

**FRUITLAND PARK CITY COMMISSION  
REGULAR MEETING AGENDA**

**August 8, 2019**

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

**6:00 p.m.**

**1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation – Associate Pastor Reverend C. J. Hill, Community United Methodist Church

Pledge of Allegiance – Police Chief Erik Luce

**2. ROLL CALL**

**3. CONSENT AGENDA** (city clerk)

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)

July 25, 2019 regular meeting

**4. REGULAR AGENDA**

**QUASI-JUDICIAL PUBLIC HEARING**

**Quasi-Judicial Public Hearing – Second Reading - Ordinance 2019-006 – Rezoning – Petitioner: City of Fruitland Park** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 3+/- ACRES OF PROPERTY OWNED BY THE CITY OF FRUITLAND PARK FROM Residential Professional TO PUBLIC FACILITIES DISTRICT WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on July 25, 2019.)

**END OF QUASI-JUDICIAL PUBLIC HEARING**

**5. OFFICERS' REPORTS**

- (a) City Manager - Economic Development Status Update**
- (b) City Attorney**
  - i. Notice of Claim – James Hartson**
  - ii. Notice of Claim – Michael Fewless**
  - iii. Burke's Bar-B-Q Company**

**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 Mobilian**
- (b) Commissioner DeGrave**
- (c) Commissioner Bell**
- (d) Vice Mayor Gunter, Jr.**

**8. MAYOR'S COMMENTS**

**9. ADJOURNMENT**

**DATES TO REMEMBER**

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

August 9, 2019, Lake County League of Cities (LCLC), Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m. – Cancelled;

August 10, 2019, City Commission Workshop at 9:00 a.m.;

August 9, 2019, Movie on the Lawn *Shazam*, outside City Hall at 7:00 p.m.,

August 22, 2019, City Commission Meeting Regular at 6:00 p.m.;

August 28, 2019, Lake-Sumter Metropolitan Planning Organization (MPO),  
Governing Board Meeting, MPO Office, Suite 217, 225 W. Guava Street  
Lady Lake, Florida 32159 at 2:00 p.m.;

September 2, 2019, Labor Day – City Offices Closed;

September 5, 2019, City Commission Meeting Special at 6:00 p.m.;

September 9, 2019, Lake County Arts and Cultural Alliance, Agency for  
Economic Prosperity, 20763 U.S. Highway 27, Groveland, Florida 34736  
at 3:00 p.m.;

September 13, 2019, LCLC, Lake County Sheriff Peyton Grinnell, Lake  
Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at  
12:00 p.m.;

September 19, 2019 Village Institute of Plastic Surgery Grand Opening Ribbon-  
Cutting, 607 CR 466A, Fruitland Park, Florida 34731 at 3:00 p.m.;

September 19, 2019, City Commission Meeting Special at 6:00 p.m.;

October 2, 2019, 2019 Sponsor’s Night, Lake Receptions, 4425 N Highway 19-A,  
Mount Dora, Florida 32757 TBD;

October 7, 2019 Lake County Tourist Development Council (TDC) (regular  
meeting and first capital funding meeting) TBD at 3:00 p.m.;

October 10, 2019, City Commission Meeting Regular at 6:00 p.m.;

October 11, 2019, LCLC, Four-Hour Ethics Training, Lake Receptions, 4425 N  
Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.;

October 11, 2019, Move on the Lawn, outside City Hall TBD;

October 21, 2019 TDC (second capital funding meeting if needed) TBD at  
3:00 p.m.;

October 24, 2019, City Commission Meeting Regular at 6:00 p.m.;

October 26, 2019 Trick or Trot 5k Fruitland Park Elementary School, 304  
Fountain Street, Fruitland Park, Florida 34731 at 8:00 a.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.**

**CITY OF FRUITLAND PARK  
CONSENT AGENDA ITEM SUMMARY SHEET  
Item Number: 3**

<b>ITEM TITLE:</b>	Draft Regular Meeting Minutes
<b>For the Meeting of:</b>	August 8, 2019
<b>Submitted by:</b>	City Clerk
<b>Date Submitted:</b>	<b>August 31, 2019</b>
<b>Funds Required:</b>	No
<b>Account Number:</b>	N/A
<b>Amount Required:</b>	N/A
<b>Balance Remaining:</b>	N/A
<b>Attachments:</b>	Yes, draft minutes

**Item Description:** 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.

Approve the regular meeting minutes of July 25, 2019 as submitted if there are no corrections.

**Action to be Taken: Approve as submitted.**

**Staff's Recommendation:**

**Additional Comments:**

**City Manager Review:**

**Mayor Authorization:**

**FRUITLAND PARK CITY COMMISSION REGULAR  
DRAFT MEETING MINUTES**

**July 25, 2019**

City Hall Commission Chambers

506 W. Berckman Street

Fruitland Park, Florida 34731

**6:00 p.m.**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, July 25, 2019 at 6:00 p.m.

**Members Present:** Mayor Chris Cheshire, Commissioners Christopher Bell, Patrick DeGrave and John Mobilian,

**Members Absent:** Vice Mayor John L. Gunter, Jr.

**Also Present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver; Sergeant Henry Rains, Police Department; Interim Fire Chief Donald Gilpin and Firefighter Brandon Clutter, Fire Department; Public Works Director Dale Bogle; Community Development Director Tracy Kelley; Human Resources Director Diana Kolcun, Finance Clerk Preslee Harmon, Finance Department and City Clerk Esther B. Coulson.

**1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

**ACTION:** 6:10:00 PM Mayor Cheshire called the meeting to order, Reverend Dr. Pastor George A. Mulford III, Grace Bible Baptist Church, gave the invocation, and Sergeant Rains led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

**ACTION:** 6:03:00 PM At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present.

Upon Mayor Cheshire's suggestion and **on motion of Commissioner Bell seconded by Commissioner Mobilian and unanimously carried, the city commission excused the absence of Vice Mayor Gunter who was not present for this evening's meeting.**

**3. LOCAL PLANNING AGENCY**

**By unanimous consent, the city commission recessed its meeting at 6:03 p.m. to the Local Planning Agency meeting and reconvened at 6:06 p.m.**

**4. CONSENT AGENDA**

**(a) Approval of Minutes**

July 11, 2019 regular meeting minutes as submitted.

(b) **Resolution 2019-033 Planning and Zoning Chair and Vice Chair**

ADOPT RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PLANNING AND ZONING BOARD CHAIR AND VICE-CHAIRMAN SELECTION FOR FISCAL YEAR 2019/2020; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:06:02 PM **On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda as previously cited.**

**5. REGULAR AGENDA**

(a) **Resolution 2019-035 - Recreation Fee Schedule**

Ms. Geraci-Carver read into the record proposed Ordinance 2019-035, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING FEES FOR “ALL SPORTS”, BOTH FOR RESIDENTS AND NON-RESIDENTS; PROVIDING FOR REPEAL, AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:06:24 PM **After discussion, a motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission adopt Resolution 2019-035 as previously cited.**

Following further discussion, **Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.**

(b) **Resolution 2019-034 Proposed Millage Rate - FY 2019-20**

Ms. Geraci-Carver read into the record proposed Ordinance 2019-034, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING A NOT TO EXCEED MILLAGE RATE OF 3.9134 LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2019-2020 AND SETTING THE DATE, TIME AND PLACE OF PUBLIC HEARING ON THE BUDGET FOR FISCAL YEAR 2019-2020; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:09:38 PM **A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2019-034 as previously cited.**

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

### **PUBLIC HEARING**

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

**(c) Second Reading and Public Hearing – Ordinance 2019-010 Restructure Water Utility Rates**

It now being the time advertised to hold a public hearing, and after Ms. Geraci-Carver read into the record proposed Ordinance 2019-010, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AMENDING SECTION 99.60 IN CHAPTER 50 OF THE FRUITLAND PARK CODE OF ORDINANCES TO RESTRUCTURE AND ADJUST THE WASTEWATER UTILITY RATES BASED ON THE RECOMMENDATIONS FROM THE UTILITY RATE STUDY DATED JUNE 13, 2019 AND PREPARED BY BRYAN MANTZ; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.  
(The first reading was held on July 11, 2019.)

**ACTION:** 6:12:22 P.M. After extensive discussion, **a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian, that the city commission enact Ordinance 2019-010, as previously cited, to become effective immediately as provided by law with the water rate adjustments to be implemented July 26, 2019 and agreed to review the recommended changes in one year.**

Mayor Cheshire explained the purpose of the subject proposed ordinance, in response to a question posed by Mr. Lorenzo Coleman, City of Fruitland Park resident.

**By unanimous consent, Mayor Cheshire closed the public hearing.**

After discussion, **Mayor Cheshire called for a roll call vote on the motion with the city commission members voting as follows:**

<b>Commissioner Mobilian</b>	<b>Yes</b>
<b>Commissioner Bell</b>	<b>No</b>
<b>Commissioner DeGrave</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>Yes</b>

**The motion was declared carried on a three to one (3-1) vote.**

**(d) Second Reading and Public Hearing – Ordinance 2019-011 Restructure Wastewater Utility Rates**

It now being the time advertised to hold a public hearing, and after Ms. Geraci-Carver read into the record proposed Ordinance 2019-011, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 99.60 IN CHAPTER 50 OF THE FRUITLAND PARK CODE OF ORDINANCES TO RESTRUCTURE AND ADJUST THE WASTEWATER UTILITY RATES BASED ON THE RECOMMENDATIONS FROM THE UTILITY RATE STUDY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on July 11, 2019.)

**ACTION: 6:25:59 P.M. A motion was made by Commissioner Mobilian and seconded by Commissioner DeGrave that the city commission enact Ordinance 2019-011, as previously cited, to become effective immediately, as provided by law with the wastewater rate adjustments to be implemented July 26, 2019.**

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

After discussion, **Mayor Cheshire called for a roll call vote on the motion with the city commission members voting as follows:**

<b>Commissioner Bell</b>	<b>No</b>
<b>Commissioner DeGrave</b>	<b>Yes</b>
<b>Commissioner Mobilian</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>Yes</b>

**The motion was declared carried on a three to one (3-1) vote.**

**END OF PUBLIC HEARING**



## QUASI-JUDICIAL PUBLIC HEARING

(e) **Quasi-Judicial Public Hearing – First Reading - Ordinance 2019-006 – Rezoning – Petitioner: City of Fruitland Park**

It now being the time advertised to hold a public hearing, and after Ms. Geraci-Carver read into the record proposed Ordinance 2019-006, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 3+/- ACRES OF PROPERTY OWNED BY THE CITY OF FRUITLAND PARK FROM RESIDENTIAL PROFESSIONAL TO PUBLIC FACILITIES DISTRICT WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on August 8, 2019.)

**ACTION:** 6:27:26 PM After discussion, a motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission approve the LPA's recommendation to approve proposed Ordinance 2019-006, as previously cited.

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.

## END OF QUASI-JUDICIAL PUBLIC HEARING

### 6. OFFICERS' REPORTS

(a) **City Manager**

i. **Economic Development Status Update**

Mr. La Venia reported that Benchmark Development I LLC has entered into an agreement with The School Board of Lake County to purchase approximately 27 acres of school board property (Leesburg High Ag Farm) in the city bordering Sumter and Lake County Lines; noted the due diligence period and described the respective development company.

**ACTION:** 6:29:10 PM For informational purposes.

**ii. Public Safety Building**

Mr. La Venia addressed his preference to commence with the conceptual plan to proceed with a design-build contract for the new public safety building as a cost-effective method.

**ACTION:** 6:30:00 PM Upon Commissioner DeGrave's suggestion and **by unanimous consent the city commission authorized the city manager to proceed with the design-build contract for the new public safety building.**

**iii. Water and Wastewater Impact Fees**

Recognizing the completion of the Utility Rate Study and with reference to the recommended findings, Ms. Geraci-Carver concurred with Mr. La Venia's suggestion for a resolution to be drafted by the next meeting to adjust the water and wastewater impact fees similar to the charges imposed by the Town of Lady Lake noting the city's charging growth to be less than its cost for wastewater capacity.

**ACTION:** 6:31:43 PM After discussion and **by unanimous consent and upon the city manager's recommendation, the city commission directed the city attorney to draft a resolution relating to the water and wastewater impact fees and agreed to address the recapturing of pioneering agreements for the next meeting.**

**(b) City Attorney**

**i. Notice of Claim – James Hartson**

Ms. Geraci-Carver stated that she has no updates on the notice of claim for Mr. James Hartson.

**ACTION:** 6:35:50 PM No action was necessary.

**ii. Notice of Claim – Michael Fewless**

Ms. Geraci-Carver announced the favorable result received from the hearing against the State of Florida Department of Management Services, Division of Retirement, Florida Retirement System and addressed her plan to communicate with Mr. La Venia to contact Mr. Glenn E. Thomas, Attorney with Lewis, Longman & Walker, P.A., on behalf of the city – regarding the city receiving a refund after the appeal period has expired.

**ACTION:** 6:35:57 PM No action was necessary.

**iii. Burke's Bar-B-Q Company**

Ms. Geraci-Carver addressed her intent to finalize the filing of the complaint (service of summons) against to Mr. T. D. Burke, Burke's Bar B

Q Company and indicated that as she heard that the Burke's property was sold, she would check the public records land sale and report back to the city commission.

ACTION: 6:36:10 PM No action was necessary.

**6. PUBLIC COMMENTS**

Mr. Carl Yauk, City of Fruitland Park Villages of Fruitland Park (Pine Hills) resident, referred to the informative publication provided to area residents served by The City of Leesburg's Electric Department that he received this day where he believed that the City of Fruitland Park has not published anything similar and questioned whether the city commission has considered incorporating, as a joint effort comparable monthly mailings to include issues such as position openings, billing bulk rates, and so forth.

Mr. Yauk reported that he witnessed earlier this day along the CR 466A sidewalks./roadway improvements near the US Post Office an encounter a child accompanied with a young family, who experienced a near collision with a motorist when he fell off his bike. He addressed the need to finalize the completion of sidewalks in the area for the pedestrians' safety.

ACTION: 6:37:33 PM No action was taken.

**7. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

Commissioner Mobilian reported on the successful July 19, 2019 Fruitland Park Library Grand Opening event.

ACTION: 6:30:39 PM No action was necessary.

**(b) Commissioner DeGrave**

Commissioner DeGrave echoed Commissioner Mobilian's statements regarding the July 19, 2019 Fruitland Park Library Grand Opening.

ACTION: 6:04 :07 PM No action was necessary.

**(c) Commissioner Bell**

In concurrence, Commissioner Bell commended staff for a job well done at the July 19, 2019 Fruitland Park Day Grand Opening.

ACTION: 6:40:32 PM No action was necessary.

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

Vice Mayor Gunter was absent from this day's meeting.

ACTION: 6:40:32 PM No action was necessary.

**8. MAYOR'S COMMENTS**

**Dates to Remember**

- July 29, 2019, Lake County Parks and Trails Advisory Board Special Meeting, Office of Parks and Trails Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.  
Commissioner Bell announced that the city's Northwest Lake Community Park will be considered on the Trails Advisory Board's meeting agenda to which Mr. La Venia recognized that Mr. Bogle and Parks and Recreation Director Michelle Yoder will be planning to attend.
- August 5, 2019, Lake County Arts and Cultural Alliance, Agency for Economic Prosperity, 20763 U.S. Highway 27, Groveland, Florida 34736 at 3:00 p.m.;
- August 5, 2019, Lake County Arts and Cultural Alliance, Agency for Economic Prosperity, 20763 U.S. Highway 27, Groveland, Florida 34736 at 3:00 p.m.;
- August 5-7, 2019, City Commission Meeting Workshops at 6:00 p.m.;  
Mayor Cheshire encouraged the city commission to address their inquiries in advance with Mr. La Venia prior to reviewing the FY 2019-20 Budget and the LDRs for workshop on August 10, 2019;
- August 8, 2019, City Commission Meeting Regular at 6:00 p.m.;
- August 9, 2019, LCLC, Lake Receptions, 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m. – Cancelled;
- August 9, 2019, Movie on the Lawn *Shazam*, outside City Hall at 7:00 p.m.;
- August 10, 2019, City Commission Workshop at 9:00 a.m.;
- August 13, 2019, Parks, Recreation and Trails Advisory Board Infrastructure Sales Tax Budget Workshop, Office of Parks and Trails Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;
- August 15-17, 2019, Florida League of Cities 93<sup>rd</sup> Annual Conference, Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida 32821 at 7:30 a.m.;
- August 22, 2019, City Commission Meeting Regular at 6:00 p.m.;
- August 27, 2019, Parks, Recreation and Trails Advisory Board Infrastructure Sales Tax Public Hearing, Office of Parks and Trails Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m. and
- August 28, 2019, Lake-Sumter Metropolitan Planning Organization (MPO), Governing Board Meeting, MPO Office, Suite 217, 225 W. Guava Street Lady Lake, Florida 32159 at 2:00 p.m.

ACTION: 6:41:11 PM No action was necessary.

**9. ADJOURNMENT**

**There being no further business to come before the city commission, the meeting adjourned at 6:46 p.m.**

The minutes were approved at the August 8, 2019 regular meeting.

Signed \_\_\_\_\_  
Esther B. Coulson, City Clerk

Signed \_\_\_\_\_  
Chris Cheshire, Mayor

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 4**

**ITEM TITLE:** Second Reading and Quasi-Judicial Public Hearing -  
Ordinance 2019-006 – Library Site Rezoning

**For the Meeting of:** August 8, 2019

**Submitted by:** City Attorney/City Manager/Community Development  
Director

**Date Submitted:** July 15, 2019

**Funds Required:** No

**Attachments:** Yes. Quasi-judicial Hearing Establishment Resolution  
2004-014 and Chapter 286 FS; Proposed Ordinance  
2019-006 with Exhibit; Proposed Map, and Newspaper  
Affidavit.

**Item Description:** Proposed Ordinance 2019-006 and supporting documents  
– Library Site Rezoning. Petitioner: City of Fruitland Park. (The first reading was held on July  
25, 2019.)

The Planning and Zoning Board, at its July 18, 2019 regular meeting, recommended approval of  
the rezoning.

**Action to be Taken:** Enact Ordinance 2019-006 to become effective as  
provided by law.

**Staff's Recommendation:** Approval

**Additional Comments:** None

**City Manager Review:**

**Mayor Authorization:**

## 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.

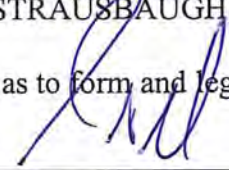
**PASSED AND RESOLVED** this 24<sup>th</sup> day of June, 2004, by the City Commission of the City of Fruitland Park, Florida.

  
\_\_\_\_\_  
JOHN L. GUNTER, JR., VICE MAYOR

ATTEST:

  
\_\_\_\_\_  
MARGE STRAUSBAUGH, CITY CLERK

Approved as to form and legality:

  
\_\_\_\_\_  
Scott A. Gerken, City Attorney



Select Year:  

## The 2018 Florida Statutes

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[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

PUBLIC BUSINESS

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

### **286.0115 Access to local public officials; quasi-judicial proceedings on local government land use matters.** –

(1)(a) A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(b) As used in this subsection, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(c) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.

1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

(2)(a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government land use matters, a person who appears before the decisionmaking body who is not a party or party-intervenor shall be allowed to testify before the decisionmaking

body, subject to control by the decisionmaking body, and may be requested to respond to questions from the decisionmaking body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decisionmaking body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government **land** use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(c) In a quasi-judicial proceeding on local government **land** use matters, a person may not be precluded from communicating directly with a member of the decisionmaking body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decisionmaking body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decisionmaking body. All decisions of the decisionmaking body in a quasi-judicial proceeding on local government **land** use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3) This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

**History.**—s. 1, ch. 95-352; s. 31, ch. 96-324.

# The Villages<sup>®</sup> DAILY SUN

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

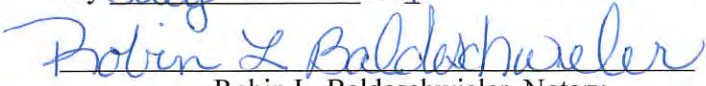
Before the undersigned authority personally appeared **Sheryl Dufour** who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a **Legal Ad** in the matter of **NOTICE OF PUBLIC HEARINGS ORDINANCE 2019-0006**, was published in said newspaper in the issues of

**JULY 10, 2019**

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.

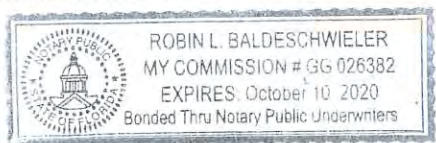
  
(Signature Of Affiant)

Sworn to and subscribed before me this 10  
day July 2019.

  
Robin L. Baldeschwieler, Notary

Personally Known X or  
Production Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

Attach Notice Here



## NOTICE OF PUBLIC HEARINGS

ORDINANCE 2019-006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 3+/- ACRES OF PROPERTY OWNED BY THE CITY OF FRUITLAND PARK FROM RESIDENTIAL PROFESSIONAL TO PUBLIC FACILITIES DISTRICT WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinance will be considered at the following public meetings:

- Fruitland Park Planning & Zoning Board Meeting on July 18, 2019 at 6:00 p.m.
- Fruitland Park City Commission Meeting on July 25, 2019 at 6:00 p.m.
- Fruitland Park City Commission Meeting on August 8, 2019 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 proposed ordinance and metes and bounds legal description of 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.



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

PHONE: 352-360-6727  
FAX: 352-360-6652

<b>Board Members:</b> Al Goldberg Daniel Dicus Fred Collins Philip Purlee, Vice Chair Walter Birriel	<b>Others:</b> Greg Beliveau, LPG Tracy Kelley, CDD Kelly Turner, Administrative Assistant
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**AGENDA  
PLANNING & ZONING BOARD  
JULY 18, 2019  
6:00PM**

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- I. INVOCATION:**
- II. ROLL CALL:**
- III. MINUTES FROM PREVIOUS MEETING:** Approve meeting minutes from June 20, 2019.
- IV. OLD BUSINESS:** None
- V. NEW BUSINESS:**
- A. Recommend and Elect Chair and Vice Chair to the Planning & Zoning Board
  - B. City of Fruitland Park Library Site Rezoning (Alt Key 1430623)

The City of Fruitland Park desires to initiate rezoning for the portion of the property that is zoned Residential Professional (RP) to make the entire site cohesive as Public Facilities District (PFD). Proposed zoning classification is consistent with the Comprehensive Plan of the City of Fruitland Park.

**BOARD MEMBERS' COMMENTS:**

**ADJOURNMENT:**



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

PHONE: 352-360-6727  
FAX: 352-360-6652

<b>Board Members:</b> Connie Bame, Chairwoman Daniel Dicus Philip Purlee, Vice Chair Fred Collins Walter Birriel	<b>Others:</b> Tracy Kelley, CDD Kelly Turner, Administrative Assistant
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**MINUTES  
PLANNING & ZONING BOARD  
JUNE 20, 2019  
6:00PM**

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- I. **INVOCATION:** Meeting called to order at 6:15PM. Administrative Assistant Turner led the invocation and Pledge of Allegiance.
- II. **ROLL CALL:** Board members present with the exception of Daniel Dicus and Philip Purlee. Present Tracy Kelley, CDD and Kelly Turner, Administrative Assistant.
- III. **MINUTES FROM PREVIOUS MEETING:** Board member Birriel made motion to approve meeting minutes from May 16, 2019. Second by Board member Collins. Approved 3-0.
- IV. **OLD BUSINESS:** None
- V. **NEW BUSINESS:**

A. **DGI Properties, LLC, Debra Patterson Rezoning**

Debra Patterson, registered agent of DGI Properties, LLC, owner of 205 East Fountain Street, submitted application for rezoning. Property is currently zoned General Commercial (C-2) and applicant wishes to rezone to Residential Professional (RP) for financing purposes.

CDD Kelley gave introduction to application and stated proposed zoning and future land use are conducive to surrounding area. Fifteen (15) notices were sent out certified mail to adjoining property owners and zero (0) were returned. One surrounding property owner called on June 14, 2019 at 11:52 AM and stated position as in-favor of rezoning. Applicant Debra Patterson and Gary Becker present to represent application. Applicant Patterson stated they recently renovated the home to sell for residential purposes and desire the home to be zoned as such.

Board member Birriel made motion recommending approval for Ordinance 2019-004, rezoning 0.23± acres of real property from General Commercial (C-2) to Residential Professional (RP). Second by Board member Collins. Approved 3-0.

**BOARD MEMBERS' COMMENTS:** Chairwoman Connie Bame thanked the Board members for their attendance in order to meet required quorum to proceed with the regularly scheduled meeting.

**ADJOURNMENT:** Meeting adjourned at 6:22PM.



**City of Fruitland Park, Florida**  
**Community Development Department**  
 506 W. Berckman St., Fruitland Park, Florida 34731  
 Tel: (352) 360-6727 Fax: (352) 360-6652  
 www.fruitlandpark.org

<i>Staff Use Only</i>	
Case No.:	_____
Fee Paid:	_____
Receipt No.:	_____

## Development Application

Contact Information:

Owner Name: City of Fruitland Park  
 Address: 506 W Berckman St  
 Phone: 352-360-6727 Email: permits@fruitlandpark.org

Applicant Name: City of Fruitland Park  
 Address: 506 W Berckman St  
 Phone: 352-360-6727 Email: permits@fruitlandpark.org

Engineer Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property and Project Information:

**PROJECT NAME\*:** Fruitland Park Library Site - Rezoning  
 \*A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: 604 W Berckman St  
 Parcel Number(s): 04-19-24-1200-020-01300 Section: 4 Township: 19 Range 24

Area of Property: S of W Fountain St, North of W Berckman St, E of Rose Ave, W of College Ave Nearest Intersection: Corner of Rose Ave and W Fountain St  
 Existing Zoning: R-P (portion of the property) Existing Future Land Use Designation: Mixed Community  
 Proposed Zoning: PFD Proposed Future Land Use Designation: Mixed Community

The property is presently used for: New Fruitland Park Library  
 The property is proposed to be used for: No change in use  
 Do you currently have City Utilities? Yes

Application Type:

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Annexation      | <input type="checkbox"/> Comp Plan Amendment   | <input checked="" type="checkbox"/> Rezoning    | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Variance        | <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final Plat          |
| <input type="checkbox"/> Minor Lot Split | <input type="checkbox"/> Preliminary Plan      | <input type="checkbox"/> Construction Plan      | <input type="checkbox"/> ROW/Plat Vacate     |
| <input type="checkbox"/> Site Plan       | <input type="checkbox"/> Minor Site Plan       | <input type="checkbox"/> Replat of Subdivision  |  |

Please describe your request in detail: The city desires to initiate rezoning for the portion of the property that is zoned RP to make the entire site cohesive as PFD.

**Required Data, Documents, Forms & Fees**

Attached to this application is a list of **REQUIRED** data, documents and forms for each application type as well as the adopted fee schedule. These items must be included when submitting the application package. Failure to include the supporting data will deem your application package **INCOMPLETE** and will not be processed for review.

Printed Name: Gary La Yehia, City Manager, City of Fruitland Park

Signature:  Date: 6/10/2019

If application is being submitted by any person other than the legal owner(s) of the property, the applicant must have written authorization from the owner to submit application.




APPLICANT AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LAKE

Before me the undersigned authority, personally appeared Gary La Venia, City Manager, City of  
Fruitland Park, who being by me first duly sworn on oath deposes and says:

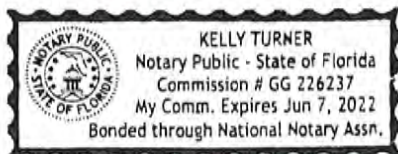
- 1) That he/she affirms and certifies that he/she understands and will comply with all ordinances, regulations, and provisions of the City of Fruitland Park, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further that this application and attachments shall become part of the Official Records of the City of Fruitland Park, Florida, and are not returnable.
- 2) That the submittal requirements for the application have been completed and attached hereto as part of that application.
- 3) That he/she desires Rezoning for the portion of the library site that is zoned RP to make the entire site cohesive as PFD.

  
Affiant (Applicant's Signature)

State of Florida  
County of Lake

The Foregoing instrument was acknowledged before me this 10<sup>th</sup> day of June, 20 19,  
by Gary La Venia who is personally known to me or has produced  
\_\_\_\_\_ as identification and who did or did not take an oath

(Notary Seal)



Notary Public - State of Florida  
Commission No GG 226237  
My Commission Expires Jun 7, 2022

  
Signature

Kelly Turner  
Printed Name

LEGAL DESCRIPTION

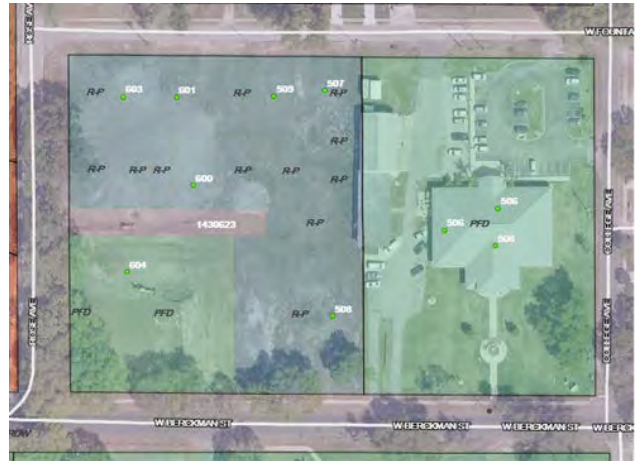
FRUITLAND PARK, RESUB PT BLK 20 PB 8 PG 95 LOTS 13, 14, 15, |  
16, 17, 18, 19, 20, 21, 22, 23, 24, AND FRUITLAND PARK PB 3 |  
PG 69 THE WEST 335 FEET OF BLOCK 20, AND THE 30 FOOT RIGHT |  
OF WAY FOR LAUREL STREET NOW VACATED LYING SOUTH OF AND |  
ABUTTING THE SOUTH LINE OF LOTS 13 THROUGH 18 INCLUSIVE OF |  
RESUB OF A PORTION OF BLOCK 20, BEING BOUNDED ON THE WEST BY |  
THE EAST RIGHT OF WAY LINE FOR ROSE STREET, AND BOUNDED ON |  
THE EAST BY THE EAST LINE OF SAID WEST 335 FEET OF AFORESAID |  
BLOCK 20 |  
ORB 2594 PG 265 ORB 3870 PGS 817 818 ORB 3917 PG 2464 ORB |  
3919 PG 159 ORB 4511 PG 586 ORB 4547 PG 2320 |

**From:** [Kelly Turner](#)  
**To:** "[Anita Geraci \(anita@agclaw.net\)](#)"  
**Cc:** [Tracy Kelley](#); [Sheila Kilgore \(sheila@agclaw.net\)](#); [Sherie Lindh](#); [Greg Beliveau](#)  
**Subject:** Rezoning Library Site  
**Date:** Wednesday, March 27, 2019 2:10:00 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)

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Anita,

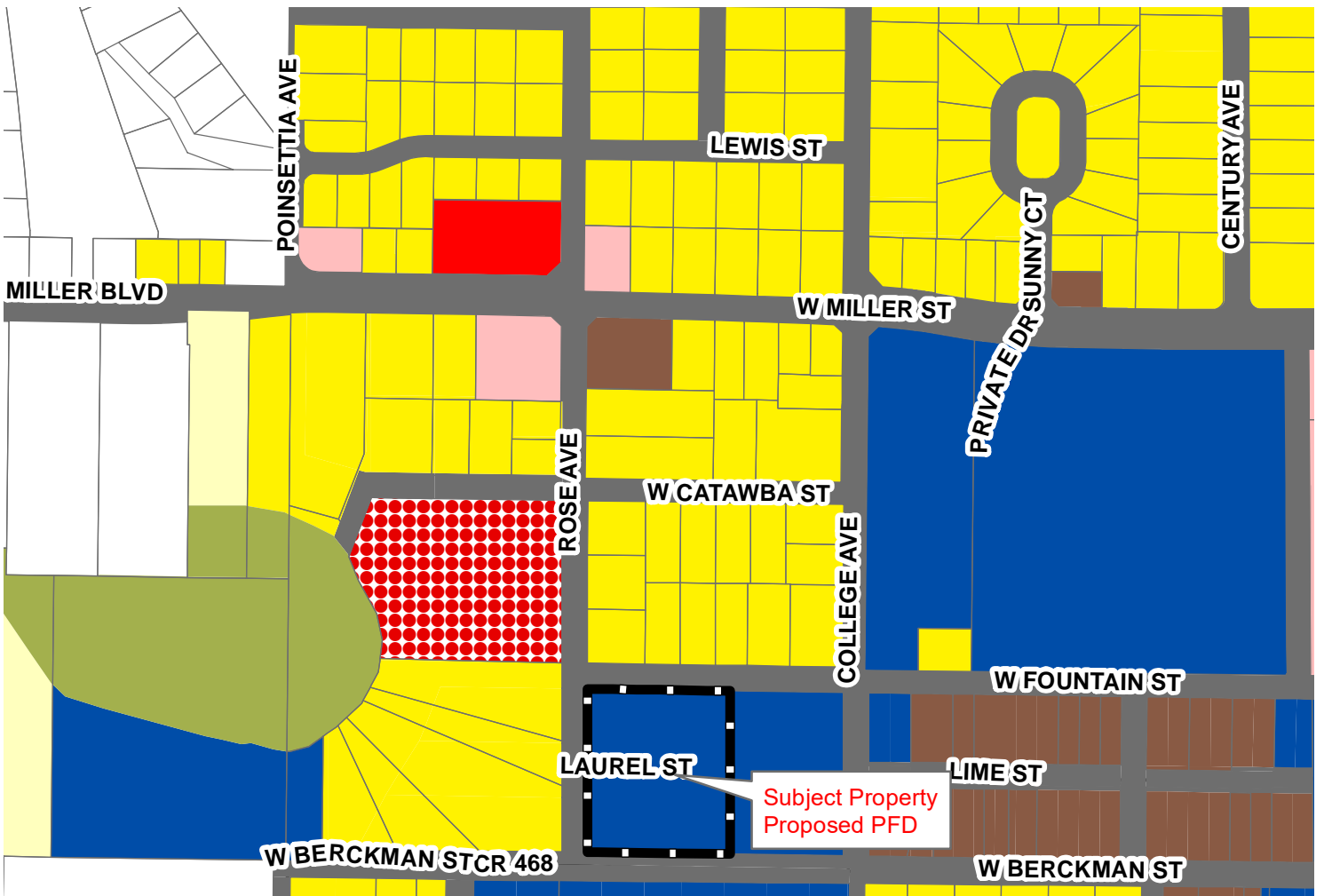
The City desires to initiate a rezoning for the portion of the library site that is zoned RP to make the entire site cohesive as PFD. Please draft an Ordinance to this affect.



Thank you,

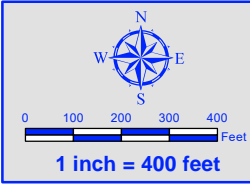


\*Under Florida law, *Cf. s. 668..6076, F.S.*, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to the City of Fruitland Park. Instead contact the city by telephone or in writing\*



**Legend**

- Subject Property
- City of Fruitland Park Zoning**
- R-1, Residential Single Family Home - Low Density
- R-2, Residential Single Family Home - Medium Density
- R-2A, Medium Density Residential
- R-3, Multi-Family Residential - High Density
- R-3A, High Density Residential/Neighborhood Commercial
- RP, Residential Professional
- C-1, Neighborhood Commercial
- C-2, General Commercial
- IND, Industrial
- PUD, Planned Unit Development
- CPUD, Commercial Planned Unit Development District
- IND-PUD, Industrial PUD
- MPUD, Mixed Use PUD
- PFD, Public Facilities District
- GB, Green Belt District
- ROW, Right-of-Way




**City of Fruitland Park**  
**AK #1430623**  
 Lake County, Florida  
 Proposed Zoning - PFD


Project: 398-  
 File: Proposed Zoning.mxd  
 Name: City of FP  
 PM: Sherie Lindh  
 Date: June 9, 2019  
 Created By: J. Meier

**LPG Urban & Regional Planners, Inc.**  
 1162 Camp Avenue, Mount Dora, Florida 32757  
 Office: (352) 385-1940 / Fax: (352) 383-4824

Aerial Photo

Legend

 604 W Berckman St

 604 W Berckman St

Google Earth



800 ft

**ORDINANCE 2019 - 006**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 3+/- ACRES OF PROPERTY OWNED BY THE CITY OF FRUITLAND PARK FROM RESIDENTIAL PROFESSIONAL TO PUBLIC FACILITIES DISTRICT WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, a petition has been submitted by the City of Fruitland Park as Owner, requesting that approximately 3.00 acres of real property generally located north of West Berckman Street south of West Fountain Street, east of Rose Avenue and west of College Avenue (the "Property") be rezoned from Residential Professional (RP) to Public Facilities District within the city limits of Fruitland Park; and

**WHEREAS**, the property has a future land use designation of Mixed Community as shown on the City of Fruitland Park's Comprehensive Plan Future Land Use Map; and

**WHEREAS**, the proposed zoning is consistent with the future land use designation.

**WHEREAS**, the required notice of the proposed rezoning has been properly provided; 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. Rezoning.**

That the zoning classification of the following described property, being situated in the City of Fruitland Park, Florida, shall be hereafter be designated as **Public Facilities District** as defined in the Fruitland Park Land Development Regulations. The property is more particularly depicted in **Exhibit A** attached hereto and incorporated herein and more particularly described as:

Lots 13 – 24, inclusive, according to a Plat of a portion of Block 20, Fruitland Park, Lake County, Florida, filed April 30, 1926 and recorded in Plat Book 8, Page 95, Public Records of Lake County, Florida.

**AND**

That part of the West 335 feet of Block 20, a Map of the City of Fruitland Park, as recorded in Plat Book 3, Page 9, of the Public Records of Lake County, Florida, being described as follows:

A 30 foot Right of Way for Laurel Street, lying south of and abutting the south line of Lots 13 through 18 inclusive, of plat of a portion of Block 20, as recorded in Plat Book 8, Page 95, of the Public Records of Lake County, Florida, being bounded on

the west by the East Right of Way line for Rose Avenue as shown on said Map of Fruitland Park and Bounded on the East by the east line of said West 335 feet of aforesaid Block 20. Being in Section 4, Township 19 South, Range 24 East, Lake County, Florida.

**A portion of Lake County Parcel Id. No. 04-19-24-1200-020-01300; Parcel Alternate Key No. 1430623**

Containing approximately 3.00 acres, more or less.

**Section 2. Zoning Classification.**

That the Property shall be designated as Public Facilities District in accordance with Land Development Code of the City of Fruitland Park, Florida.

**Section 3. Consistent with Comprehensive Plan.**

That the zoning classification is consistent with the Comprehensive Plan of the City of Fruitland Park, Florida.

**Section 4. Official Zoning Map.**

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 5. 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 6. Scrivener's Errors.**

Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

**Section 7. Conflict.**

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 8. Effective Date.**

This Ordinance shall become effective immediately upon its approval and adoption by the City Commission of the City of Fruitland Park.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

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 DeGrave \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Commissioner Mobilian \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Mayor Cheshire \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

DRAFT



**NOTICE OF PUBLIC HEARINGS  
ORDINANCE 2019-006**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 3+/- ACRES OF PROPERTY OWNED BY THE CITY OF FRUITLAND PARK FROM RESIDENTIAL PROFESSIONAL TO PUBLIC FACILITIES DISTRICT WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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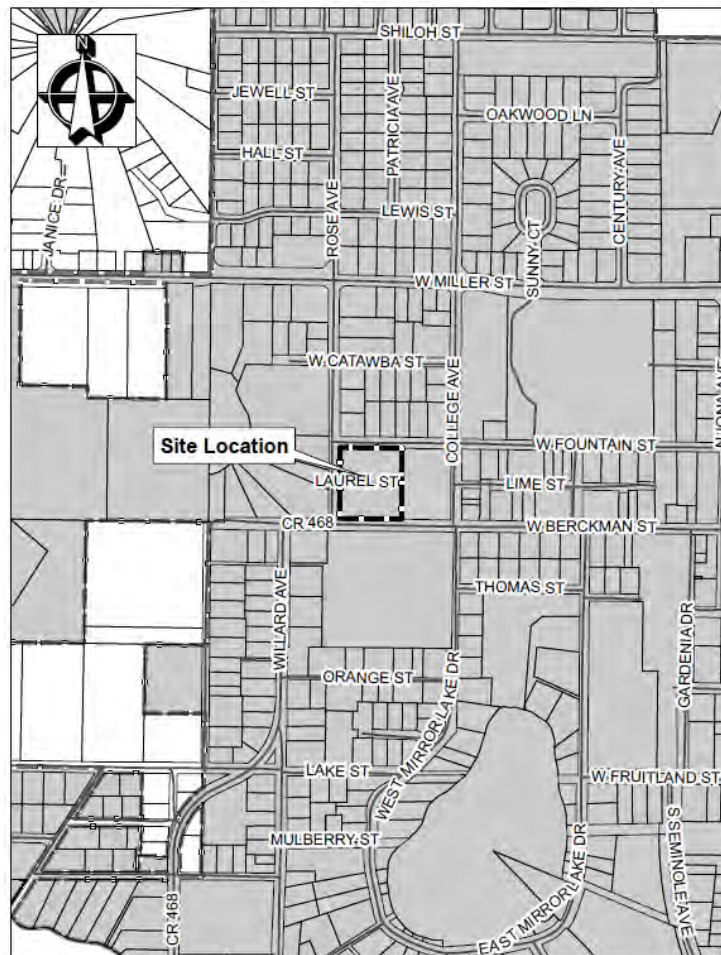
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Fruitland Park City Commission Meeting on July 25, 2019 at 6:00 p.m.

Fruitland Park City Commission Meeting on August 8, 2019 at 6:00 p.m.

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**CITY OF FRUITLAND PARK**  
**NOTICE TO SURROUNDING PROPERTY OWNERS**

The City of Fruitland Park has received an application for: Rezoning

Owner is seeking to rezone property currently zoned as RP Residential Professional to PFD Public Facilities District.

Name of Applicant: City of Fruitland Park

Address or general location of property: 604 W Berckman St, Fruitland Park FL, 34731

Type of Zoning requested: Public Facilities District

Reason for action: The city desires to initiate rezoning for the portion of the property that is zoned RP to make the entire site cohesive as PFD.

Other information attached: Yes  No

\* \* \* \*

There will be a Public Hearing:

**Planning & Zoning Board**  
**City Commission 1<sup>st</sup> Reading**  
**City Commission Final Reading**

**Thursday, July 18, 2019 @ 6:00 p.m.**  
**Thursday, July 25, 2019 @ 6:00 p.m.**  
**Thursday, August 8, 2019 @ 6:00 p.m.**

**NOTE:** If you are opposed to this Rezoning and wish to state your reasons, please fill out and return the form below to: Fruitland Park City Hall, 506 W Berckman Street, Fruitland Park, FL 34731, or call 352-360-6727 and your name will be listed for you to speak at the scheduled P&Z Board Meeting and/or City Commission Meeting.

\* \* \* \*

**SURROUNDING PROPERTY OWNER**

Name: \_\_\_\_\_  
(Please Print)

Address: \_\_\_\_\_

I/We the undersigned have examined the above information for the proposed \_\_\_\_\_ and understand the nature of this request.

I/We are opposed \_\_\_\_/not opposed \_\_\_\_ to this action. (check one)

I/We request to speak at P&Z Meeting \_\_\_\_ and/or City Commission Meeting \_\_\_\_.  
(check one or both)

\_\_\_\_\_  
Addressee Signature

\_\_\_\_\_  
Addressee Signature

***In the event this form is not mailed back to the City or you have not called the City to schedule you as a speaker, this will be considered as an approval.***

# The Villages<sup>®</sup> DAILY SUN

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

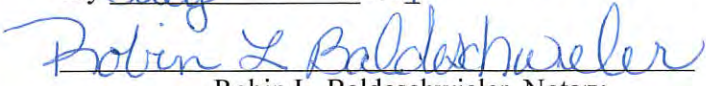
Before the undersigned authority personally appeared **Sheryl Dufour** who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a **Legal Ad** in the matter of **NOTICE OF PUBLIC HEARINGS ORDINANCE 2019-0006**, was published in said newspaper in the issues of

**JULY 10, 2019**

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.

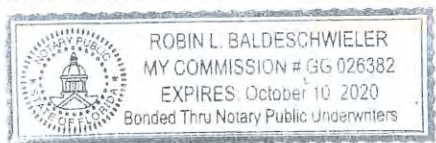
  
(Signature Of Affiant)

Sworn to and subscribed before me this 10  
day July 2019.

  
Robin L. Baldeschwieler, Notary

Personally Known X or  
Production Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

Attach Notice Here



## NOTICE OF PUBLIC HEARINGS

ORDINANCE 2019-006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 3+/- ACRES OF PROPERTY OWNED BY THE CITY OF FRUITLAND PARK FROM RESIDENTIAL PROFESSIONAL TO PUBLIC FACILITIES DISTRICT WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinance will be considered at the following public meetings:

- Fruitland Park Planning & Zoning Board Meeting on July 18, 2019 at 6:00 p.m.
- Fruitland Park City Commission Meeting on July 25, 2019 at 6:00 p.m.
- Fruitland Park City Commission Meeting on August 8, 2019 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 proposed ordinance and metes and bounds legal description of 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.



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

PHONE: 352-360-6727  
FAX: 352-360-6652

<b>Board Members:</b> Al Goldberg Daniel Dicus Fred Collins Philip Purlee, Vice Chair Walter Birriel	<b>Others:</b> Greg Beliveau, LPG Tracy Kelley, CDD Kelly Turner, Administrative Assistant
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**AGENDA  
PLANNING & ZONING BOARD  
JULY 18, 2019  
6:00PM**

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- I. INVOCATION:**
- II. ROLL CALL:**
- III. MINUTES FROM PREVIOUS MEETING:** Approve meeting minutes from June 20, 2019.
- IV. OLD BUSINESS:** None
- V. NEW BUSINESS:**
- A. Recommend and Elect Chair and Vice Chair to the Planning & Zoning Board
  - B. City of Fruitland Park Library Site Rezoning (Alt Key 1430623)

The City of Fruitland Park desires to initiate rezoning for the portion of the property that is zoned Residential Professional (RP) to make the entire site cohesive as Public Facilities District (PFD). Proposed zoning classification is consistent with the Comprehensive Plan of the City of Fruitland Park.

**BOARD MEMBERS' COMMENTS:**

**ADJOURNMENT:**



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

PHONE: 352-360-6727  
FAX: 352-360-6652

<b>Board Members:</b> Connie Bame, Chairwoman Daniel Dicus Philip Purlee, Vice Chair Fred Collins Walter Birriel	<b>Others:</b> Tracy Kelley, CDD Kelly Turner, Administrative Assistant
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**MINUTES  
PLANNING & ZONING BOARD  
JUNE 20, 2019  
6:00PM**

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- I. **INVOCATION:** Meeting called to order at 6:15PM. Administrative Assistant Turner led the invocation and Pledge of Allegiance.
- II. **ROLL CALL:** Board members present with the exception of Daniel Dicus and Philip Purlee. Present Tracy Kelley, CDD and Kelly Turner, Administrative Assistant.
- III. **MINUTES FROM PREVIOUS MEETING:** Board member Birriel made motion to approve meeting minutes from May 16, 2019. Second by Board member Collins. Approved 3-0.
- IV. **OLD BUSINESS:** None
- V. **NEW BUSINESS:**

A. **DGI Properties, LLC, Debra Patterson Rezoning**

Debra Patterson, registered agent of DGI Properties, LLC, owner of 205 East Fountain Street, submitted application for rezoning. Property is currently zoned General Commercial (C-2) and applicant wishes to rezone to Residential Professional (RP) for financing purposes.

CDD Kelley gave introduction to application and stated proposed zoning and future land use are conducive to surrounding area. Fifteen (15) notices were sent out certified mail to adjoining property owners and zero (0) were returned. One surrounding property owner called on June 14, 2019 at 11:52 AM and stated position as in-favor of rezoning. Applicant Debra Patterson and Gary Becker present to represent application. Applicant Patterson stated they recently renovated the home to sell for residential purposes and desire the home to be zoned as such.

Board member Birriel made motion recommending approval for Ordinance 2019-004, rezoning 0.23± acres of real property from General Commercial (C-2) to Residential Professional (RP). Second by Board member Collins. Approved 3-0.

**BOARD MEMBERS' COMMENTS:** Chairwoman Connie Bame thanked the Board members for their attendance in order to meet required quorum to proceed with the regularly scheduled meeting.

**ADJOURNMENT:** Meeting adjourned at 6:22PM.



**City of Fruitland Park, Florida**  
**Community Development Department**  
 506 W. Berckman St., Fruitland Park, Florida 34731  
 Tel: (352) 360-6727 Fax: (352) 360-6652  
 www.fruitlandpark.org

<i>Staff Use Only</i>	
Case No.:	_____
Fee Paid:	_____
Receipt No.:	_____

## Development Application

Contact Information:

Owner Name: City of Fruitland Park  
 Address: 506 W Berckman St  
 Phone: 352-360-6727 Email: permits@fruitlandpark.org

Applicant Name: City of Fruitland Park  
 Address: 506 W Berckman St  
 Phone: 352-360-6727 Email: permits@fruitlandpark.org

Engineer Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property and Project Information:

**PROJECT NAME\*:** Fruitland Park Library Site - Rezoning  
 \*A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: 604 W Berckman St  
 Parcel Number(s): 04-19-24-1200-020-01300 Section: 4 Township: 19 Range 24

Area of Property: S of W Fountain St, North of W Berckman St, E of Rose Ave, W of College Ave Nearest Intersection: Corner of Rose Ave and W Fountain St  
 Existing Zoning: R-P (portion of the property) Existing Future Land Use Designation: Mixed Community  
 Proposed Zoning: PFD Proposed Future Land Use Designation: Mixed Community

The property is presently used for: New Fruitland Park Library  
 The property is proposed to be used for: No change in use  
 Do you currently have City Utilities? Yes

Application Type:

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Annexation      | <input type="checkbox"/> Comp Plan Amendment   | <input checked="" type="checkbox"/> Rezoning    | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Variance        | <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final Plat          |
| <input type="checkbox"/> Minor Lot Split | <input type="checkbox"/> Preliminary Plan      | <input type="checkbox"/> Construction Plan      | <input type="checkbox"/> ROW/Plat Vacate     |
| <input type="checkbox"/> Site Plan       | <input type="checkbox"/> Minor Site Plan       | <input type="checkbox"/> Replat of Subdivision  |  |

Please describe your request in detail: The city desires to initiate rezoning for the portion of the property that is zoned RP to make the entire site cohesive as PFD.

**Required Data, Documents, Forms & Fees**

Attached to this application is a list of **REQUIRED** data, documents and forms for each application type as well as the adopted fee schedule. These items must be included when submitting the application package. Failure to include the supporting data will deem your application package **INCOMPLETE** and will not be processed for review.

Printed Name: Gary La Veria, City Manager, City of Fruitland Park

Signature: \_\_\_\_\_ Date: 6/10/2019

If application is being submitted by any person other than the legal owner(s) of the property, the applicant must have written authorization from the owner to submit application.

APPLICANT AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LAKE

Before me the undersigned authority, personally appeared Gary La Venia, City Manager, City of  
Fruitland Park, who being by me first duly sworn on oath deposes and says:

- 1) That he/she affirms and certifies that he/she understands and will comply with all ordinances, regulations, and provisions of the City of Fruitland Park, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further that this application and attachments shall become part of the Official Records of the City of Fruitland Park, Florida, and are not returnable.
- 2) That the submittal requirements for the application have been completed and attached hereto as part of that application.
- 3) That he/she desires Rezoning for the portion of the library site that is zoned RP to make the entire site cohesive as PFD.

[Handwritten Signature]  
Affiant (Applicant's Signature)

State of Florida  
County of Lake

The Foregoing instrument was acknowledged before me this 10<sup>th</sup> day of June, 20 19,  
by Gary La Venia who is personally known to me or has produced  
\_\_\_\_\_ as identification and who did or did not take an oath

(Notary Seal)



Notary Public - State of Florida  
Commission No GG 226237  
My Commission Expires Jun 7, 2022

[Handwritten Signature]  
Signature  
Kelly Turner  
Printed Name

LEGAL DESCRIPTION

FRUITLAND PARK, RESUB PT BLK 20 PB 8 PG 95 LOTS 13, 14, 15, |  
16, 17, 18, 19, 20, 21, 22, 23, 24, AND FRUITLAND PARK PB 3 |  
PG 69 THE WEST 335 FEET OF BLOCK 20, AND THE 30 FOOT RIGHT |  
OF WAY FOR LAUREL STREET NOW VACATED LYING SOUTH OF AND |  
ABUTTING THE SOUTH LINE OF LOTS 13 THROUGH 18 INCLUSIVE OF |  
RESUB OF A PORTION OF BLOCK 20, BEING BOUNDED ON THE WEST BY |  
THE EAST RIGHT OF WAY LINE FOR ROSE STREET, AND BOUNDED ON |  
THE EAST BY THE EAST LINE OF SAID WEST 335 FEET OF AFORESAID |  
BLOCK 20 |  
ORB 2594 PG 265 ORB 3870 PGS 817 818 ORB 3917 PG 2464 ORB |  
3919 PG 159 ORB 4511 PG 586 ORB 4547 PG 2320 |

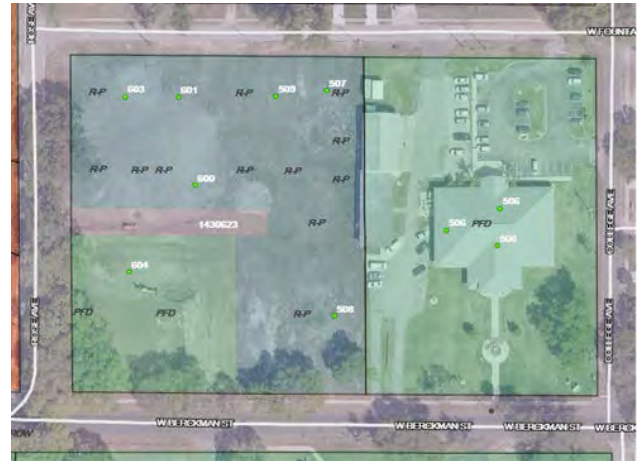


**From:** [Kelly Turner](#)  
**To:** "[Anita Geraci \(anita@agclaw.net\)](#)"  
**Cc:** [Tracy Kelley](#); [Sheila Kilgore \(sheila@agclaw.net\)](#); [Sherie Lindh](#); [Greg Beliveau](#)  
**Subject:** Rezoning Library Site  
**Date:** Wednesday, March 27, 2019 2:10:00 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)

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Anita,

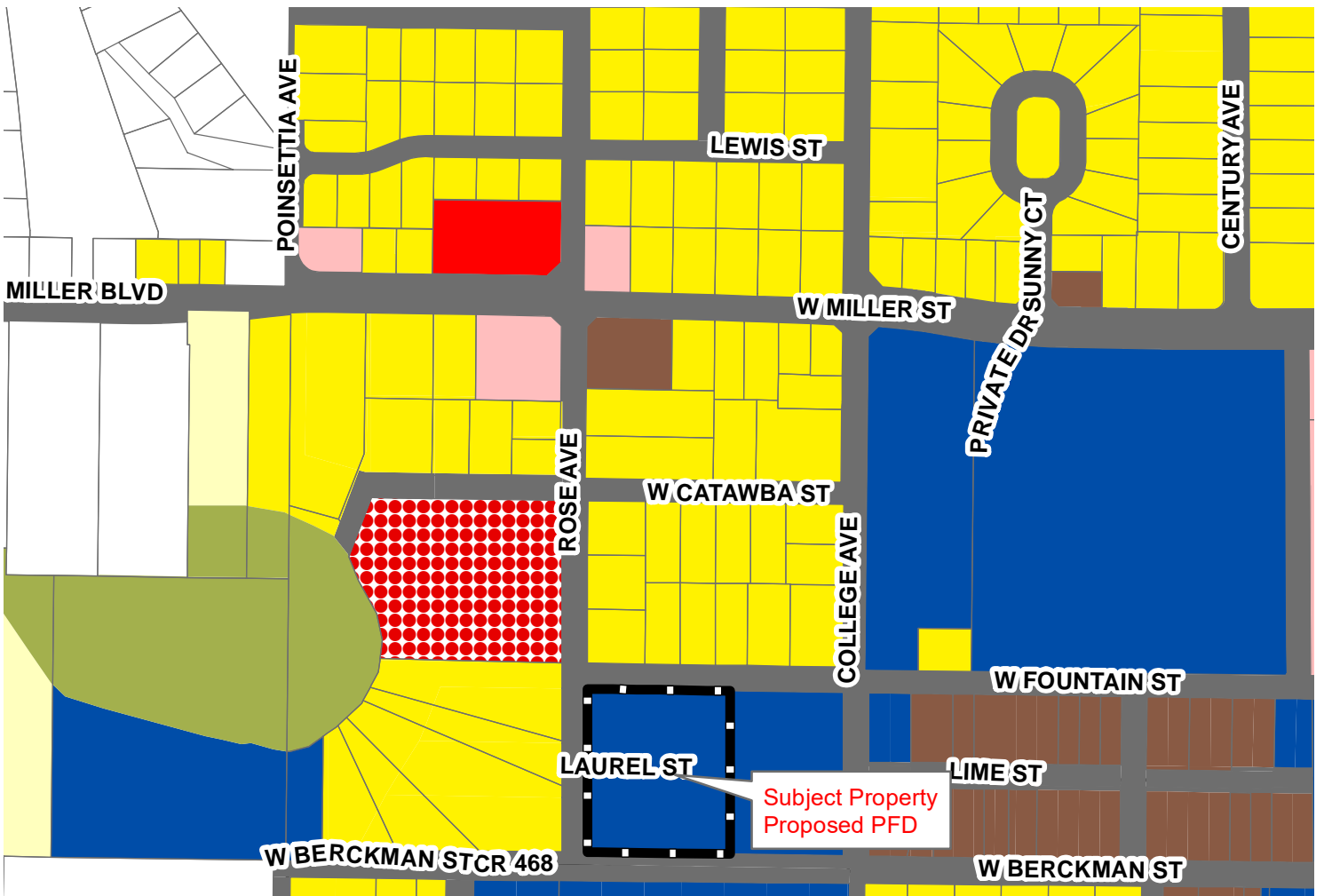
The City desires to initiate a rezoning for the portion of the library site that is zoned RP to make the entire site cohesive as PFD. Please draft an Ordinance to this affect.



Thank you,

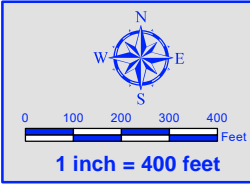


\*Under Florida law, *Cf. s. 668..6076, F.S.*, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to the City of Fruitland Park. Instead contact the city by telephone or in writing\*



**Legend**

- Subject Property
- City of Fruitland Park Zoning**
- R-1, Residential Single Family Home - Low Density
- R-2, Residential Single Family Home - Medium Density
- R-2A, Medium Density Residential
- R-3, Multi-Family Residential - High Density
- R-3A, High Density Residential/Neighborhood Commercial
- RP, Residential Professional
- C-1, Neighborhood Commercial
- C-2, General Commercial
- IND, Industrial
- PUD, Planned Unit Development
- CPUD, Commercial Planned Unit Development District
- IND-PUD, Industrial PUD
- MPUD, Mixed Use PUD
- PFD, Public Facilities District
- GB, Green Belt District
- ROW, Right-of-Way




**City of Fruitland Park**  
**AK #1430623**  
 Lake County, Florida  
 Proposed Zoning - PFD


Project: 398-  
 File: Proposed Zoning.mxd  
 Name: City of FP  
 PM: Sherie Lindh  
 Date: June 9, 2019  
 Created By: J. Meier

**LPG Urban & Regional Planners, Inc.**  
 1162 Camp Avenue, Mount Dora, Florida 32757  
 Office: (352) 385-1940 / Fax: (352) 383-4824

Aerial Photo

Legend

 604 W Berckman St

 604 W Berckman St

Google Earth



800 ft

**ORDINANCE 2019 - 006**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 3+/- ACRES OF PROPERTY OWNED BY THE CITY OF FRUITLAND PARK FROM RESIDENTIAL PROFESSIONAL TO PUBLIC FACILITIES DISTRICT WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, a petition has been submitted by the City of Fruitland Park as Owner, requesting that approximately 3.00 acres of real property generally located north of West Berckman Street south of West Fountain Street, east of Rose Avenue and west of College Avenue (the "Property") be rezoned from Residential Professional (RP) to Public Facilities District within the city limits of Fruitland Park; and

**WHEREAS**, the property has a future land use designation of Mixed Community as shown on the City of Fruitland Park's Comprehensive Plan Future Land Use Map; and

**WHEREAS**, the proposed zoning is consistent with the future land use designation.

**WHEREAS**, the required notice of the proposed rezoning has been properly provided; 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. Rezoning.**

That the zoning classification of the following described property, being situated in the City of Fruitland Park, Florida, shall be hereafter be designated as **Public Facilities District** as defined in the Fruitland Park Land Development Regulations. The property is more particularly depicted in **Exhibit A** attached hereto and incorporated herein and more particularly described as:

Lots 13 – 24, inclusive, according to a Plat of a portion of Block 20, Fruitland Park, Lake County, Florida, filed April 30, 1926 and recorded in Plat Book 8, Page 95, Public Records of Lake County, Florida.

**AND**

That part of the West 335 feet of Block 20, a Map of the City of Fruitland Park, as recorded in Plat Book 3, Page 9, of the Public Records of Lake County, Florida, being described as follows:

A 30 foot Right of Way for Laurel Street, lying south of and abutting the south line of Lots 13 through 18 inclusive, of plat of a portion of Block 20, as recorded in Plat Book 8, Page 95, of the Public Records of Lake County, Florida, being bounded on

the west by the East Right of Way line for Rose Avenue as shown on said Map of Fruitland Park and Bounded on the East by the east line of said West 335 feet of aforesaid Block 20. Being in Section 4, Township 19 South, Range 24 East, Lake County, Florida.

**A portion of Lake County Parcel Id. No. 04-19-24-1200-020-01300; Parcel Alternate Key No. 1430623**

Containing approximately 3.00 acres, more or less.

**Section 2. Zoning Classification.**

That the Property shall be designated as Public Facilities District in accordance with Land Development Code of the City of Fruitland Park, Florida.

**Section 3. Consistent with Comprehensive Plan.**

That the zoning classification is consistent with the Comprehensive Plan of the City of Fruitland Park, Florida.

**Section 4. Official Zoning Map.**

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 5. 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 6. Scrivener's Errors.**

Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

**Section 7. Conflict.**

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 8. Effective Date.**

This Ordinance shall become effective immediately upon its approval and adoption by the City Commission of the City of Fruitland Park.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

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 DeGrave \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Commissioner Mobilian \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Mayor Cheshire \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

DRAFT

**NOTICE OF PUBLIC HEARINGS  
ORDINANCE 2019-006**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 3+/- ACRES OF PROPERTY OWNED BY THE CITY OF FRUITLAND PARK FROM RESIDENTIAL PROFESSIONAL TO PUBLIC FACILITIES DISTRICT WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinance will be considered at the following public meetings:

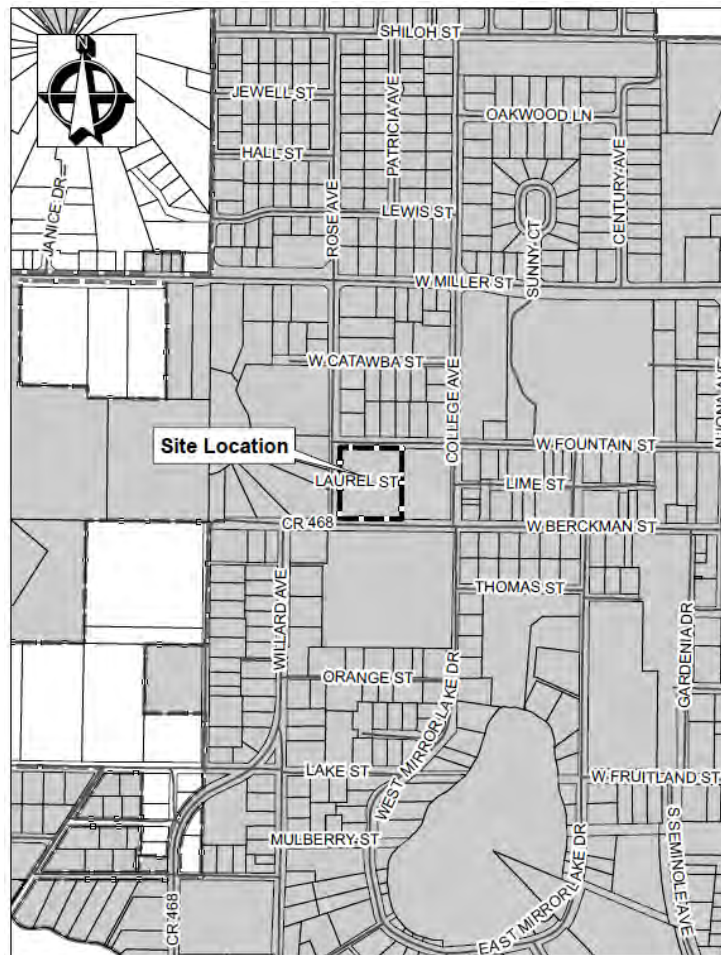
Fruitland Park Planning & Zoning Board Meeting on July 18, 2019 at 6:00 p.m.

Fruitland Park City Commission Meeting on July 25, 2019 at 6:00 p.m.

Fruitland Park City Commission Meeting on August 8, 2019 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 proposed ordinance and metes and bounds legal description of 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.

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**CITY OF FRUITLAND PARK**  
**NOTICE TO SURROUNDING PROPERTY OWNERS**

The City of Fruitland Park has received an application for: Rezoning

Owner is seeking to rezone property currently zoned as RP Residential Professional to PFD Public Facilities District.

Name of Applicant: City of Fruitland Park

Address or general location of property: 604 W Berckman St, Fruitland Park FL, 34731

Type of Zoning requested: Public Facilities District

Reason for action: The city desires to initiate rezoning for the portion of the property that is zoned RP to make the entire site cohesive as PFD.

Other information attached: Yes  No

\* \* \* \*

There will be a Public Hearing:

<b>Planning &amp; Zoning Board</b>	<b>Thursday, <u>July 18, 2019</u> @ 6:00 p.m.</b>
<b>City Commission 1<sup>st</sup> Reading</b>	<b>Thursday, <u>July 25, 2019</u> @ 6:00 p.m.</b>
<b>City Commission Final Reading</b>	<b>Thursday, <u>August 8, 2019</u> @ 6:00 p.m.</b>

**NOTE:** If you are opposed to this Rezoning and wish to state your reasons, please fill out and return the form below to: Fruitland Park City Hall, 506 W Berckman Street, Fruitland Park, FL 34731, or call 352-360-6727 and your name will be listed for you to speak at the scheduled P&Z Board Meeting and/or City Commission Meeting.

\* \* \* \*

**SURROUNDING PROPERTY OWNER**

Name: \_\_\_\_\_  
(Please Print)

Address: \_\_\_\_\_

I/We the undersigned have examined the above information for the proposed \_\_\_\_\_ and understand the nature of this request.

I/We are opposed \_\_\_\_/not opposed \_\_\_\_ to this action. (check one)

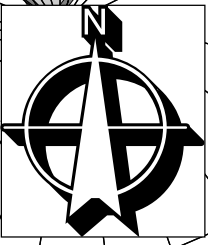
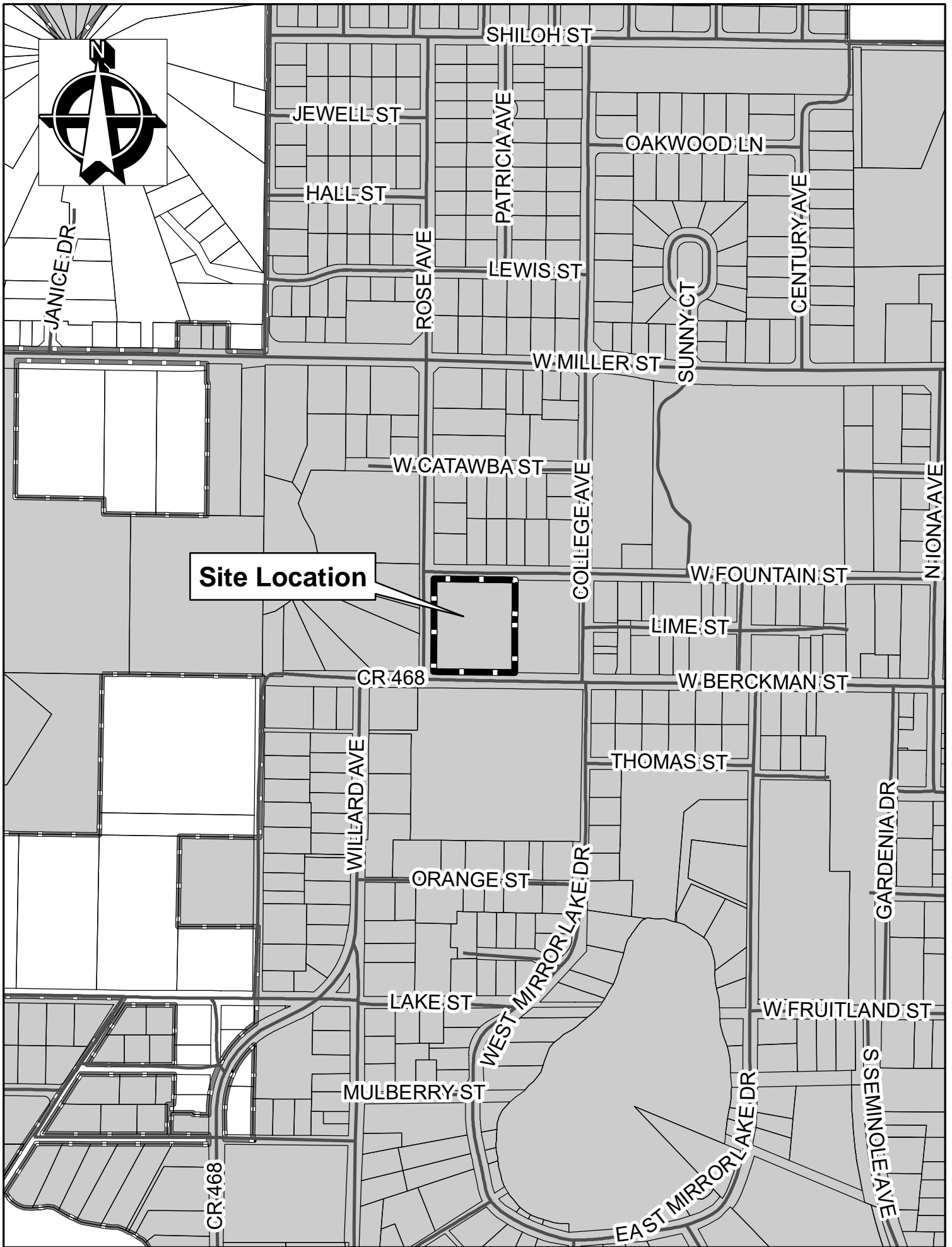
I/We request to speak at P&Z Meeting \_\_\_\_ and/or City Commission Meeting \_\_\_\_.  
(check one or both)

\_\_\_\_\_  
Addressee Signature

\_\_\_\_\_  
Addressee Signature

***In the event this form is not mailed back to the City or you have not called the City to schedule you as a speaker, this will be considered as an approval.***





**Site Location**

SHILOH ST

JEWELL ST

HALL ST

PATRICIA AVE

OAKWOOD LN

CENTURY AVE

JANICE DR

ROSE AVE

LEWIS ST

SUNNY CT

W. MILLER ST

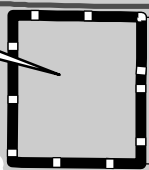
W. CATAWBA ST

COLLEGE AVE

W. FOUNTAIN ST

N. IONA AVE

Site Location



LIME ST

CR 468

W. BERCKMAN ST

THOMAS ST

WILLARD AVE

ORANGE ST

GARDENIA DR

LAKE ST

WEST MIRROR LAKE DR

MULBERRY ST

W. FRUITLAND ST

CR 468

EAST MIRROR LAKE DR

S. SEMINOLE AVE

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 5a**

<b>ITEM TITLE:</b>	<b>City Manager's Report</b>
<b>For the Meeting of:</b>	August 8, 2019
<b>Submitted by:</b>	City Manager
<b>Date Submitted:</b>	<b>July 30, 2019</b>
<b>Funds Required:</b>	No
<b>Account Number:</b>	N/A
<b>Amount Required:</b>	N/A
<b>Balance Remaining:</b>	N/A
<b>Attachments:</b>	<b>None</b>
 <b>Item Description:</b>	 <b>Economic Development Status Update</b>
 <b>Action to be Taken:</b>	
 <b>Staff's Recommendation:</b>	
 <b>Additional Comments:</b>	
 <b>City Manager Review:</b>	
 <b>Mayor Authorization:</b>	

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 5b**

**ITEM TITLE:** CITY ATTORNEY REPORT

**For the Meeting of:** August 8, 2019  
**Submitted by:** Anita Geraci-Carver  
**Date Submitted:** August 2, 2019  
**Funds Required:** None  
**Attachments:** None  
**Item Description:** City Attorney Report

**Notice of Claim: James Hartson:** No developments to report. The civil allegation complained of allegedly would have occurred April 16, 2016.

**Notice of Claim: Michael Fewless:** On Wednesday, July 31 the City was going to reach out to the State of Florida, Department of Management Services to request a refund of the FRS funds the City was required to remit. If the State refuses, then we will discuss with attorney Glenn Thomas.

**Burke's Bar-B-Q Co.:** On July 31<sup>st</sup> I was advised by the City that the restaurant has closed and personal property items from the restaurant were being removed. The restaurant's Facebook page reflects that on Tuesday, July 30<sup>th</sup> they were having a "Going Out of Business Sale" from 9 a.m. to 3 p.m. and selling off the remainder of its restaurant equipment. In light of the business closing, and the Developer Agreement recorded in the public records of Lake County running with title to the land, direction is requested from the City Commission as to whether to proceed with filing the lawsuit to enforce the Agreement or wait for a short period of time and re-evaluate when more information about the property is known.

**Action to be Taken:** Direction re: Burke's Bar-B-Q Co.  
**Staff's Recommendation:** N/A

**Additional Comments:**

**City Manager Review:**  
**Mayor Authorization:**

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 6**

**ITEM TITLE:** Public Comments  
**For the Meeting of:** August 8, 2019  
**Submitted by:** City Attorney  
**Date Submitted:** **August 31, 2019**  
**Funds Required:** None  
**Account Number:** N/A  
**Amount Required:** N/A  
**Balance Remaining:** N/A  
**Attachments:** Yes, Resolution 2013-023, Public Participation Policy

**Item Description:** 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.

**Action to be Taken:** **None**

**Staff's Recommendation:** N/A

**Additional Comments:**

**City Manager Review:**

**Mayor Authorization:**

## 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

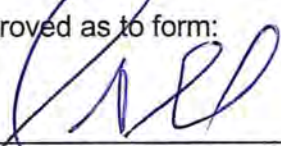
ATTEST:

  
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