

**FRUITLAND PARK CITY COMMISSION
SPECIAL MEETING AGENDA**

September 26, 2019

City Hall Commission Chambers

506 W. Berckman Street

Fruitland Park, Florida 34731

Immediately following the Planning and Zoning Board Joint Workshop
at 6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

PUBLIC HEARING

3. First Reading and Public Hearing - Ordinance 2019-013 Utility Service Provision Outside Municipal Boundaries (city attorney/city manager)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 50.04 IN CHAPTER 50 OF THE CODE OF ORDINANCES TO REQUIRE COUNTY PROPERTY OWNERS TO EXECUTE VOLUNTARY ANNEXATION PETITIONS IN RETURN FOR CITY UTILITIES AS ALLOWED BY LAW; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on October 10, 2019.)

4. OTHER BUSINESS

5. ADJOURNMENT

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.

ORDINANCE 2019-013

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 50.04 IN CHAPTER 50 OF THE CODE OF ORDINANCES TO REQUIRE COUNTY PROPERTY OWNERS TO EXECUTE VOLUNTARY ANNEXATION PETITIONS IN RETURN FOR CITY UTILITIES AS ALLOWED BY LAW; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, grants municipalities the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the provision of utility service is a proprietary function, and whether to provide service to nonresidents is within the City's discretion, provided the decision is nondiscriminatory; and

WHEREAS, providing utility services outside the municipal boundaries of Fruitland Park without the benefit of the tax revenues associated with the property may impact the City's ability to ensure continued adequate utility service to its residents; and

WHEREAS, in order to plan for future improvements to its utility system and other capital infrastructure, it is important for the City to know which properties will be available for annexation in the future, and have control over future development of those unincorporated areas to ensure capacity is reserved for future residents; and

WHEREAS, the City Commission has determined that it is in the best interests of the City to adopt a policy requiring annexation in exchange for utility service by the City; and

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

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

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

Section 2. Amendment. Section 50.04, in Chapter 50 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

Sec. 50.04. - Creation of utility service zone; connection required.

- (A) Pursuant to the provisions of F.S. § 180.02(3), the following described area is hereby designated as the city utility service zone or area: Bounded on the north by the south side of Lake Ella Road and Eagles Nest Road, east to the shore line of Lake Griffin, south to the proposed North Leesburg bypass, west to the Sumter County line.
- (B) All persons or corporations living or doing business within the area designated by division (A) above shall connect, when available, into the utility system when constructed, erected, extended, and operating in the designated area by the city in accordance with the pertinent ordinances of the city, state or any other that may hereinafter be enacted.
- (C) Service outside city. Water and/or sewer service may be provided to property located outside of the city subject to the owner executing an agreement to annex the property whenever annexation is permitted by law. The agreement shall be recorded in the public records and shall constitute an application to annex the property. However, properties inside the city shall have the first priority. All applications for service outside the city shall be reviewed by the city manager or designee, who shall approve such service only if an adequate supply of water and/or sewer capacity is available to meet the needs in the city. The city manager or designee shall review and technically approve all service line sizes and all other necessary design components.

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

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

Section 5. Conflicts. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

PASSED and ORDAINED this _____ day of _____, 2019, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK

Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner DeGrave	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Mobilian	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Approved as to form:

Anita Geraci-Carver, City Attorney

Passed First Reading:

Passed Second Reading: