and recreation areas, stormwater retention, open space areas, and common areas. Owner/Developer agrees to, at Owner/Developer's expense, provide landscaping and improvements to the park and recreation areas located within the Property as agreed to by City at site plan approval. Owner/Developer shall record declarations satisfactory to City setting forth these requirements and detailing assessments in conjunction with the platting of the Property.



Section 8. Pedestrian and Bicycle Trails. Owner/Developer agrees to construct sidewalks to City standards on at least one side of a portion of the right of way within the Property. Additionally, Owner/Developer agrees to dedicate a 15-foot pedestrian and bicycle trail along the entire eastern boundary of the Property and to maintain, or require the homeowner to maintain, this area until and unless another entity suitable to City accepts maintenance responsibility. In this regard, if requested by City, Owner/Developer agrees to deed said property to City or some other entity in conjunction with the use of that area as a pedestrian/bicycle trail. City agrees that this area shall be counted in determining setbacks for the Property, provided that no improvements are constructed within the area that would conflict with the intended use as a pedestrian or bicycle trail. The pathways shall be separated from any and all roadway in a manner sufficient to ensure the maximum level of safety for those using such pathways. Further, the pathways, shall be located within the area so as not to interfere or obstruct the installation and maintenance of utilities and shall be in addition to any other City of Fruitland Park Land Development Regulations requirements.

Section 9. Road Improvements. Owner/Developer shall be responsible for conducting a traffic study, and subsequently designing and constructing all transportation improvements based on such study. The City shall, under no circumstances, be financially responsible for the study and/or improvements.

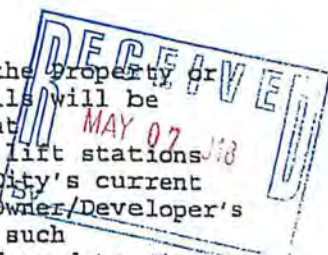
Owner/Developer agrees to construct Street "B," as depicted on the Plan as a two lane road in compliance with City standards, extending from the eastern portion of the Property eastward to U.S. Highway 441/U.S. Highway 27. Further, and to avoid detrimental impacts to those residents located to the west of the Property and north of Spring Lake Road, Owner/Developer agrees to install and maintain a gate to ensure that residents of the Multi-Family area of the Property depicted on the Plan use only Street "B" for ingress and egress to U.S. Highway 27. However, such installed gate must be designed in a manner sufficient to ensure police and fire rescue personnel's ability to bypass such gate whenever necessary.

City acknowledges that the construction of such roadway is contingent upon the acquisition of right of way. Accordingly, Owner/Developer agrees to undertake all measures reasonably necessary to acquire such needed public right of way acceptable to City. In the event that Owner/Developer, after exhausting all reasonable attempts to do so, is unable to acquire such right of way necessary for construction of Street "B" extending to U.S. Highway 27, Owner/Developer shall be prohibited from developing the Multi-Family portion of the Plan without approval from the City Commission, which approval may be conditioned upon satisfactory alternatives provided for ingress and egress and/or a reduction in density. All roads shall be constructed in accordance with applicable City standards. Additionally, Developer shall provide stormwater retention associated with the roads either within the right-of-way or on the Property.

Section 10. Lighting. Owner/Developer shall submit a site lighting plan in conjunction with the final site plan submittal for the Property for City approval. All exterior lighting shall be arranged to reflect light away from single-family residences and townhouses to the greatest extent possible while providing lighting adequate to ensure safety on road right of way. The poles and street lights within the Property shall be installed by Owner/Developer and thereafter maintained by the HOA.

Section 11. Water, Wastewater, and Reuse Water. Owner/Developer and their successors and assigns agree to obtain water, reuse water, irrigation water, and wastewater service (hereafter, "Utilities") exclusively through purchase from City when available. Owner/Developer covenants and warrants to City that it

will not engage in the business of providing such Utilities to the Property or within City's F.S. Chapter 180 utility district. No private wells will be allowed within the Property. Owner/Developer shall construct, at Owner/Developer's expense, all on-site utility facilities (e.g. lift stations and lines) as well as pay for the extension of facilities from City's current point of connection. Owner/Developer shall also construct, at Owner/Developer's expense, "dry" utility lines for reclaimed water purposes. All such improvements must be constructed to City requirements and transferred to City as a contribution in aid of construction.



Section 12. Impact Fees. Owner/Developer shall be required to pay impact fees as established by City from time to time. Owner/Developer agrees to prepay the water and wastewater impact fees for the Property less the prorated value of impact fee credits for the wastewater treatment plant expansion site provided for in Section 15, herein, at the time of plat approval by City corresponding to the number of units in such plat.

Owner/Developer agrees to pay all other impact fees, including parks and recreation, police and fire rescue and any impact fees adopted after the execution of this Agreement for all units as building permits are issued for such units at the then existing rate. If impact fees increase from the time they are paid until the building permit is issued, Owner/Developer shall pay the incremental increased amount at the time building permits are issued. Prepayment of utility impact fees and acceptance by City of such fees shall reserve capacity for the prepaid units. No capacity is reserved until or unless such fees have been paid pursuant to an agreement with City. Owner/Developer agrees and understands that no capacity has been reserved and that Owner/Developer assumes the risk that capacity will be available. Accordingly, if capacity is available at the time of platting and City is willing to allocate such capacity to Owner/Developer, Owner/Developer shall enter into a reservation agreement and any other utility agreements or easements related to the Property as requested by City from time to time.

Section 13. Wastewater Treatment Plant Expansion Site. Owner/Developer acknowledges that the City of Fruitland Park may expand its existing Wastewater Treatment Plant located on Spring Lake Road, adjacent to the Property. In order to facilitate such expansion and upon request by City, Owner/Developer agrees to deed 6 acres as depicted on the Plan along the southern portion of the Property to City for City's use in expanding the Wastewater Treatment Plant. Owner/Developer shall deliver marketable title free of any mortgages or liens of any kind. In order for City to credit Owner/Developer with impact fee credits for the donated land, City and Owner/Developer shall each obtain appraisals for the assessed value of the land at the time of donation. In the event that the parties cannot agree to a value of the donated land, a third appraiser shall be obtained to provide its assessed value. The value provided by the third appraiser shall be that used in providing impact fee credits to Owner/Developer. Until such time as City takes ownership, such property shall be maintained as a vegetative buffer by Owner/Developer. Owner/Developer agrees to adjust the size and location of the area as reasonably needed by City.

Section 14. Easements. Owner/Developer shall provide the City such easements or right of way in form acceptable to the City Attorney, as the City deems necessary for the installation and maintenance of roads, sidewalks, bikeways, street lighting or utility services, including but not limited to sewer, water, drainage and reclaimed water services.

Section 15. Landscaping/Buffers. Developer has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner/Developer shall install landscaping as depicted on a

landscaping site plan submitted to the City for review and approval prior to such installation.

Owner/Developer shall, at its sole expense, install underground irrigation systems on all common areas of the Property, as well as exercise any other measures reasonably necessary to ensure the long-term maintenance of the landscaping.

Owner/Developer shall design and construct, at its sole expense, the interior landscaped areas and islands within the common and parking areas of the Property in accordance with all applicable City of Fruitland Park Land Development Regulations. Owner/Developer shall maintain such areas until such maintenance responsibility has been assumed by the HOA.

Owner/Developer acknowledges City's goal of achieving a greater level of tree preservation within the City. In aid of such goal, Owner/Developer agrees to comply with all applicable City of Fruitland Park Land Development Regulations pertaining to tree removal and replacement.

Owner/Developer agrees to construct all landscape buffers as required by City's Land Development Regulations. Developer further agrees to provide additional buffering along the southern portion of the Property as is reasonably requested by City to buffer the Property from the residents located along Spring Lake Road.

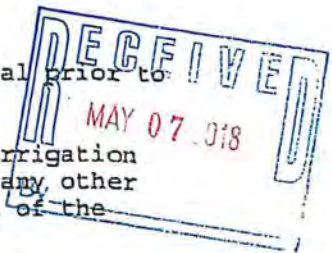
Section 16. Stormwater Management. Owner/Developer agrees to provide at Developer's expense a comprehensive stormwater management system consistent with all regulatory requirements of the City and the St. John's River Water Management District. Impacts to flood plains are allowed in accordance with the Water Management District procedures for compensating storage and will be based on the 100-year floodplain established by Lake County.

Section 17. Other Municipal Facilities/Services. Upon annexation, the City hereby agrees to provide, either directly or through its franchisees or third party providers, police and fire protection, emergency medical services, and solid waste collection, disposal, and recycling services to the Property under the same terms and conditions and in the same manner as are afforded to all other residential property owners within the City.

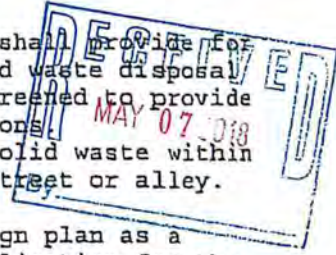
Section 18. Concurrency. A complete concurrency study conforming to the City of Fruitland Park Land Development Regulations will be required prior to any preliminary plat approvals or construction plan approvals. The Owner/Developer shall ensure that all traffic concurrency areas conducted reflect all approved development in the area. Further, Owner/Developer acknowledges that City is in the process of adopting an ordinance relating to Proportionate Share Mitigation. Accordingly, Owner/Developer agrees that it shall be subject to such ordinance, even if adopted after the effective date of this Agreement.

Section 19. Final Site Plan Approval. After the approved Conceptual Site and Developer's Agreement Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a preliminary plat, construction plans, and a Final Site Plan for the development shall be prepared and submitted for review and approval in the manner required by the City's Land Development Code, as amended.

Section 20. Environmental Considerations. The Owner/Developer agrees to comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.



Section 21. Solid Waste Disposal Facilities. Owner/Developer shall provide for the townhomes, condominiums, and assisted living facility solid waste disposal facilities that are adequately constructed, maintained, and screened to provide safe and non-disruptive refuse collection and disposal operations. Owner/Developer agrees that collection and transportation of solid waste within the Property shall not require any vehicles to back into any street or alley.



Section 22. Signage. Owner/Developer shall submit a master sign plan as a component of the final site plan (i.e., construction plan) application for the Property. Such plan shall be in compliance with all applicable regulations contained within the City of Fruitland Park Land Development Regulations, unless City grants a waiver or variance pursuant to the City's Land Development Regulations.

Section 23. Title Opinion. Owner/Developer shall provide to City, in advance of the City's execution of this Agreement, a title opinion of an attorney licensed in the State of Florida, or a certification by an abstractor or title company authorized to do business in the State of Florida, showing marketable title to the Property to be in the name of the Owner/Developer and showing all liens, mortgages, and other encumbrances not satisfied or released of record.

Section 24. Compliance with City Laws and Regulations. Except as expressly modified herein, all development of the Property shall be subject to compliance with the City Land Development Regulations and City Code provisions, as amended, as well as regulations of county, state, local, and federal agencies. All improvements and infrastructure shall be constructed to City standards.

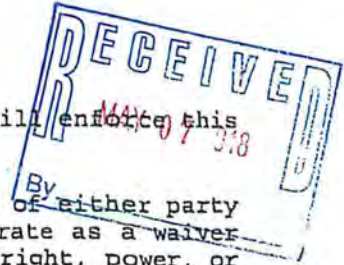
Section 25. Due Diligence. The City and Owner/Developer further agree that they shall commence all reasonable actions necessary to fulfill their obligations hereunder and shall diligently pursue the same throughout the existence of this Agreement. The City shall further provide all other municipal services to the Property as are needed by Owner/Developer from time to time in accordance with the City's applicable policies for the provision of said services.

Section 26. Enforcement/Effectiveness. A default by either party under this Agreement shall entitle the other party to all remedies available at law or as set forth in Section 163.3243, Florida Statutes. However, both parties acknowledge that any land use or development provisions of this Agreement shall not be effective or implemented unless and until the amendment to the City's comprehensive plan is found in compliance by the Florida Department of Community Affairs ("DCA") or any subsequent state agency serving as the state land planning agency, as set forth in Chapter 163, Florida Statutes. No development orders will be issued by City and no construction can occur until the necessary comprehensive plan amendment is adopted by City and approved by DCA.

Section 27. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Florida and venue for any action hereunder shall be in the Circuit Court of Lake County, Florida.

Section 28. Binding Effect; Assignability. This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their assigns. This Agreement shall be assignable by the Owner/Developer to successive owners. Owner/Developer shall, however, provide written notice to the City of any and all such assignees. The rights and obligations set forth in this Agreement shall run with the land and be binding on all successors and/or assignees. Owner/Developer consents to the placement of a claim of lien on the property upon default in payment of any obligation herein without precluding any

other remedies of City. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

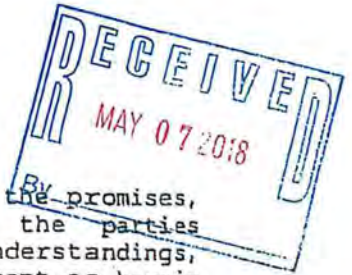


Section 29. Waiver; Remedies. No failure or delay on the part of either party in exercising any right, power, or privilege hereunder will operate as a waiver thereof, nor will any waiver on the part of either party or any right, power, or privilege hereunder operate as a waiver of any other right, power, privilege hereunder, not will any single or partial exercise of any right, power, or privilege hereunder preclude any other further exercise thereof or the exercise of any other right, power, or privilege hereunder.

Section 30. Exhibits. All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

Section 31. Notice. Any notice to be given shall be in writing and shall be sent by certified mail, return receipt requested, to the party being noticed at the following addresses or such other address as the parties shall provide from time to time:

As to City:	Mr. Ralph Bowers, City Manager City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone
Copy to:	Christopher J. Bell, City Mayor City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone Scott A. Gerken, Esquire City Attorney 4850 N. Highway 19A Mount Dora, FL 32757 352-357-0330 Telephone 352-357-2474 Facsimile
As to Owner/ Developer:	Lake Saunders Grove Land LLP c/o Grace Lindblom 1412 Colonial Drive Orlando, FL 32804
Copy to:	Kane Morris-Webster Colliers Arnold 622 E. Washington St., Suite 300 Orlando, FL 32801



Section 32. Entire Agreement. This Agreement sets forth all of the promises, covenants, agreements, conditions, and understandings between the parties hereto, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, express or implied, oral or written, except as herein contained. However, the failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve Owner/Developer from complying with the law governing said permitting requirements, conditions, terms or restrictions.

Section 33. Term of Agreement. The term of this Agreement shall commence on the date this Agreement is executed by both the City and Owner/Developer, or the effective date of the annexation of the Property, whichever occurs later, and shall terminate ten (10) years thereafter; provided, however, that the term of this Agreement may be extended by mutual consent of the City and the Owner/Developer, subject to a public hearing in accordance with the requirements of Section 163.3225, Florida Statutes.

Section 34. Amendment. Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 35. Severability. If any part of this Developer's Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not effect the other parts of this Developer's Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be effected. To that end, this Developer's Agreement is declared severable.

IN WITNESS WHEREOF, the Owner/Developer and the City have executed this Agreement as of the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness Signature

Print Name

Witness Signature

Print Name

By: Grace C Lindblom
Signature

GRACE C. LINDBLOM
Print Name

Signature

Print Name

STATE OF FLORIDA
COUNTY OF GRANGE

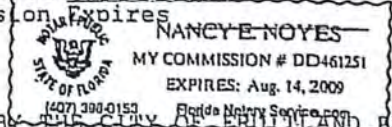
The foregoing instrument was acknowledged before me this 30th day of AUGUST by GRACE C. LINDBLOM and _____ who are personally known to me or who have produced _____ as identification and who did ~~(did not)~~ take

an oath.



Nancy E. Noyes By

Notary Public, State of Florida
Printed Name NANCY E. NOYES
Commission No _____
My Commission Expires _____



ACCEPTED BY THE CITY OF FRUITLAND PARK

Approved as to form and
Legality for use and reliance
by the City of Fruitland Park

By: _____
Christopher J. Bell, Mayor

Date: _____

ATTEST: _____
City Clerk

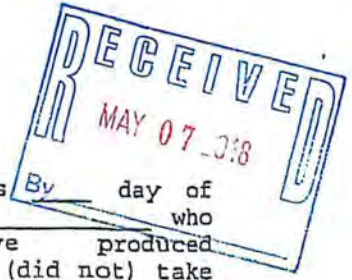
City Attorney

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this _____ day of _____ by _____, _____, City Clerk of the City of Fruitland Park, Florida, who are personally known to be me and they acknowledge executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Fruitland Park, Florida.

Notary Public, State of Florida
Printed Name _____
Commission No _____
My Commission Expires _____

STATE OF FLORIDA
COUNTY OF _____



The foregoing instrument was acknowledged before me this _____ day of _____ by _____ and _____ who are personally known to me or who have produced _____ as identification and who did (did not) take an oath.

Notary Public, State of Florida
Printed Name _____
Commission No _____
My Commission Expires _____

ACCEPTED BY THE CITY OF FRUITLAND PARK

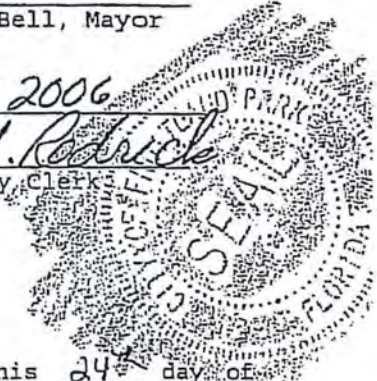
Approved as to form and
Legality for use and reliance
by the City of Fruitland Park

City Attorney

By:
Christopher J. Bell, Mayor

Date: August 24, 2006

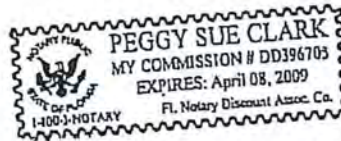
ATTEST: Linda S. Rodrick
City Clerk



STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 24th day of August, 2006 by Christopher J. Bell, Mayor and Linda S. Rodrick, City Clerk of the City of Fruitland Park, Florida, who are personally known to be me and they acknowledge executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Fruitland Park, Florida.

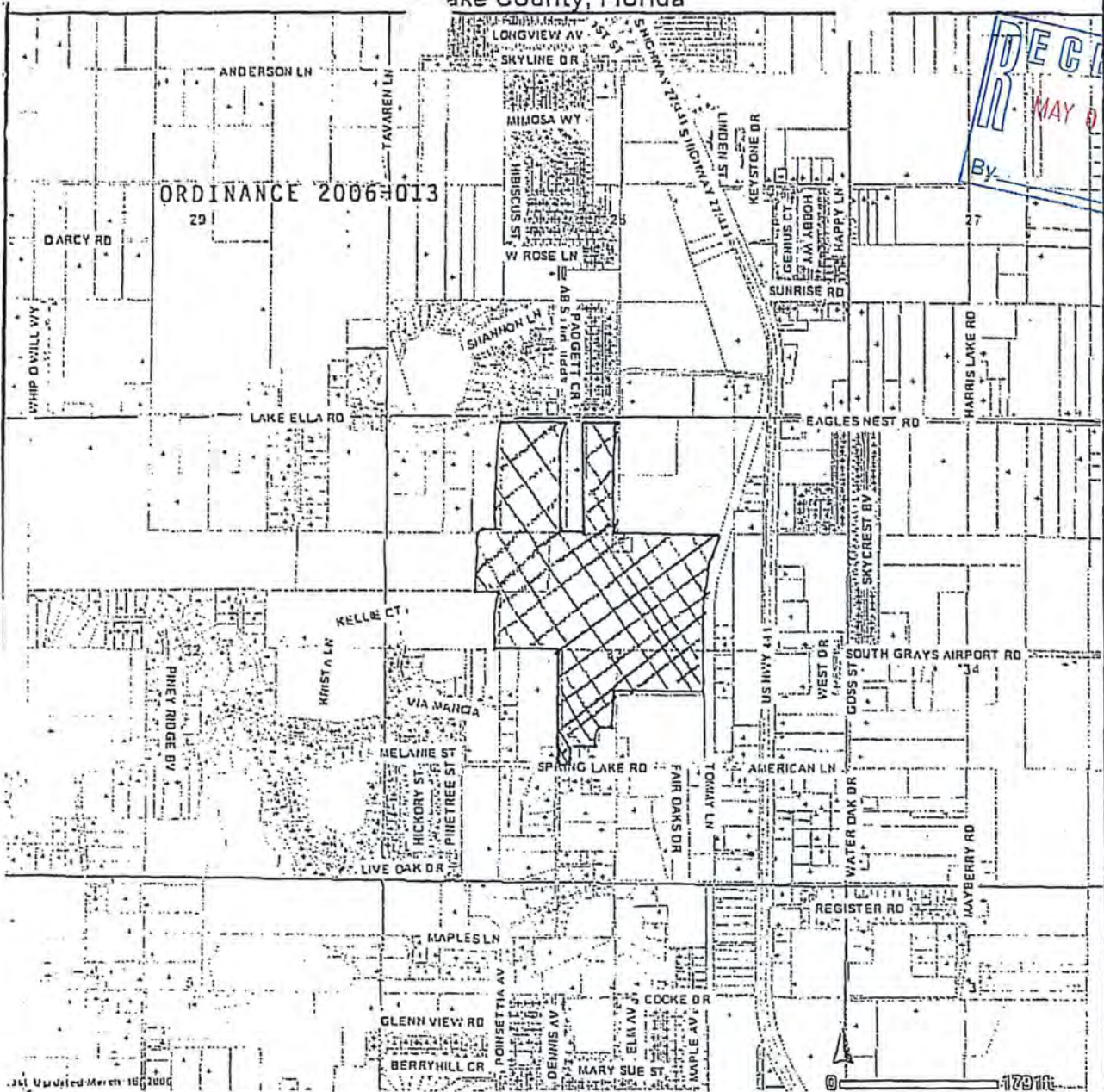
Notary Public, State of Florida
Printed Name Peggy Sue Clark
Commission No DD396703
My Commission Expires 4-8-09



Lake County, Florida

RECEIVED
MAY 07 2018
By _____

ORDINANCE 2006-013



Map Updated March 16, 2006

- | | | | | | |
|--|-------------------|--|-------------------|--|-----------------|
| | LAKE APOPKA LDR | | ASTALJA | | WINDOLA |
| | PARCELS | | CLEGGHNT | | MONTVERDE |
| | STRUCTURE ADDRESS | | ELSTIS | | MOUNT CORA |
| | COUNTY PROPERTY | | FRUITLAND PARK | | TAWRES |
| | STREETS | | GROVELAND | | JUALA |
| | CITY LIMITS | | HOWE IN THE HILLS | | SECTIONS |
| | SWC | | LADY LAKE | | LAKES |
| | | | LEESBURG | | COUNTY BOUNDARY |
| | | | MASCOTTE | | |
| | | | SWC | | |

The quality of this image is equivalent to the quality of the original document.

EXHIBIT "A"
Legal Description.



PARCEL 1:

The NW 1/4 of the SE 1/4; the East 1/2 of the SE 1/4 of the SW 1/4; LESS the east 120 feet of the South 130 feet; the North 25 feet of the West 205 feet of the SE 1/4 of the SW 1/4 of the SW 1/4; the North 542 feet of the NE 1/4 of the SE 1/4 of the SW 1/4; and the East 205 feet of the South 110 feet of the NE 1/4 of the SE 1/4 of the SW 1/4 of Section 29, Township 10 South, Range 24 East.

PARCEL 2:

The East 60 feet of the North 210 feet of the SE 1/4 of the NE 1/4 and the West 160 feet of the North 210 feet of the SW 1/4 of the NE 1/4 of Section 33 Township 10 South, Range 24 East.

PARCEL 3:

- Begin at the Northwest corner of the SE 1/4 of the NE 1/4 of Section 33, Township 10 South, Range 24 East, run thence East 125 1/2 feet, thence South 210 feet, thence East 226 feet, thence North 210 feet, thence East to the westerly right of way of the railroad, thence Southerly along said railroad right of way to the South line of the SE 1/4 of the NE 1/4, thence West to the Southwest corner of the SE 1/4 of the NE 1/4, thence North 1320 feet to the point of beginning, LESS the West 550 feet of the North 1/2 of the SE 1/4 of the NE 1/4 of Section 33, Township 10 South, Range 24 East.

PARCEL 4:

- Begin at the Northeast corner of the NE 1/4 of the SW 1/4 of Section 33, Township 10 South, Range 24 East, run thence South 900.5 feet, thence West 209.53 feet, thence South 209.83 feet, thence West 400.12 feet, thence North 1092.83 feet, thence East 510 feet to the point of beginning.

PARCEL 5:

The North 511 feet of the NW 1/4 of the SE 1/4 of Section 33, Township 10 South, Range 24 East, lying West of the Railroad.

LESS a strip of land of Equal Width 40.0 feet wide off of the entire North side of the following described parcel 6:

PARCEL 6:

The Northeast 1/4 of the Northwest 1/4 of Section 33, Township 10 South, Range 24 East, Lake County, Florida.

LESS

the North 40 feet thereof for right-of-way of Lake Mills Road.

The quality of this image is equivalent to the quality of the original document.

ALL OF THE ABOVE DESCRIBED PROPERTIES ARE LOCATED IN LAKE COUNTY, FLORIDA.

The quality of this image is equivalent to the quality of the original document.

Line of the Northeast 1/4 of the Northwest 1/4 of said Section 33; thence North 33°50'40" East along the North line of the Northeast 1/4 of the Northwest 1/4 a distance of 209.23 feet to the Point of Beginning.

EXHIBIT "A"
Legal Description (Continued)



AND LESS

Commence at the Northeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 33, Township 18 South, Range 24 East, in Lake County, Florida, and run South 87°23'40" West along the North line of the Northwest 1/4 of the Northwest 1/4 a distance of 380.35 feet to the Point of Beginning of this description; from said Point of Beginning, run South 80°02'26" West, 1326.45 feet to a point on the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 33; thence South 89°54'10" West along the South line of the Northeast 1/4 of the Northwest 1/4 a distance of 207.29 feet; thence North 00°02'26" East, 1326.72 feet to a point on the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 33; thence North 89°50'40" East along the North line of the Northeast 1/4 of the Northwest 1/4 a distance of 207.29 feet to the Point of Beginning. LESS the North 400 feet thereof for right-of-way of Lake Ella Road. LESS: Commence at the Northeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 33, Township 18 South, Range 24 East, in Lake County, Florida, and run South 89°50'40" West along the North line of the Northeast 1/4 of the Northwest 1/4 a distance of 380.35 feet to the Point of Beginning of this description; from said Point of Beginning, run South 80°02'26" West, 1326.45 feet to a point on the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 33; thence South 89°54'10" West along the South line of the Northeast 1/4 of the Northwest 1/4 a distance of 169.39 feet; thence North 00°02'26" East, 1326.67 feet to a point on the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 33; thence North 89°50'40" East along the North line of the Northeast 1/4 of the Northwest 1/4 a distance of 169.39 feet to the Point of Beginning. LESS the North 40 feet thereof for right-of-way of Lake Ella Road.

TOGETHER WITH

PARCEL 7:

The South 209.88 feet of the West 157.5 feet of the East 682.5 feet of the NE 1/4 of the SW 1/4 of Section 33, Township 18 South, Range 24 East, Public Records of Lake County, Florida.

PARCEL 8:

The East 240 feet of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 and the West 550 feet of the North 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 33, Township 18 South, Range 24 East, Lake County, Florida.

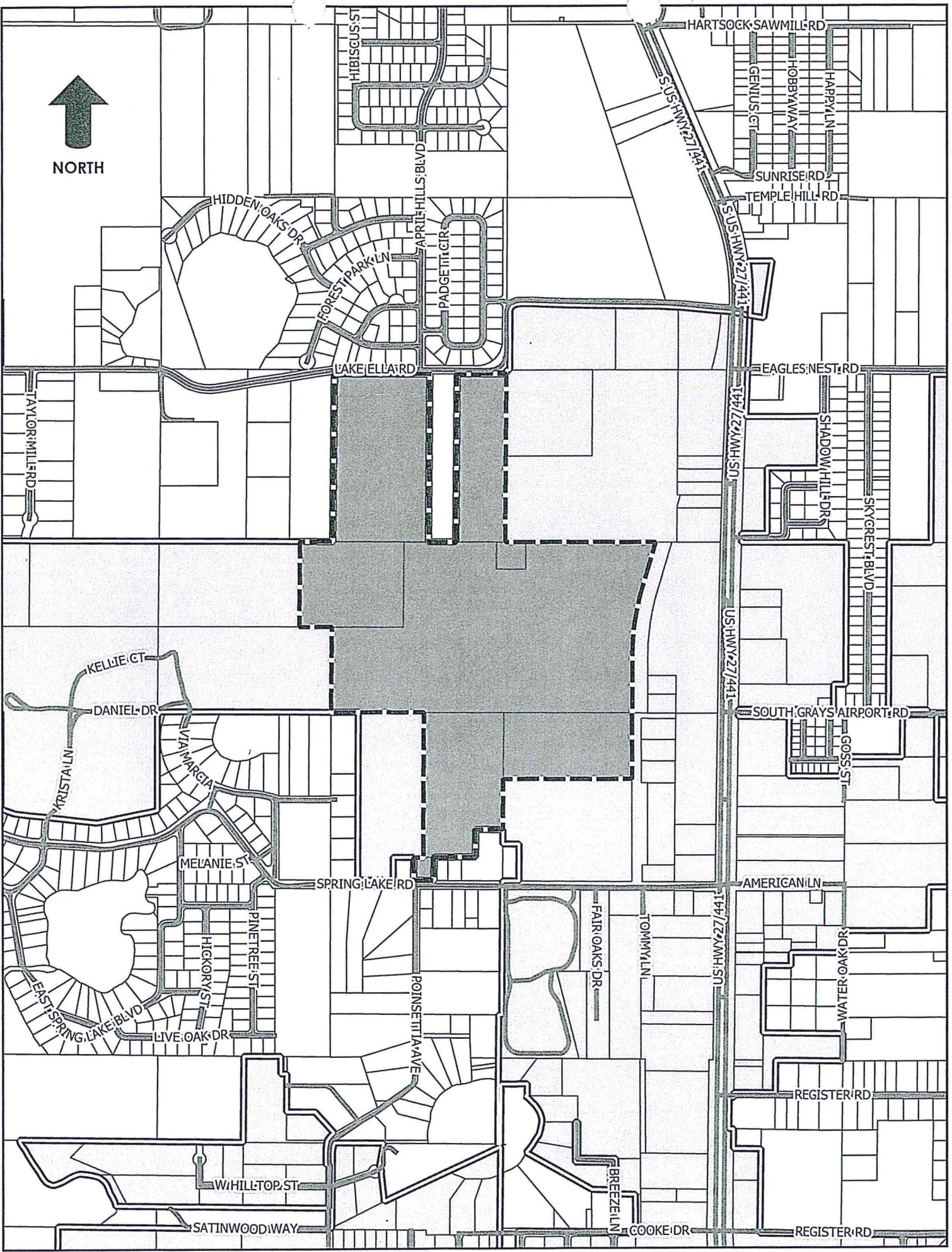
The quality of this image is equivalent to the quality of the original document.

ALL OF THE ABOVE DESCRIBED PROPERTIES ARE LOCATED IN LAKE COUNTY, FLORIDA:

The quality of this image is equivalent to the quality of the original document.



NORTH





**AGENDA ITEM
NUMBER**
4gh

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Quasi-Judicial Public Hearings			
For the Meeting of:	July 12, 2018			
Submitted by:	City Manager/City Attorney/Community Development Director			
Date Submitted:	July 2, 2018			
Are Funds Required:	<input type="checkbox"/>	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Yes			
Description of Items:	Explanation of the quasi-judicial process.			
Action to be Taken:				
Staff's Recommendation:				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

RESOLUTION 2004-014

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; RELATING TO QUASI-JUDICIAL HEARINGS; ESTABLISHING PROCEDURES FOR THE DISCLOSURE OF EX PARTE COMMUNICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute 286.0115 allows municipalities to remove the presumption of prejudice attached to ex parte communications with local public officials in quasi-judicial proceedings through the adoption of a resolution or ordinance establishing a process for the disclosure of such communications; and

WHEREAS, the City Commission of the City of Fruitland Park desires to implement the provisions of F.S. 286.0115 with respect to quasi-judicial proceedings which occur before the City Commission as well as city boards and committees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK:

Section 1. The following procedures shall apply with regards to any quasi-judicial matters before the City Commission or any board or committee of the City:

**Procedures for quasi-judicial hearings;
Disclosure of ex parte communications.**

(a) *Intent.* Pursuant to Section 286.0115(1), Florida Statutes, it is the intent of the city commission that this section is intended to remove the presumption of prejudice from *ex parte* communications with city officials and to permit, among other things, site visits, the receipt of expert opinion, and the review of mail and other correspondence relating to quasi-judicial proceedings by said city officials. .

(b) *Definitions.* As used in this section, the following terms shall be defined as follows:

- (1) "City official" means and refers to any elected or appointed public official holding a municipal position or office who recommends or takes quasi-judicial action as a member of a city board, commission, or committee, including, but not limited to, a member of the city commission, the code enforcement board, the planning and zoning board, or the local planning agency.
- (2) "*Ex parte* communication" means a communication involving a city official and a member of the public, regarding a pending quasi-judicial action, such that the city official may be exposed to only one perspective

or part of the evidence with regard to a quasi-judicial action pending before the commission or board on which the city official serves. *Ex parte* communications occur at other than a public meeting of the board on which the city official serves at which the quasi-judicial action discussed has been publicly noticed.

- (3) "Member of the public" refers to any person interested in a quasi-judicial action, including, but not limited to, an applicant, an officer or member of a homeowner's association, an officer or member of an environmental, homebuilding/development, or concerned citizen's organization, an official or employee of a governmental entity other than the City, a developer, a property owner, or an interested citizen, or a representative of or attorney for any of the foregoing.
- (4) "Quasi-judicial" refers to a land use, land development, zoning, or building related permit, application or appeal, as set forth below, in which city officials give notice and an opportunity to be heard to certain substantially affected persons, investigate facts, ascertain the existence of facts, hold hearings, weigh evidence, draw conclusions from the facts, and apply the law to the facts, as the basis for their decision.
- (5) "Site visit" means an inspection of real property subject to an application for any quasi-judicial action prior to a public hearing on the application conducted by a city official. The mere act of driving by a site in the daily course of driving to a particular location, such as work or a particular store, which act is not undertaken for the purpose of inspecting a particular parcel of real property is not a site visit for purposes of this section.

(c) *Ex parte communications between city officials and members of the public.*

- (1) A member of the public not otherwise prohibited by statute, charter provision or ordinance may have an *ex parte* communication with any city official regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below.
- (2) Except as otherwise provided by statute, charter provision, or ordinance, any city official may have an *ex parte* communication with any expert witness or consultant regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below. Nothing here,

however, shall restrict a city official access to city staff or expert witness or consultant retained by the City.

(3) Disclosure.

- (A) All city officials shall disclose the occurrence of all *ex parte* communications or discussions with a member of the public or an expert witness or consultant involving said city official which relate to the quasi-judicial action pending before the commission or board on which the city official serves.
- (B) Disclosure shall occur by no later than the final public hearing, or if no formal public hearing is held, then any hearing at which the final decision regarding the quasi-judicial matter is made. The city official shall disclose the *ex parte* communication verbally or by memorandum. Any such memorandum disclosing the occurrence of the *ex parte* communication shall be placed in the official file regarding the pending quasi-judicial matter which file shall be maintained in the City Clerk's records.
- (C) At the time of disclosure, the city official shall identify the person, group, or entity with whom the *ex parte* communication took place, the substance of the *ex parte* communication, and any matters discussed which are considered by the city official to be material to said city official's decision in the pending quasi-judicial matter.
- (d) *Oral or written communications between city staff and city officials.* City officials may discuss quasi-judicial matters pending before the commission or board on which said city official serves with city staff without the requirement to disclose pursuant to sub-section (c)(3) above.
- (e) *Site visits by city officials.* Any city official may conduct a site visit of any property related to a quasi-judicial matter pending before the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) above. Any disclosure of a site visit pursuant to sub-section (c)(3) shall disclose the existence of the site visit, and any information obtained by virtue of the site visit considered by the city official to be material to said official's decision regarding the pending quasi-judicial matter.
- (f) *Review of mail, correspondence, and written communications by city officials.* Any city official may review mail, correspondence, or written communications, related to a quasi-judicial matter pending before the commission or board on which the city official serves. Upon review of the mail, correspondence, or

written communication, the document shall be placed in the official file regarding the pending quasi-judicial matter and maintained in the city clerk's records.

- (g) *City clerk's file.* All correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter shall be placed in the official file regarding said matter and maintained by the city clerk. Said correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter, or any disclosure memoranda as described in sub-section (c)(3)(B), shall be available for public inspection. By no later than the final public hearing, or if no formal public hearing is held, then at any hearing at which the final decision regarding the quasi-judicial matter is made, the city clerk shall make said correspondence, mail, written communications, or other matters, and any disclosure memoranda placed in the official file, a part of the record. All of the foregoing documents shall be received by the commission or board as evidence, with the exception of disclosure memoranda, subject to any objections interposed by participants at the hearing.
- (h) *Opportunity to comment upon substance of disclosure.* At such time that a disclosure regarding an *ex parte* communication, receipt of an expert opinion, site visit, or review of mail, correspondence, or other written communication is made a part of the record at a hearing, persons who may have opinions or evidence contrary to those expressed in the *ex parte* communication, expert opinion, or mail, correspondence, or other written communication, or noted during the site visit, shall be given a reasonable opportunity to refute or respond and provide contrasting information, evidence, or views.

Section 2. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

Section 3. This resolution shall be effective upon passage.

PASSED AND RESOLVED this 24th day of June, 2004, by the City Commission of the City of Fruitland Park, Florida.



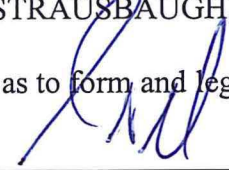
JOHN L. GUNTER, JR., VICE MAYOR

ATTEST:



MARGE STRAUSBAUGH, CITY CLERK

Approved as to form and legality:



Scott A. Gerken, City Attorney



The Villages® DAILY SUN

Published Daily
Lady Lake, Florida
State of Florida
County Of Lake

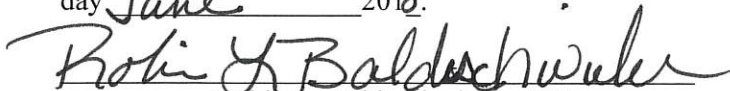
Before the undersigned authority personally appeared **Sheryl Dufour** who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a **Legal Ad #817100** in the matter of **NOTICE OF PUBLIC HEARINGS**, was published in said newspaper in the issues of

JUNE 11, 2018
JUNE 18, 2018

Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

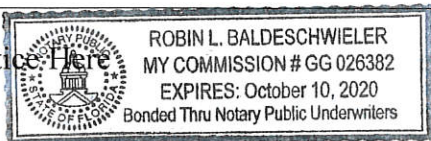

(Signature Of Affiant)

Sworn to and subscribed before me this 18
day June 2018.


Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____

Attach Notice Here



NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the City of Fruitland Park proposes to adopt the following Ordinances:

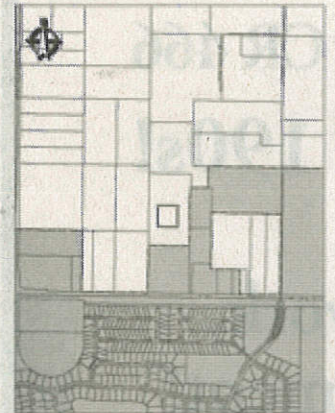
ORDINANCE 2018 – 006
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-023 WHICH PROVIDED FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.0+ ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2018 – 007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-025 WHICH REZONED 1.0 + ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinances will be considered at the following public meetings: Planning and Zoning on June 21, 2018 at 6:00 p.m.; City Commission on June 28, 2018, at 6:00 p.m.; and City Commission on July 12, 2018, at 6:00 p.m. The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berckman Street, Fruitland Park FL 34731.

The property is located North of CR 466A and West of Timber-top Lane and consists of approximately 1.0 +/- acres. The property is described as: Alternate Key Number 2515490 and depicted on the map below.



The full proposed Ordinances, which includes a metes and bounds legal description of the property, may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed Ordinance. A person who decides to appeal any decision made by any board, agency or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105). Persons with disabilities needing assistance to participate in any of these proceedings should contact Esther Coulson, City Clerk at (352) 360-6790 at least 48 hours before the date of the scheduled hearing.
#817100 June 11, 2018
June 18, 2018



**AGENDA ITEM
NUMBER**
4g

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Second Reading and Quasi-Judicial Public Hearing - Ordinance 2018-006 Correcting Scrivener's Error Ordinance 2016-023 SSCPA		
For the Meeting of:	July 12, 2018		
Submitted by:	City Manager/Community Development Director/ City Attorney		
Date Submitted:	April 16, 2018		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Items: Correcting scrivener's error on Ordinance 2016-023. (The first reading was held on, June 28, 2018.)			
Action to be Taken: Enact Ordinance 2018-006 to become effective 31 days after adoption as provided by law.			
Staff's Recommendation: Approval.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2018 – 006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER’S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-023 WHICH PROVIDED FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK’S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.0± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park desires to correct a scrivener’s error in the legal description contained in Ordinance 2016-023 which assigned a City future land use designation to the property; and

WHEREAS, a petition has been received from Charles Johnson as applicant on behalf of James Phillips as Owner, requesting that real property within the city limits of the City of Fruitland Park be assigned a land use designation of “Commercial” under the Comprehensive Plan for the City of Fruitland Park; and

WHEREAS, the required notice of the proposed small scale comprehensive plan amendment has been properly published as required by Chapter 163, Florida Statutes; and

WHEREAS, the Planning and Zoning Commission of the City of Fruitland Park and the Local Planning Agency for the City of Fruitland Park have reviewed the proposed amendment to the Comprehensive Plan and have made recommendations to the City Commission of the City of Fruitland Park.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fruitland Park, Florida, as follows:

Section 1: The scrivener’s error in the legal description in Ordinance 2016-023 is corrected. The following described property consisting of approximately 1.0 ± acres generally located north of CR 466A and west of Timbertop Lane and more particularly described as follows:

LEGAL DESCRIPTION: From the Northwest corner of the Northeast ¼ of the Southeast ¼ of Section 6, Township 19 South, Range 24 East, in Lake County, Florida, run South 00°45’20” West along the West line of the Northeast ¼ of the Southeast ¼ a distance of 399.55 feet; thence South 89°07’10” East 90.26 feet to the Point of Beginning; thence continue South 89°07’10” East 202.0 feet; thence South 00°45’20” West 215.65 feet to the Point of Beginning.

Parcel Alternate Key No. 2515490

shall be assigned a land use designation of Commercial under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2: A copy of said Land Use Plan Amendment is filed in the office of the City Manager of the City of Fruitland Park as a matter of permanent record of the City, matters and contents therein are made a part of this ordinance by reference as fully and completely as if set forth herein, and such copy shall remain on file in said office available for public inspection.

Section 3: The City Manager or his designee, after passage of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Fruitland Park.

Section 4: Severability.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6: This Ordinance shall become effective 31 days after its adoption by the City Commission. If this Ordinance is challenged within 30 days after its adoption, it may not become effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2018.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Esther Coulson, CMC, City Clerk

Vice Mayor Gunter	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Lewis	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Ranize	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Mayor Cheshire	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)

First Reading April 26, 2018
Second Reading _____

Approved as to Form:

Anita Geraci-Carver, City Attorney

EXHIBIT A
MAP DEPICTING PROPERTY AND FLU DESIGNATION

LEGAL DESCRIPTION: From the Northwest corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 6, Township 19 South, Range 24 East, in Lake County, Florida, run South $00^{\circ}45'20''$ West along the West line of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ a distance of 399.55 feet; thence South $89^{\circ}07'10''$ East 90.26 feet to the Point of Beginning; thence continue South $89^{\circ}07'10''$ East 202.0 feet; thence South $00^{\circ}45'20''$ West 215.65 feet to the Point of Beginning.

Parcel Alternate Key No. 2515490



MICRO RACETRACK RD

EDMONDSON DR

TIMBERTOP LN

Site Location
Existing FLU: Lake County - Urban Low Density
Proposed FLU: Fruitland Park - Commercial



CR 466A

MILLER BLVD

VASQUEZ AVE

ELLIOTT AVE

PARRISH PL

KRAMER CT

PISANO WAY

SCHOENACHER ST

FILONE LN

BOWLES PL

INCORVAIA WAY

BEVILLE LN

COMBS CT

DRAKE DR

BRINSON LN

COLLINS CT

SALERNO LN



**AGENDA ITEM
NUMBER**
4h

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Second Reading and Quasi-Judicial Public Hearing - Ordinance 2018-007 Correcting Scrivener's Error Ordinance 2016-025		
For the Meeting of:	July 12, 2018		
Submitted by:	City Manager/Community Development Director/ City Attorney		
Date Submitted:	April 16, 2018		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Items: Correcting scrivener's error on Ordinance 2016-025. (The first reading was held on June 28, 2018.)			
Action to be Taken: Enact Ordinance 2018-007 to become effective immediately upon the effective date of the comprehensive plan amendment for the subject property - no development permits or land uses dependent on this amendment may be issued or commence before it has become effective.			
Staff's Recommendation: Approval.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2018 – 007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER’S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-025 WHICH REZONED 1.0 ± ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park desires to correct a scrivener’s error in the legal description contained in Ordinance 2016-025 which rezoned the property from a County zoning designation to a City zoning designation; and

WHEREAS, a petition has been submitted by Charles Johnson as applicant, on behalf of James Phillips Owner, requesting that approximately 1.0 acres of real property generally located north of CR 466A and west of Timbertop Lane (the “Property”) be rezoned from Lake County Agriculture (AG) to General Commercial (C-2) within the city limits of Fruitland Park; and

WHEREAS, the petition bears the signature of all applicable parties; and

WHEREAS, the required notice of the proposed rezoning has been properly published; and

WHEREAS, the City Commission reviewed said petition, the recommendations of the Planning and Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fruitland Park, Florida, as follows:

Section 1. The scrivener’s error in the legal description in Ordinance 2016-025 is corrected. The following described property consisting of approximately 1.0 ± acres of land generally located north of CR 466A and west of Timbertop Lane shall hereafter be designated as C-2, General Commercial, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described as:

LEGAL DESCRIPTION: From the Northwest corner of the Northeast ¼ of the Southeast ¼ of Section 6, Township 19 South, Range 24 East, in Lake County, Florida, run South 00°45’20” West along the West line of the Northeast ¼ of the Southeast ¼ a distance of 399.55 feet; thence South 89°07’10” East 90.26 feet to the Point of Beginning; thence continue South 89°07’10” East 202.0 feet; thence South 00°45’20” West 215.65 feet to the Point of Beginning.

Parcel Alternate Key No. 2515490

Section 2. That the City Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the City of Fruitland Park, Florida to include said designation consistent with this Ordinance.

Section 3. That the zoning classification is consistent with the Comprehensive Plan of the City of Fruitland Park, Florida.

Section 4. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall become effective immediately upon the effective date of the comprehensive plan amendment for the subject property. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2018.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

Attest:

Approved as to form and legality:

Esther B. Coulson, City Clerk

Anita Geraci-Carver, City Attorney

Vice Mayor Gunter _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

First Reading June 28, 2018f

Second Reading _____



MICRO RACETRACK RD

EDMONDSON DR

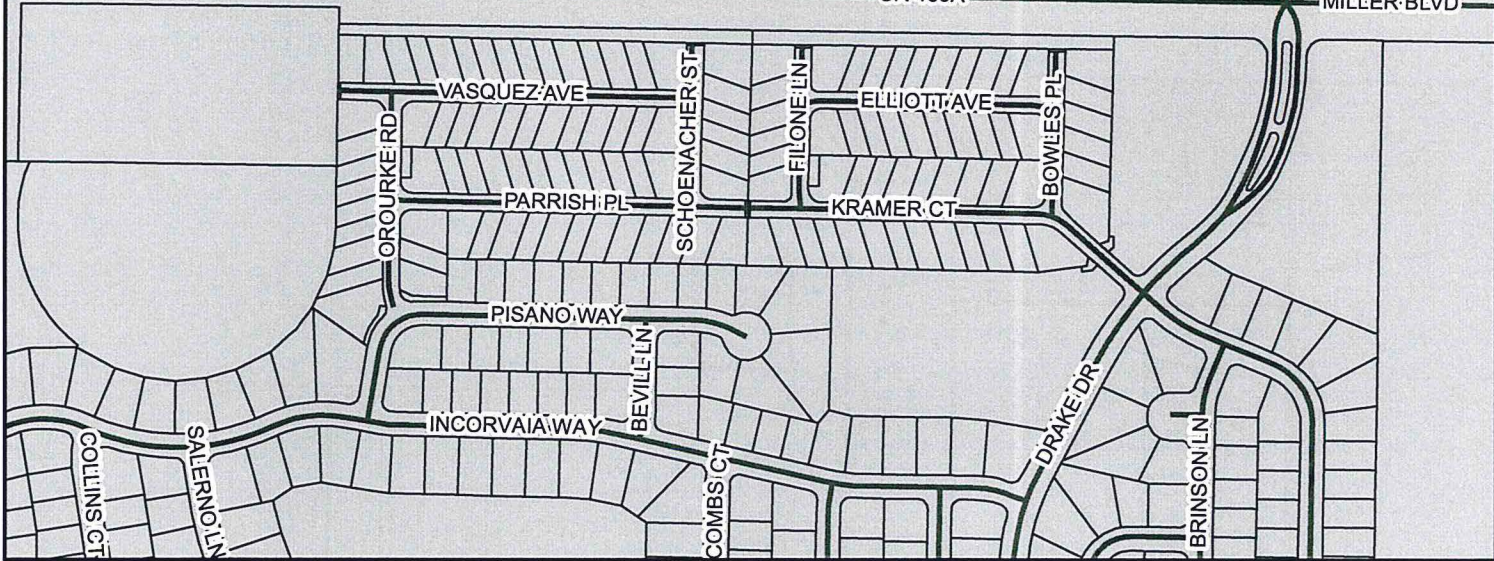
TIMBERTOP LN

Site Location
Existing Zoning: Lake County - Agriculture
Proposed Zoning: Fruitland Park - C-2



CR 466A

MILLER BLVD





**AGENDA ITEM
NUMBER
5a**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	City Manager		
For the Meeting of:	July 12, 2018		
Submitted by:	City Manager		
Date Submitted:	July 3, 2018		
Are Funds Required:		Yes	<input checked="" type="checkbox"/> No
Account Number:			
Amount Required:			
Balance Remaining:			
Attachments:	forthcoming		
Description of Item:	<ul style="list-style-type: none"> i. Road Project Quotes ii. Northwest Lake Community, Cales Park Multipurpose Soccer Field Lights Quotes iii. Northwest Lake Community, Cales Park Millings Parking Lot – addressed at the June 28, 2018 regular meeting is attached. 		
Action to be Taken			
Staff's Recommendation:			
Additional Comments:			

Reviewed by: _____

Authorized to be placed on the Regular Consent agenda: _____
Mayor



May 30, 2018

Attn: Dale Bogle
City of Fruitland Parks
Public Works

Re: Soccer Field Millings Parking Lot

Dale,

Logan Sitework proposes to perform the following site work tasks associated with placing asphalt millings in the parking lots for the new soccer fields located at the corner of Shiloh St. and N. Dixie Ave. **The total cost of the items listed below is \$36,360.**

- Mobilize Equipment
- Import asphalt millings
- Place, grade, and compact a 4"-thick +/- layer of asphalt millings over the parking and driveway areas (approx.. 6,375 SY). Concrete sidewalk areas and concrete food truck concession areas not included.

Thank you for giving us the opportunity to bid on this work. Please do not hesitate to call if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "ATA" with a stylized flourish extending to the right.

Andrew T. Logan



**AGENDA ITEM
NUMBER
5b**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	City Attorney Report		
For the Meeting of:	July 12, 2018		
Submitted by:	City Attorney		
Date Submitted:	July 5, 2018		
Are Funds Required:		Yes	<input checked="" type="checkbox"/> No
Account Number:			
Amount Required:			
Balance Remaining:			
Attachments:			
Description of Item:			
Please find below items to report to the City Commission.			
<u>Notice of Claim – James Hartson:</u> No developments to report.			
<u>Notice of Claim – Larry Odum:</u> No developments to report.			
<p>I will be attending the Florida Municipal Attorney Association conference in Key Biscayne July 12 – 14, 2018. I am available by e-mail and phone if you have any questions of me prior to the Commission meeting. Attorney Mark Brionez, who is experience in local government law, will be attending the Commission meeting on my behalf.</p>			
Action to be Taken			
Staff’s Recommendation:			
Additional Comments:			

Reviewed by: _____

Authorized to be placed on the Regular Consent agenda: _____
Mayor



**AGENDA ITEM
NUMBER
6**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Public Comments				
For the Meeting of:	July 12, 2018				
Submitted by:	City Clerk				
Date Submitted:	July 3, 2018				
Are Funds Required:			Yes	X	No
Account Number:	N/A				
Amount Required:	N/A				
Balance Remaining:	N/A				
Attachments:	Yes				
Description of Item:					
<p>This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.</p> <p>Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.</p>					
Action to be Taken: None.					
Staff's Recommendation:					
Additional Comments:					

Reviewed by: _____
City Manager

Authorized to be placed on the agenda: _____
Mayor¹

RESOLUTION 2013 -023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

WHEREAS, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:

Section 1. The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1. Citizen's Rights

(a) Definition. For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b) Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from §286.011; or
4. A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 2. Suspension and Amendment of these Rules

(a) Suspension of these Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b) Amendment of these Rules: These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

Section 3. This Resolution shall become effective immediately upon passage.

RESOLVED this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

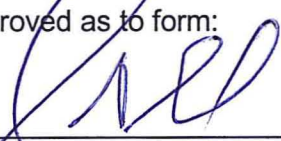
ATTEST:


MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:


SCOTT A. GERKEN, City Attorney