

**FRUITLAND PARK CITY COMMISSION  
REGULAR MEETING AGENDA**

**August 27, 2020**

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 - Pastor Shannon Back, Village Park Campus First Baptist Church of Leesburg

Pledge of Allegiance – Police Chief Erik Luce

**2. ROLL CALL**

**3. CONSENT AGENDA**

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

**(a) Approval of Minutes** (city clerk)

August 3, workshop  
August 13, 2020 regular

**(b) Resolution 2020-043 - P&Z Board Chair and Vice Chair** (city manager/community development director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PLANNING AND ZONING BOARD CHAIR AND VICE-CHAIRMAN SELECTION FOR THE REMAINDER OF FISCAL YEAR 2019/2020 AND FISCAL YEAR 2020/2021; PROVIDING FOR AN EFFECTIVE DATE.

**(c) Resolution 2020-044 - P&Z Board Member Reappointment** (city manager/community development director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE CITY OF FRUITLAND PARK PLANNING AND ZONING BOARD; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

**4. REGULAR AGENDA**

**(a) Resolution 2020-052 - SRF Design Loan Authorization Application** (city attorney/city manager)

A RESOLUTION OF CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT A LOAN APPLICATION PURSUANT TO THE STATE REVOLVING FUND LOAN PROGRAM; APPLYING FOR A LOAN IN THE AMOUNT OF \$85,000.00 LESS 70% OR \$59,900 OF PRINCIPAL FORGIVENESS, EXCLUDING CAPITALIZED INTEREST, PAYABLE OVER A 20-YEAR PERIOD FOR PLANNING FUNDS FOR POINT SOURCE WATER POLLUTION CONTROL (DESIGNATED AS PROJECT WW35082); DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

**(b) Resolution 2020-037 Unity of Title – Petitioner: Community United Methodist Church** (city attorney/city manager/community development director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF UNITY OF TITLE UNIFYING AS AN INDIVISIBLE BUILDING SITE, TWO PROPERTIES LOCATED AT 404 WEST FOUNTAIN STREET AND 309 COLLEGE AVENUE, FRUITLAND PARK, FLORIDA, OWNED BY COMMUNITY UNITED METHODIST CHURCH OF FRUITLAND PARK, INC. AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER AS ALTERNATE KEY NUMBER 1639409 AND ALTERNATE KEY NUMBER 1248329; PROVIDING FOR A DECLARATION OF UNITY OF TITLE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

**(c) Resolution 2020-038 Minor Site Plan – Petitioner: Community United Methodist Church** (city attorney/city manager/community development director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING MINOR SITE PLAN APPROVAL TO ALLOW FOR USE OF AN EXISTING CHURCH BUILDING OWNED BY COMMUNITY UNITED METHODIST CHURCH OF FRUITLAND PARK, INC. AS A CHURCH OWNED FOOD

PANTRY; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**PUBLIC HEARING**

- (d) **Public Hearing - Resolution 2020-039 Variance Request - Setback Standards - Petitioner: S. Rector** (city attorney/city manager/community development director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATION (LDR) REQUIREMENTS PERTAINING TO SETBACK STANDARDS FROM 15' TO 5', ON THE SUBJECT PROPERTY LOCATED SOUTH OF CR 466A AND WEST OF NORTH VALLEY ROAD AND OWNED BY SAMUEL RECTOR, PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE.

- (e) **Public Hearing - Ordinance 2020-008 Form Board Survey** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO BUILDING REGULATIONS; UPDATING REFERENCES TO THE FLORIDA BUILDING CODE WITHIN CHAPTER 161 OF THE CITY OF FRUITLAND PARK LAND DEVELOPMENT CODE TO THE MOST RECENT VERSION OF THE FLORIDA BUILDING CODE; AMENDING SECTION 161.010(b) OF THE LAND DEVELOPMENT CODE BY ADOPTING CERTAIN AMENDMENTS TO THE FLORIDA BUILDING CODE; DIRECTING THE CITY MANAGER TO TRANSMIT THE AMENDMENTS TO THE FLORIDA BUILDING COMMISSION AS REQUIRED BY STATUTE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on September 10, 2020.)

**END OF PUBLIC HEARING**

**5. OFFICERS' REPORTS**

- (a) **City Manager**
- i. **Economic Development Status Update**
  - ii. **COVID-19 Status Update**
  - iii. **City Clerk**

**(b) City Attorney**

- i. City of Fruitland Park v. T. D. Burke**
- ii. City of Fruitland Park v. State of Florida Department of Management Services**
- iii. Michael and Laurie Fewless v. City of Fruitland Park**
- iv. Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026**

**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**

- September 7, 2020 City Hall Closed, Labor Day;
- September 10, 2020 City Commission Meeting regular at 6:00 p.m.;

- September 11, 2020, TBD, *Lake County School Superintendent School Reopening*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- September 17, 2020 City Commission/P&Z Board Joint Workshop Meeting at 6:00 p.m.;
- September 19, 2020 Fruitland Park Astronomy Group, Northwest Lake Community Park Multipurpose Soccer Field, 300 Shiloh Street, Fruitland Park, Florida 34731 at 8:00 p.m.
- September 24, 2020 City Commission Meeting regular at 6:00 p.m.,
  
- October 5, 2020, 1<sup>st</sup> Capital Projects Review, Lake County Board of County Commissioners Chambers, 2<sup>nd</sup> Floor, Lake County Administration Building, 315 W Main Street, Tavares, Florida 32778 at 3:00 p.m.;
- October 8, 2020 City Commission Meeting regular at 6:00 p.m.;
- October 9, 2020, TBD, *2021 Election League Officers*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- October 22, 2020 City Commission Meeting regular at 6:00 p.m.;
  
- November 9, 2020, Lake County Office of Parks and Trails Advisory Board, Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;
- November 11, 2020 City Hall Closed, Veterans' Day;
- November 12, 2020 City Commission Meeting regular at 6:00 p.m.;
- November 20, 2020, *2020 Sponsor Appreciation Event*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- November 26, 2020 City Hall Closed, Thanksgiving Day
- November 27, 2020 City Hall Closed, Day After Thanksgiving Day

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

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 a-c**

**ITEM TITLE:** Draft Meeting Minutes, Resolution 2020-043 Planning and Zoning (P&Z) Chair and Vice Chair and Resolution 2020-044, P&Z Reappointment

**For the Meeting of:** August 27, 2020

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

**Date Submitted:** August 14, 2020

**Funds Required:** N/A

**Account Number:** N/A

**Amount Required:** N/A

**Balance Remaining:** N/A

**Attachments:** Yes, draft minutes and resolutions

**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.

- a. **August 3 workshop and August 13, 2020 regular meeting minutes**
- b. **Resolution 2020-043 Planning and Zoning Chair and Vice Chair and**  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PLANNING AND ZONING BOARD CHAIR AND VICE-CHAIRMAN SELECTION FOR THE REMAINDER OF FISCAL YEAR 2019/2020 AND FISCAL YEAR 2020/2021; PROVIDING FOR AN EFFECTIVE DATE.
- c. **Resolution 2020-044, P&Z Reappointment**  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE CITY OF FRUITLAND PARK PLANNING AND ZONING BOARD; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

**Action to be Taken:** Approve the consent agenda

**Staff's Recommendation:** Approval of the minutes, if there are no corrections and adoption of resolutions with the selection and reappointment.

**Additional Comments:** At the August 20, 2020 P&Z Board meeting, Mr. Albert Goldberg was appointed as the Chair and Mr. Daniel Dicus as Vice Chair.

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**FRUITLAND PARK CITY COMMISSION REGULAR  
DRAFT MEETING MINUTES  
August 13, 2020**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, July 23, 2020 at 6:00 p.m.

**Members Present:** Mayor Chris Cheshire, Vice Mayor John L. Gunter Jr., Commissioners Christopher Bell, Patrick DeGrave, and John Mobilian.

**Also Present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Sergeant Public Works Director Robb Dicus; and City Clerk Esther B. Coulson.

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

**ACTION:** 6:00 p.m. After Mayor Cheshire called the meeting to order, Associate Pastor C. J. Hill, Community United Methodist Church, gave the invocation, and Police Chief Luce led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

**ACTION:** 6:02:36 p.m. After Mayor Cheshire requested that Ms. Coulson call the roll where a quorum was declared present, he outlined the decorum for this evening's meeting.

**ACTION:** 6:04:58 p.m. and 6:07:18 p.m. At Commissioner Bell's request **and by unanimous consent, the city commission agreed to accept the request for Mr. Dave Scruggs, City of Fruitland Park resident, to appear before the city commission at this evening's meeting.**

Mr. Scruggs referred to his email dated August 10, 2020 to Commissioner Bell regarding the Fruitland Park Astronomy Group; a copy of which is filed with the supplemental papers to the minutes of this meeting.

**By unanimous consent, the city commission accepted the request of Mr. Dave Scruggs, City of Fruitland Park resident, to meet with the city manager (who will coordinate with the parks and recreation director) to host a free Fruitland Park Astronomy Group for all ages to meet on the third Saturday of the month (weather permitting) commencing September 19, 2020 on the sidewalk of Northwest Lake Community Park Multipurpose Soccer Field at 300 Shiloh Street, Fruitland Park, Florida at 8:00 p.m.**

**3. COMMUNITY REDEVELOPMENT AGENCY**

**ACTION:** 6:10:48 p.m. **By unanimous consent, the city commission recessed its meeting at 6:11 p.m. to the Community Redevelopment Agency special meeting and reconvened at 6:32 p.m.**

**4. CONSENT AGENDA**

**Approval of Minutes**

July 23, 2020 regular

**ACTION: 6:31:30 p.m. On motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved the consent agenda.**

**5. REGULAR AGENDA**

**(a) Professional Architectural Services Design Architect Discussion**

Mr. La Venia recalled the city commission's actions at its July 23, 2020 regular meeting on its selection, rank and award of the professional architectural services design architect request for qualifications to GatorSkтч Corporation and the subsequent contract agreement negotiations process.

Mr. Michael Latham, GatorSkтч, pointed out:

- the recent meeting he had with Messrs. La Venia, Dicus and Police Chief Luce on the subject matter:
- the State of Florida Department of Management Services' Division of Real Estate Development and Management Building Construction Design Professional Fee Guide Calculators for Architect-Engineering Services fee coverages for the public works metal and public safety buildings; copies of which are filed with the supplemental papers to the minutes of this meeting.
- the city commission's consideration on this evening's agenda under items 5.(b)i. and 5(b)ii on the proposal/agreements with Booth Ern Straughan & Hiott Inc (BESH), Engineers, Surveyors, Land Planners retained by the city; the type of services to be handled and his recent conversations with Mr. Duane K. Booth, BESH, on same -- who confirmed in the affirmative that the landscape and architect provision was not included in their proposal agreement -- and
- the additions to page two of the respective fee guide calculators: which GatorSkтч have implemented over the years; namely, the security cameras, access control and the minor interior design fee at a cost of \$46,400 and for the public safety building and the connection to the network, security, access control and the camera around the perimeter of the building and access control on the gate for \$8,200.

**ACTION: 6:32:00 p.m. After much discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission accept GatorSkтч Corporation's fee guide calculators and proposal, as previously, cited and approved proceeding to the contract phase.**



Mr. Carl Yauk, The Villages of Fruitland Park resident, want to make sure that the acts and numbers are available in advance. noted the cash on hand as available funding and indicated that the payment of any shortfall will be up to the commission.

Mr. Alex Busto, GatorSkitch, thanked the city commission for the opportunity and that he looks forward to building the respective facilities.

**Mayor Cheshire called for a vote on the motion with the city commission voting as follows:**

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

**Mayor Cheshire declared the motion carried on a four to one (4-1) vote.** (The AIA Document (standard form of agreement between the owner and architect) will be considered at the August 27, 2020 regular meeting and GatorSkitch agreed with the city commission’s request to display renderings on the wastewater treatment plant metal building and the public safety complex.)

Upon Mayor Cheshire’s suggestion and **by unanimous consent, the city commission took the following item out of order on this evening’s agenda.**

**(b) Civil Engineering and Surveying Services Proposals - BESH**

**iii. Engineering Surveying Planning Services**

Mr. Duane K. Booth, BESH, outlined his recent conversations with Mr. La Venia regarding the acquisition of BESH by Halff Associates Inc. where he will remain as a stockholder and vice president and that BESH (employee-owned) and its partners (Messrs. Robert A. Ern, Jr., Charles “Chuck” C. Hoitt, and himself) will remain at the existing location providing the same level of service and costs, and explained that he will be the negotiator of contracts on the company’s behalf. He indicated that contracts with Halff will be addressed by August 31, 2020 and that municipalities that retain BESH’s services will be notified in advance of said contracts, honored by Halff, which are being worked on with the respective municipal attorneys.

In response to Mayor Cheshire’s inquiry, Ms. Geraci-Carver confirmed that it would be in order for the city commission to consider the proposal/agreements on this evening’s agenda and explained that the forthcoming assignment language from Halff will be reviewed and provided to the commission for consideration.

**ACTION:** 6:50:58 p.m. No action was necessary.

**i. Resolution 2020-040 WWTP Metal Building Proposal/Agreement – BESH**

Ms. Geraci-Carver read into the record the title of Resolution 2020-040, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE CIVIL ENGINEERING SERVICES PROPOSAL/AGREEMENT FOR CITY OF FRUITLAND PARK METAL BUILDING AT WWTP BETWEEN BESH AND THE CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:55:43 p.m. and 7:03:00 p.m. After extensive discussions, **a motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission adopt Resolution 2020-040 as previously cited.** (The city commission had no objections for staff to resolve any outstanding issues prior to the final site work contract; agreed to a not-to-exceed price on the proposal/agreement and accepted the request to amend same to include the standard penetration test borings.)

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

**ii. Resolution 2020-041 Public Safety Complex Construction Site Work Proposal/Agreement – BESH**

Ms. Geraci-Carver read into the record the title of Resolution 2020-041, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE CIVIL ENGINEERING SERVICES PROPOSAL/AGREEMENT FOR CITY OF FRUITLAND PARK PUBLIC SAFETY COMPLEX BETWEEN BESH AND THE CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:55:43 p.m., 7:02:13 p.m. After much discussion, **a motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission adopt Resolution 2020-041 as previously cited.**

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

(c) **City of Fruitland Park and City of Leesburg Street Maintenance ILA Discussion**

Mr. La Venia relayed the request for street maintenance (150 feet of roadway), adjacent to the City of Leesburg's city limits near Dr. Martin Luther King Jr., (MLK) Boulevard when Dr. Rufus Holloway, starts development on the property.

Mr. Michael "Mike" W. Rankin, LPG Urban & Regional Planners Inc., outlined his involvement with the subject project and relayed Dr. Holloway's requirement for a right-of-way to access MLK Boulevard, a county arterial. He recognized the plan for agreements to be formalized between Dr. Holloway and the City of Leesburg where his request is contingent upon the City of Fruitland Park accepting responsibility for a portion of the roadway, utilities and the ROW. Mr. Rankin relayed his conversations with Mr. Dan Tatro, Grizzard Real Estate, on the status of the property development and the plan to appear to meet with Dr. Holloway and Mr. La Venia before appearing before the City of Fruitland Park Commission to accept the roadway.

After further discussion on the placement of traffic control ensuring that it reflects the appropriate jurisdiction on the site plan, Ms. Geraci-Carver confirmed in the affirmative that she will report back on the references made to Sumter County under sections 9 and 7 of the draft interlocal agreement between the Cities of Leesburg and Fruitland Park pertaining to street maintenance to the city commission. (A copy of the ILA is filed with the supplemental papers to the minutes of this meeting.)

**ACTION: 7:09:24 p.m. By unanimous consent, the city commission directed staff to present the interlocal agreement between the Cities of Leesburg and Fruitland Park pertaining to street maintenance for city commission consideration at a future meeting.**

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

**PUBLIC HEARING**

(d) **Second Reading and Public Hearing - Ordinance 2020-004 Professional and Consultant Fees**

It now being the time to hold a public hearing to consider the enactment of proposed Ordinance 2020-004, Ms. Geraci-Carver read into the record the title of Ordinance 2020-004, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard::

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING PROVISIONS IN CHAPTER 102 OF THE CODE OF ORDINANCES TO REQUIRE REIMBURSEMENT OF PROFESSIONAL AND

CONSULTANT FEES FOR DEVELOPMENT PRE-APPLICATION MEETINGS; IMPOSING JOINT AND SEVERAL LIABILITY FOR PAYMENT OF SUCH FEES BETWEEN THE PROPERTY OWNER AND PRE-APPLICANT AND BETWEEN THE PROPERTY OWNER AND ANY DEVELOPMENT APPLICANT; IMPOSING PENALTY FOR FAILURE TO PAY; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on July 23, 2020.)

**ACTION:** 7:18:10 p.m. **A motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that the city commission enact Ordinance 2020-004, as previously cited, to become effective as provided by law.**

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

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

**6. OFFICERS' REPORTS**

**(a) City Manager**

**i. Economic Development Status Update**

Mr. La Venia anticipated economic development activities on the August 27, 2020 regular agenda.

**ACTION:** 7:23:45 p.m. No action was taken.

**ii. COVID-19 Status Update**

Mr. La Venia gave a status update report on the Coronavirus Disease 19 (COVID-19) Aid, Relief, and Economy Security Act (CARES) funding; the meeting he had earlier this day with the municipal managers and Lake County Board of County Commissioners relative to same, and the plan to hold a meeting on August 27, 2020 on the eligibility and application process.

**ACTION:** 7:19:24 p.m. No action was taken.

**iii. Special Meeting - Proposed Ordinance SRF Design Loan Program Authorization Application**

Mr. La Venia gave reasons why the city commission ought to hold a special meeting and first reading, public hearing to consider the proposed state revolving fund loan program authorization application.

**ACTION:** 7:24:10 p.m. **By unanimous consent, the city commission approved the city manager's request, as previously cited, to hold a special meeting and public hearing on Monday, August 17, 2020 at 5:00 p.m.**

**(b) City Attorney**

**i. City of Fruitland Park v. T. D. Burke**

Ms. Geraci-Carver reported that the first Zoom hearing on the defendant's motion for summary judgement was held on July 27, 2020; anticipated the court's ruling where the judge heard the attorneys' arguments and requested that each side provide proposed orders.

**ACTION:** 7:25:34 p.m. No action was taken.

**ii. City of Fruitland Park v. State of Florida Department of Management Services**

Ms. Geraci-Carver anticipated receiving information as to when the State of Florida Department of Management Services, Division of Retirement will be holding a new hearing as the originally scheduled Tavares hearing on August 18 to 20, 2020 was cancelled.

**ACTION:** 7:25:54 p.m. No action was taken.

**iii. Michael and Laurie Fewless v. City of Fruitland Park**

Ms. Geraci-Carver stated that she has nothing to report on the Michael and Laurie Fewless v. City of Parkland case.

**ACTION:** 7:26:14 p.m. No action was taken.

**iv. Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026**

Ms. Geraci-Carver stated that she has nothing to report on the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County case.

**ACTION:** 7:26:14 p.m. No action was taken.

**7. PUBLIC COMMENTS**

Mr. Yauk referred to agenda item 6.(b) iv. on this evening's agenda -- as it relates to the Florida Medical Industries Inc. -- the glass thermometer manufacturing company located on 3131 US Highway 441/US27; noted the four parcels, three of which have liens were sold on March 20, 2019. In response to his question on the lawsuit on the remaining property and whether the lien applied to same, Mr. La Venia explained that the issue was negotiated with the owner of the other properties.

**ACTION:** 7:26:21 p.m. No action was taken.

**8. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

**i. Golf Carts**

Commissioner Mobilian voiced concerns on the potential traffic hazard as it relates to golf carts on the intersection of CR 466A and College Avenue and addressed the need for the city commission to erect signage in the area.

Mr. La Venia explained that the county honored the request outlined in his letter dated January 21, 2020 for the speed limit between Berckman Street and CR 466A be lowered from 35 miles per hour to 30 and the safety issue of the golf cart crossing at CR 466A at College Avenue is not a controlled intersection. Mr. La Venia recognized that due to COVID-19, the recommendation forwarded to the county commission to formalize the request on its future meeting agenda has not yet taken place.

ACTION: 7:27:32 p.m. No action was taken.

**ii. LS-MPO and City Commission Meeting – Excused Absence**

Commissioner Mobilian explained that he may not be able to attend the August 26, 2020 Lake~Sumter Metropolitan Planning Organization Governing Board Meeting or the next city commission meeting as he will be undergoing a medical procedure.

ACTION: 7:30:00 p.m. No action was taken.

**(b) Commissioner DeGrave**

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

ACTION: 7:30:47 p.m. No action was taken.

**(c) Commissioner Bell**

Commissioner Bell reported that he was reappointed, at the August 10, 2020 Lake County Office of Parks and Trails Advisory Board meeting, to serve for another two years where he still remains its vice chair. He referred to the consideration of the Northwest Lake Community Park at said meeting and relayed the unanimous approval to fund said park. He pointed out Mr. La Venia's letter dated August 11, 2020 requesting an additional \$50,000 contribution from the county on identifying needed improvements for the park. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:30:49 p.m. No action was taken.

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

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

ACTION: 7:32:33 p.m. No action was taken.

**9. MAYOR'S COMMENTS**

**Dates to Remember**

Mayor Cheshire announced the following dates:

- August 17, 2020, Special Meeting at 5:00 p.m.
- August 21, 2020, Kickball Game *Team La Venia vs Luce*, Veterans' Park, 810 West Berckman Street, Fruitland Park, Florida 34731 at 6:00 p.m.;
- August 26, 2020 Lake~Sumter Metropolitan Planning Organization Governing Board Meeting, Lake~Sumter MPO Office, 1300 Citizens Boulevard, Leesburg, FL 34748 at 2:00 p.m.
- August 27, 2020 City Commission Meeting regular at 6:00 p.m.
  
- September 7, 2020 City Hall Closed, Labor Day;
- September 10, 2020 City Commission Meeting regular at 6:00 p.m.;
- September 17, 2020 City Commission/P&Z Board Joint Workshop Meeting at 6:00 p.m.
- September 24, 2020 City Commission Meeting regular at 6:00 p.m.

ACTION: 7:32:37 p.m. No action was taken.

**10. ADJOURNMENT**

**There being no further business to come before the city commission, the meeting adjourned at 7:33 p.m.**

The minutes were approved at the August 27, 2020 regular meeting.

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

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

**FRUITLAND PARK CITY COMMISSION WORKSHOP  
DRAFT MEETING MINUTES  
August 3, 2020**

A workshop meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Monday, August 3, 2020 at 6:00 p.m.

**Members Present:** Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Patrick DeGrave, and John Mobilian.

**Also Present:** City Manager Gary La Venia; City Treasurer Jeannine Racine; Police Chief Erik Luce, Interim Fire Chief Donald Gilpin; Public Works Director Robb Dicus; Parks and Recreation Director Michelle Yoder; Community Development Director Tracy Kelley; Library Director JoAnn Glendinning and City Clerk Esther B. Coulson.

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

**ACTION:** 6:00 p.m. After Mayor Cheshire called the meeting to order, Chief Luce gave the invocation, and Commissioner DeGrave led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

Mayor Cheshire requested that Ms. Coulson call the roll and a quorum was declared present.

**By unanimous consent, the city commission agreed with Mayor Cheshire's suggestion to set the time in which to conclude this evening's city commission workshop at 9:00 p.m.**

**3. FY 2020-21 PROPOSED BUDGET**

After Mr. La Venia recognized the FY 2020-21 Proposed Budget, Ms. Racine distributed a list of changes following the completion of the workshop budget book; referred to the Capital Improvement Program (CIP) sales surtax forecast of \$771,000 received prior to this evening's workshop and addressed her intent to submit revisions resulting from the outcome of this evening's proceedings. (A copy of the list is filed with the supplemental papers to the minutes of this meeting.)

Ms. Racine gave a power-point presentation on the following FY 2020-21 Proposed Budget (total funds \$13,359,916):

- **General Fund** - millage rate of 3.9134 mills, 3.64% higher than the current years' roll back rate of 3.760 (an increase of \$242,248 over FY 2019-20) and addressed the intent to correct the difference shown in the revenues and expenses.
- **Executive**  
Mayor Cheshire referred to his previous conversations with Mr. La Venia and questioned the status on increasing Ms. Coulson's salary.



**By unanimous consent and upon Commissioner DeGrave's suggestion, the city commission directed the city manager to provide data on comparable salaries of local municipal clerks based on their population sizes and budgets and report back to the city commission.**

After considerable discussion and **by unanimous consent, the city commission agreed with staff's recommendation to start the codification process with Municipal Code Corporation to correctly update the city's charter to be placed on the ballot by the November 8, 2022 general election and codify all the city's code of ordinances.**

- **Fire Department**

After discussion and **upon Commissioner DeGrave's recommendation, the city commission, by majority consent, agreed to remove the position for a full-time fire chief from the proposed FY 2020-21 budget until such time the city commission reaches a decision to transfer the fire rescue services to Lake County or retain the fire department in-house where, at that time, funds would be appropriately placed in the budget.** (The position removal would reduce the final fire assessment program which will be considered at the September 10, 2020 public hearing.)

- **Library**

Following further discussion, **by unanimous consent, the city commission agreed to transfer \$5,000 for the outdoor drop-box under library capital outlay to the contingency (capital/projects/sales surtax) fund and directed staff to report back to the city commission on any developments based on need.**

- **Parks and Recreation**

Vice Mayor Gunter referred to the allocation of \$12,000 for the scoreboard at Veteran's Memorial Park and recalled the need for a scoreboard addressed at the March 8, 2018 regular meeting as it pertained to the Westminster Communities Inc.

Following further discussion and **by unanimous consent, the city commission agreed to remove the allocation of \$10,000 towards a water fountain (water aerator) at Fountain Lake (formerly the beach) from parks maintenance to sidewalks.**

In response to Commissioner Bell's inquiry on transferring the funds to the fishing dock at Veteran's Memorial Park, Messrs. La Venia and Dicus addressed the plan to employ an individual or retain a company to make lighting improvements and replace poles, railings and posts at the dock.

Mr. La Venia addressed the need to separate parks and recreation (recreation programs/services) and public works including roads and streets (utility management/services) categorized as a line item in the budget.

After discussion, Mr. La Venia referred to the update on Northwest Lake Community Park (formerly known as *Cales Memorial Complex*) placed on the August 10, 2020 Parks, Recreation and Trails Advisory Board's agenda and reiterated the city's request for a \$50,000 grant to be allocated towards work on the park's multipurpose soccer field or *Recreation Complex*).

- **Interfund Transfers**

After Ms. Racine reviewed the interfund general transfers, Commissioner DeGrave addressed the need for gains in the water wastewater utility system once the debt has been paid.

**By unanimous consent, the city commission directed the city treasurer to contact with McDirmit CPA, auditors retained by the city and report back on its findings to the city commission on the interfund transfer of \$240,000 -- to the water wastewater treatment plant capacity reservation bulk treatment, according to the agreement with the Town of Lady Lake – that it was not considered as part of the debt as well as to the \$450,000 owed.**

Following further discussion, and **upon the suggestion of the mayor, the city commission agreed to consider the recommendations submitted by the auditor addressed at the June 11, 2020 regular meeting.**

- **FY 2020-21 CRA Budget**

Mayor Cheshire anticipated that the CRA's FY 2020-21 budget will be approved at its August 13, 2020 special meeting.

Mr. La Venia indicated in the affirmative on the transfer of \$25,000 CRA Grant Façade Improvement Program to property abatement for FY 2020-21 and addressed the intent to appear before the city commission at a future meeting, on the need for roof installations for Gardenia Park Swimming Pool, Veteran's Memorial Park Gazebo, and Cales Memorial Complex Pavilion for \$65,000.

With respect to the \$88,750 earmarked for land purchase, Mayor Cheshire recalled the CRA's action at its July 23, 2020 meeting on the redirection of CRA funds to property abatement (the elimination of blighted and dilapidated structures) and Mr. La Venia mentioned the public works department and nearby vacant land as the potential site which could be utilized as public parking for large city venues.

Upon the suggestion of Commissioner DeGrave, **the city commission, by unanimous consent, agreed to authorize staff to transfer \$88,750 from Community Redevelopment Agency land purchase to property abatement; provide more information on the utilization of said funds on the planned demolition of the public works building, and earmark same towards another category as a line item under road resurface (asphalt) sidewalks instead of land purchase.**

- **CIP and Equipment**

As referenced earlier in this evening's meeting, Ms. Racine explained that the discretionary sales surtax in the CIP revenue will be corrected to reflect \$771,000 and not \$800,000 as shown. She confirmed that changes will be made under the roads and streets, public works building to reflect the reduction from \$450,000 to \$421,000 due to the decrease in sales surtax and the library and \$5,000 for outdoor drop-box will be transferred to contingency (capital/projects/sales surtax) fund based on the city commission's actions earlier at this evening's meeting.

With respect to the equipment identified under water, and upon **Commissioner DeGrave's suggestion, the city commission agreed for staff to report to the city commission on the need for funds earmarked towards the State of Florida Department of Environmental Protection's approved Water and Wastewater Treatment Plant Operations Training Course Operator Certification Program and the required equipment for the population served.**

In response to several inquiries, Mr. La Venia gave the following report:

- no response was received from the state legislators regarding the FY 2020-21 state appropriations request of approximately \$995,000 for the wastewater force main extension connection construction project improvements (Urick Street to CR 468); however, the State Revolving Fund loan application to finance same was awarded;
- the desire to communicate with Mr. Duane K. Booth, Booth, Ern, Straughan & Hoitt Inc. (engineers, surveyors, and land planners retained by the city) at a future city commission meeting regarding the CR 468 corridor,
- the city commission's consensus at the December 12, 2019 regular meeting to work with the City of Leesburg City Manager and communicate with Lake County Board of County Commissioners to initiate a joint venture project development and environmental (PD&E) study for the north-south by-pass (CR 468) for the Cities of Leesburg and Fruitland Park which he relayed to Lake County Commissioner Tim Sullivan on July 28, 2020 on same, and
- his recommendation to propose an interlocal agreement with the City of Leesburg at the August 13, 2020 regular meeting with the county paying for the subject PD&E study.

Mr. La Venia confirmed in the affirmative that \$140,000 would be sufficient for the purchase of a Vac-Tron equipment for sewer, although \$120,000 is acceptable and indicated that he would report back as to whether same would be procured by state contract.

**4. OTHER BUSINESS**

- **COVID-19 - CARES Act**

Earlier in the meeting, a question was posed by Commissioner Bell on the status of Lake County receiving the Coronavirus Disease 19 (COVID-19) Aid, Relief and Economic Security (CARES) Act and its allocation of funding.

In response, Mayor Cheshire referred to a telephone call he recently received from City of Tallahassee Mayor John E. Dailey petitioning mayors' signatures, submitted by the Florida League of Cities, to 116<sup>th</sup> Congress U.S. Senators Rick Scott and Marco Rubio advocating their support for direct emergency federal funds for municipal government to help mitigate the losses from COVID-19 and municipalities falling under the threshold requirement for emergency relief and taxpayer protections in the CARES Act. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

- **FY 2020-21 Budget**

The city commission commended Ms. Racine and staff for producing a well-prepared and presented FY 2020-21 budget.

- **Centennial Fund Event**

Mayor Cheshire referred to the city commission's consensus at its May 14, 2020 regular meeting approving the setting aside of \$5,000 in the FY 2020-21 budget earmarked towards a Centennial Fund Event each year up to FY 2024-25 and suggested that a resolution be drafted in that regard.

**5. ADJOURNMENT**

**There being no further business to come before the city commission, the meeting adjourned at 7:59 p.m.**

(The August 4, 2020 workshop meeting scheduled for 6:00 p.m. was cancelled.)

The minutes were approved at the August 27, 2020 regular meeting.

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

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

**RESOLUTION 2020-043**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PLANNING AND ZONING BOARD CHAIR AND VICE-CHAIRMAN SELECTION FOR THE REMAINDER OF FISCAL YEAR 2019/2020 AND FISCAL YEAR 2020/2021; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, annually the planning and zoning board is required to select from among its membership a chairman and vice-chairman; and

**WHEREAS**, the planning and zoning board has selected \_\_\_\_\_ to serve as chairman and \_\_\_\_\_ to serve as vice-chairman; and

**WHEREAS**, in accordance with Sec. 31-29(c) of the City of Fruitland Park Code of Ordinances the selection to these positions is subject to the approval of the City Commission.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

Section 1. The Commission approves \_\_\_\_\_ to serve as chairman and \_\_\_\_\_ to serve as vice-chairman of the planning and zoning board for fiscal year 2020/2021 and the remainder of fiscal year 2019/2020.

Section 2. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 27<sup>th</sup> day of August 2020, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park

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

Attest:  
Esther B. Coulson, City Clerk, MMC

\_\_\_\_\_

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 and legality:

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

**RESOLUTION 2020-044**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE CITY OF FRUITLAND PARK PLANNING AND ZONING BOARD; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VII, Section 7.01 of the Charter of the City of Fruitland Park provides for a Planning and Zoning Board consisting of members with three-year terms of office; and

**WHEREAS**, Mr. Albert Goldberg was appointed to the Planning and Zoning Board of the City of Fruitland Park to serve an unfulfilled term;

**WHEREAS**, Mr. Goldberg’s term expires October 1, 2020 and he wishes to continue to serve on the board.

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

1. Albert Goldberg is hereby reappointed to serve another term of three years to September 30, 2023 on the Planning and Zoning Board for the City of Fruitland Park.
2. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 27<sup>th</sup> day of August 2020, by the City Commission of the City of Fruitland Park, Florida.

\_\_\_\_\_  
City of Fruitland Park  
Chris Cheshire, Mayor

Attest:  
Esther B. Coulson, City Clerk, MMC

\_\_\_\_\_  
 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)

(SEAL)

Approved as to form and legality:

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

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

**ITEM TITLE:** Resolution 2020-052 State Revolving Fund (SRF) Loan Authorization Application

**For the Meeting of:** August 27, 2020

**Submitted by:** City Attorney/City Manager

**Date Submitted:** August 20, 2020

**Funds Required:**

**Attachments:** Resolution, SRF Loan Authorization Application and Attorney Opinion Letter

**Item Description:** Resolution 2020-052 SRF Loan Program the City of Fruitland Park was recently awarded the SRF loan with principal forgiveness. The city commission adopted the wastewater facility plan for the Urick Street Wastewater Force Main Facility Improvements on February 27, 2020. The loan application is required to be submitted to the Florida Department of Environmental Protection by September 10, 2020.

**Action to be Taken:** Adopt Resolution 2020-052

**Staff's Recommendation:** Approval

**Additional Comments:**

**City Manager Review:** Yes

**Mayor Authorization:** Yes



## **RESOLUTION 2020-052**

A RESOLUTION OF CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT A LOAN APPLICATION PURSUANT TO THE STATE REVOLVING FUND LOAN PROGRAM; APPLYING FOR A LOAN IN THE AMOUNT OF \$85,000.00 LESS 70% OR \$59,900 OF PRINCIPAL FORGIVENESS, EXCLUDING CAPITALIZED INTEREST, PAYABLE OVER A 20-YEAR PERIOD FOR PLANNING FUNDS FOR POINT SOURCE WATER POLLUTION CONTROL (DESIGNATED AS PROJECT WW35082); DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, Sec. 166.111, Florida Statutes authorizes local government agencies to finance the planning and construction of water treatment facilities and the undertaking of any capital or other project for the purposes permitted by the State Constitution; and

WHEREAS, Sec. 180.07, Florida Statutes, provides in part that “the revenues of all or any part of any existing plants or systems or any plants or systems constructed hereunder may be pledged to secure moneys advanced for the construction or improvement of any utility plant or system or any part thereof or any combination thereof.”

WHEREAS, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS, the State Revolving Fund loan priority list designates Project No. WW35082 as eligible for available funding; and

WHEREAS, the City of Fruitland Park, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF FRUITLAND, FLORIDA, AS FOLLOWS:

SECTION I. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION II. The City Manager on behalf of the City of City of Fruitland Park, Florida, is authorized to apply for and submit a loan application for planning funds pursuant to the State Revolving Loan Program to finance Project – WW35082– Point Source Water Pollution Control.

SECTION III. The City Manager is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application seeking \$85,000.00, excluding capitalized interest, in planning funds over a term of 20 years.

SECTION IV. The Mayor and/or City Manager are hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance

with its terms when signed by both parties. The City Manager is authorized to represent the City in carrying out the City's responsibilities under the loan agreement. The City Manager is authorized to delegate responsibility to appropriate City staff to carry out technical, financial, and administrative activities associated with the loan agreement.

SECTION V. All resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION VI. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION VII. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2020, 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, MMC

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

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**STATE REVOLVING LOAN PROGRAM**  
**for**  
**Point Source Water Pollution Control**

**LOAN APPLICATION**



Florida Department of Environmental Protection  
State Revolving Fund Program  
Marjory Stoneman Douglas Building  
3900 Commonwealth Blvd., MS 3505  
Tallahassee, FL 32399-3000

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**LOAN APPLICATION**

- (1) SUBMITTAL. Submit the application and attachments to the Department of Environmental Protection, MS 3505, State Revolving Fund Program, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000. The application (and backup) may be submitted electronically to the Department’s Project Manager.
- (2) COMPLETING THE APPLICATION.
  - (a) This application consists of five parts: (I) ADMINISTRATIVE INFORMATION; (II) PROJECT INFORMATION; (III) FINANCIAL INFORMATION; (IV) AUTHORIZATION AND ASSURANCES; and (V) SUPPLEMENTARY INFORMATION.
  - (b) All information provided on this application must be printed. Monetary amounts may be rounded.
  - (c) Forms and attachments to be submitted are denoted with italic print.
- (3) ASSISTANCE. Completing this application may require information that can be obtained from Clean Water State Revolving Fund Program staff. Please email [SRF\\_Reporting@dep.state.fl.us](mailto:SRF_Reporting@dep.state.fl.us) for assistance in completing this application.

**PART I - ADMINISTRATIVE INFORMATION**

- (1) PROJECT SPONSOR City of Fruitland Park  
Federal Employer Identification Number \_\_\_\_\_  
DUNS Number \_\_\_\_\_
- (2) AUTHORIZED REPRESENTATIVE (person authorized to sign or attest loan documents).  
Name Gary La Venia Title City Manager  
Telephone 352-360-6795 FAX \_\_\_\_\_ Email glavenia@fruitlandpark.org  
Mailing Address 506 West Berckman Street  
Fruitland Park, Florida 34731
- (3) PRIMARY CONTACT (person to answer questions regarding this application).  
Name Gary La Venia Title City Manager  
Telephone 352-360-6795 FAX \_\_\_\_\_ Email glavenia@fruitlandpark.org  
Employer City of Fruitland Park  
Mailing Address 506 West Berckman Street  
Fruitland Park, Florida 34731
- (4) ADDITIONAL CONTACTS. If more than one additional person is to receive copies of Department correspondence, attach the information (*Attachment #A*).  
Name Robb Dicus Title Public Works Director  
Telephone 352-360-6795 FAX \_\_\_\_\_ Email rdicus@fruitlandpark.org  
Employer City of Fruitland Park  
Mailing Address 202 West Berckman Street  
Fruitland Park, Florida 34731
- (5) PROJECT NUMBER (listed on the Department's priority list). WW35082
- (6) INTERIM FINANCING. A local government project sponsor that has interim financing may be subject to certain conditions regarding such financing.

**Is the project currently being funded with interim financing?**       Yes       No

**PART II – PROJECT INFORMATION**

If you are applying for a planning, design, or SSES loan for a project that will involve construction, complete only Subpart A below. If you are applying for a loan to construct a project that is already planned and designed, complete only Subpart B below.

**A. PLANNING, DESIGN OR SSES PROJECT**

Information should be provided for each separate facility to be planned and designed as appropriate. For design/build projects (not eligible for design loans) or those where multiple facilities, segments, or phases are involved, please attach information for activities, schedule, and cost for each. (*Attachment #*\_\_\_\_)

(1) **ACTIVITIES.** Attach a brief description of the scope of planning and design activities to be financed by this loan. Include a list of any specialized studies to be performed. (*Attachment #B*) Are these activities the same as those scheduled on the *Request for Inclusion Form*?  Yes  No. If “No”, please explain. (*Attachment #*\_\_\_\_)

(2) **SCHEDULE.**

(a) Provide proposed completion dates for the items. (Please call Department staff to discuss time frames needed to complete required tasks.)

Planning documentation	<u>December 2019</u>
Engineering work	<u>October 2020</u>
Certification of site availability	<u>N/A</u>
Permit	<u>October 2020</u>

(b) Do you anticipate that an interlocal agreement with another party will be necessary to implement the project? If “Yes”, please explain. (*Attachment #*\_\_\_\_)  Yes  No

(c) Is this a design/build project?  Yes  No

(3) **COST.** Is the cost information submitted for the planning, design or SSES loan priority list current?  Yes  No  
 If “No”, please explain and submit revised cost information using the appropriate page of the *Request for Inclusion Form*. (*Attachment #*\_\_\_\_) Note that the disbursable amount will be limited to the priority list amount.

PRECONSTRUCTION LOAN APPLICANTS PROCEED TO PART III.

**B. CONSTRUCTION OR I/I REHABILITATION PROJECT**

(1) **ACTIVITIES.**

(a) Attach a brief description of construction or I/I rehabilitation activities to be financed by this loan. Include a list of the contracts (by title) corresponding to the plans and specifications accepted by the Department (*Attachment #*\_\_\_\_).

Are these contracts the same as those scheduled on the *Request for Inclusion Form*?  Yes  No  
 If “No”, please explain. (*Attachment #*\_\_\_\_)

(b) Have any of the contracts been bid?  Yes  No  
 If “Yes”, indicate which contracts have been bid. (*Attachment #*\_\_\_\_)

(c) Was planning, design, or SSES for this project financed in another SRF loan?  Yes  No  
 If “Yes”, give the SRF loan number. \_\_\_\_\_

(d) Does this project involve an interlocal agreement with other local governments or other entities?  Yes  No  
 If “Yes”, attach a copy of the Department letter accepting the interlocal agreement. (*Attachment #*\_\_\_\_)

Is the interlocal agreement, as accepted by the Department, fully executed and enforceable?  Yes  No  
 If “No”, please explain (*Attachment #*\_\_\_\_).

- (2) SCHEDULE. (month and year)
- (a) Anticipated notice to proceed for first construction contract. \_\_\_\_\_
- (b) Anticipated completion of all construction contracts. \_\_\_\_\_
- (3) COST. Is the cost information submitted for the priority list current?  Yes  No

If "No", please explain and submit revised cost information using the appropriate page of the *Request for Inclusion Form*. (Attachment # \_\_\_\_\_) Note that the disburseable amount will be limited to the priority list amount.

**PART III - FINANCIAL INFORMATION**

Estimates of the capitalized interest, project useful life for financial hardship loans, financing rate, pledged revenue coverage, limitations on annual loan amounts for large projects, applicability and amount of repayment reserves, amount of the loan service fee and any other information may be obtained by contacting staff in the State Revolving Fund Management Section.

- (1) PRINCIPAL. The requested amount of the loan which does not include capitalized interest is \$25,500 (\$85,000 original loan amount less 70% or \$59,500 of principal forgiveness)

Note that the disburseable amount will be limited to the priority list amount and must be consistent with the project information provided under **PART II** of this application. Also note that the capitalized interest is an inexact estimate, and it is subject to adjustment by the Department to reflect actual disbursement timing. The principal amount of the loan does not include the loan service fee.

- (2) TERMS AND REPAYMENT.
- (a) Loans to local government project sponsors are amortized over the lesser of useful life of the project or 20 years unless the project is to serve a small community qualifying as having a financial hardship. Loans to financial hardship communities may be amortized over the lesser of useful life of the project or 30 years. Loans to non-governmental project sponsors are amortized over the lesser of the useful of the project or 20 years. Finance charges and principal are paid semiannually.

What is the useful life of the project? 30 (years)

Over how many years would you like to amortize the loan? 20 (years)

- (b) List all revenues that are to be pledged for repayment of this loan. Water and sewer revenues and connection fees / impact fees, and any transfer amounts from the General Fund to the Utility Fund that are approved by the City Commission during each fiscal year.
- (c) Pledged revenue receipts or collections by the project sponsor must exceed the amount of the repayments due to the Department unless there are other collateral provisions. The excess revenue, or coverage, generally is 15% of each repayment.

What coverage is proposed for the loan? 115% (coverage percentage)

- (d) Is any other financial assistance being applied to this project?  Yes  No
- If "Yes", please list. (*Not Applicable*)

- (3) ANNUAL FUNDING LIMIT. Large project funding (generally, loans in excess of \$10 million) may be provided in increments pursuant to the initial loan agreement and subsequent amendments. Each increment shall have a separate financing rate as established in the agreement or amendment providing that increment.

(4) INFORMATION ON LIENS.

- (a) Describe, if applicable, all debt obligations having a prior or parity lien on the revenues pledged to repay this loan. (*Attachment # C*) For example: City Name, Florida, Water and Sewer System Revenue Bonds, Series 1996, issued in the amount of \$10,000,000, pursuant to Ordinance No. 93-104, as amended and supplemented by Ordinance No. 96-156.

- (b) Using the Part V, *Schedule of Prior and Parity Liens*, provide debt service information, if applicable, on each prior and parity obligation.
  - (c) For the listed obligations, provide a copy of the ordinance(s), resolution(s), official statement(s), or pages thereof, setting forth the definitions, use of proceeds, debt service schedule, pledged revenues, rate covenants, provisions for issuing additional debt, provisions for bond insurance, and debt rating. (*Attachment #D*).
  - (d) Describe any other notes and loans payable from the revenues pledged to repay this loan. Response: Other than what is represented in Part V, *Schedule of Prior and Parity Liens*, the City has two outstanding SRF loans – Clean Water SRF Loan WW91204P and Clean Water SRF Loan WW91203S.
- (5) ACTUAL AND PROJECTED REVENUES.
- (a) Complete the Part V, *Schedule of Actual Revenues and Debt Coverage* for the past two fiscal years.
  - (b) Complete the Part V, *Schedule of Projected Revenues and Debt Coverage*, demonstrating the availability of pledged revenues for loan repayment.
- (6) AVAILABILITY OF PLEDGED REVENUES. All sources must be supported by a written legal opinion. (*Attachment #E*) The opinion must address the following:
- (a) Availability of the revenues to repay the loan.
  - (b) Right to increase rates at which revenues shall be collected to repay the loan.
  - (c) Subordination of the pledge if pledged revenues are subject to a prior or parity lien.
- (7) LOAN SERVICE FEE. A loan service fee is assessed on each loan. The fee is not part of the loan. The fee along with interest thereon will be deducted from the first available repayments after the final amendment to the loan agreement.

**PART IV – AUTHORIZATION AND ASSURANCES**

- (1) AUTHORIZATION. Provide an authorizing resolution of the Applicant's governing body or other evidence of authorization (*Attachment #F*) for the following:
  - (a) Pledging revenues to repay the loan.
  - (b) Designation of the Authorized Representative(s) to file this application, provide assurances, execute the loan agreement, and represent the Applicant in carrying out responsibilities (including that of requesting loan disbursements) under the loan agreement.
- (2) ASSURANCES. The Applicant agrees to comply with the laws, rules, regulations, policies and conditions relating to the loan for this project. Applicants should seek further information from the Clean Water State Revolving Fund Program staff as to the applicability of the requirements if the necessity for the assurances is of concern. Specifically, the Applicant certifies that it has complied, as appropriate, and will comply with the following requirements, as appropriate, in undertaking the Project:
  - (a) Assurances for capitalization grant projects.
    - 1. Complete all facilities for which funding has been provided.
    - 2. The Archaeological and Historic Preservation Act of 1974, PL 93-291, and the National Historic Preservation Act of 1966, PL 89-665, as amended, regarding identification and protection of historic properties.
    - 3. The Clean Air Act, 42 U.S.C. 7506(c), which requires conformance with State Air Quality Implementation Plans.
    - 4. The Coastal Zone Management Act of 1972, PL 92-583, as amended, which requires assurance of project consistency with the approved State management program developed under this Act.
    - 5. The Endangered Species Act, 16 U.S.C. 1531, et seq., which requires that projects avoid disrupting threatened or endangered species and their habitats.
    - 6. Executive Order 11593, Protection and Enhancement of the Cultural Environment, regarding preservation, restoration and maintenance of the historic and cultural environment.
    - 7. Executive Order 11988, Floodplain Management, related to avoiding, to the extent possible, adverse impacts associated with floodplain occupancy, modification and development whenever there is a practicable alternative.



8. Executive Order 11990, Protection of Wetlands, related to avoiding, to the extent possible, adverse impacts associated with the destruction or modification of wetlands and avoiding support of construction in wetlands.
  9. The Fish and Wildlife Coordination Act, PL 85-624, as amended, which requires that actions to control natural streams or other water bodies be undertaken to protect fish and wildlife resources and their habitats.
  10. The Safe Drinking Water Act, Section 1424(e), PL 93-523, as amended, regarding protection of underground sources of drinking water.
  11. The Wild and Scenic Rivers Act, PL 90-542, as amended, related to protecting components or potential components of the national wild and scenic rivers system.
  12. The federal statutes relating to nondiscrimination, including: The Civil rights Act of 1964, PL 88-352, which prohibits discrimination on the basis of race, color or national origin; the Age Discrimination Act, PL 94-135, which prohibits discrimination on the basis of age; Section 13 of the Federal Water Pollution Control Act, PL 92-500, which prohibits sex discrimination; the Rehabilitation Act of 1973, PL 93-112, as amended, which prohibits discrimination on the basis of handicaps.
  13. Executive Order 11246, Equal Employment Opportunity, which provides for equal opportunity for all qualified persons.
  14. Executive Orders 11625 and 12138, Women's and Minority Business Enterprise, which require that small, minority, and women's business and labor surplus areas are used when possible as sources of supplies, equipment, construction and services.
  15. The Coastal Barrier Resources Act, 16 U.S.C. 3501 et seq., regarding protection and conservation of the coastal barrier resources.
  16. The Farmland Protection Policy Act, 7 U.S.C. 4201 et seq., regarding protection of agricultural lands from irreversible loss.
  17. The Uniform Relocation and Real Property Acquisition Policies Act of 1970, PL 91-646, which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs.
  18. The Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754, as amended, which requires that projects be carried out in accordance with area wide planning activities.
  19. Section 306 of the Clean Air Act, Section 508 of the Clean Water Act and Executive Order 11738, which prohibit manufacturers, firms, or other enterprises on the EPA's list of Violating Facilities from participating in the Project.
  20. Executive Order 12549, Debarment and Suspension, which prohibits any award to a party which is debarred or suspended or is otherwise excluded from, or ineligible for, participation in federal assistance programs.
  21. Minority and Women's Business Enterprise participation in project work using numerical goals, established by the U.S. Environmental Protection Agency, and to be set forth in the specifications for construction and materials contracts.
- (b) Assurances for other projects.
1. Chapter 161, Part I, F.S., "Beach and Shore Preservation Act" and Part III, "Coastal Zone Protection Act of 1985" which regulate coastal zone construction and all activities likely to affect the condition of the beaches or shore.
  2. Chapter 163, Part II, F.S., the "Local Government Comprehensive Planning and Land Development Regulation Act" which requires units of local government to establish and implement comprehensive planning programs to control future development.
  3. Chapter 186, F.S., State and Regional Planning, which requires conformance of projects with Regional Plans and the State Comprehensive Plan.
  4. Chapter 253, F.S., "Emergency Archaeological Property Acquisition Act of 1988" which requires protection of archaeological properties of major statewide significance discovered during construction activities.
  5. Chapter 258, Part III, F.S., which requires protection of components or potential components of the national wild and scenic rivers system.
  6. Chapter 267, F.S., the "Florida Historical Resources Act" which requires identification, protection, and preservation of historic properties, archaeological and anthropological sites.

7. Chapter 287, Part I, F.S., which prohibits parties convicted of public entity crimes or discrimination from participating in State-assisted projects and which requires consideration of the utilization of Minority Business Enterprises in State-assisted projects.
8. Chapter 372, F.S., the Florida Endangered and Threatened Species Act which prohibits the killing or wounding of an endangered, threatened, or special concern species or intentionally destroying their eggs or nest.
9. Chapter 373, Part IV, F.S., Florida Water Resources Act of 1972, which requires that activities on surface waters or wetlands avoid adversely affecting: public health, safety, welfare, or property; conservation of fish and wildlife, including endangered or threatened species or their habitats; navigation or the flow of water; the fishing or recreational values or marine productivity; and significant historical and archaeological resources.
10. Chapter 380, Part I, F.S., Florida Environmental Land and Water Management Act of 1972 as it pertains to regulation of developments and implementation of land and water management policies.
11. Chapter 381, F.S., Public Health, as it pertains to regulation of onsite wastewater systems.
12. Chapter 403, Part I, F.S., Florida Air and Water Pollution Control which requires protection of all waters of the state.
13. Chapter 582, F.S., Soil and Water Conservation Act which requires conformance with Water Management District's regulations governing the use of land and water resources.
14. Governor's Executive Order 95-359, which requires State Clearinghouse review of project planning documentation and intergovernmental coordination.

I, the undersigned Authorized Representative of the Applicant, hereby certify that all information contained herein and in the attached is true, correct, and complete to the best of my knowledge and belief. I further certify that I have been duly authorized to file the application and to provide these assurances.

Signed this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_\_

Authorized Representative \_\_\_\_\_ Gary LaVenia  
*(signature)* *(name typed or printed)*

Attachments

**PART V – SUPPLEMENTARY INFORMATION**

**SCHEDULE OF PRIOR AND PARITY LIENS  
(EXCLUDING SRF LOANS)**

List annual debt service beginning two years before the anticipated loan agreement date and continuing at least three additional fiscal years. Use additional pages as necessary.

	<b>#1</b>		<b>#2</b>		<b>#3</b>
<b>Identify Each Obligation</b>	Promissory Note FPN 238395-4-52-01, SR 500, Lake County (Department of Transportation Hardship Loan)				
<b>Coverage</b>	<u>100</u> %		<u>    </u> %		<u>    </u> %
<b>Insured?</b>	<u>    </u> Yes <input checked="" type="checkbox"/> No		<u>    </u> Yes <u>    </u> No		<u>    </u> Yes <u>    </u> No

<b>Fiscal Year</b>	<b><u>Annual Debt Service (Principal Plus Interest)</u></b>			<b>Total Debt Service</b>	<b>Total Debt Service Incl. Coverage</b>
	<b>#1</b>	<b>#2</b>	<b>#3</b>		
2018	\$14,186	\$	\$	\$14,186	\$14,186
2019	\$14,186	\$	\$	\$14,186	\$14,186
2020	\$14,186	\$	\$	\$14,186	\$14,186
2021	\$14,186	\$	\$	\$14,186	\$14,186
2022	\$14,186	\$	\$	\$14,186	\$14,186
2023	\$14,186	\$	\$	\$14,186	\$14,186
2024	\$14,186	\$	\$	\$14,186	\$14,186
2025	\$14,186	\$	\$	\$14,186	\$14,186
2026	\$14,186	\$	\$	\$14,186	\$14,186
2027	\$14,186	\$	\$	\$14,186	\$14,186
2028	\$14,186	\$	\$	\$14,186	\$14,186
2029	\$14,186	\$	\$	\$14,186	\$14,186
2030	\$14,186	\$	\$	\$14,186	\$14,186
2031	\$14,186	\$	\$	\$14,186	\$14,186
2032	\$14,186	\$	\$	\$14,186	\$14,186
2033	\$14,186	\$	\$	\$14,186	\$14,186
2034	\$14,186	\$	\$	\$14,186	\$14,186
2028	\$14,186	\$	\$	\$14,186	\$14,186
2029	\$14,186	\$	\$	\$14,186	\$14,186
2030	\$14,186	\$	\$	\$14,186	\$14,186
2031	\$14,186	\$	\$	\$14,186	\$14,186
2032	\$14,186	\$	\$	\$14,186	\$14,186
2033	\$14,186	\$	\$	\$14,186	\$14,186
2034	\$14,186	\$	\$	\$14,186	\$14,186

**PART V – SUPPLEMENTARY INFORMATION**

**SCHEDULE OF ACTUAL REVENUES AND DEBT COVERAGE**

(Provide information for the two fiscal years preceding the anticipated date of the SRF loan agreement.)

	<u>FY 2018</u>	<u>FY 2019</u>
(a) Operating Revenues (Source)		
<u>Water User Rate Revenue</u>	<u>\$703,842</u>	<u>\$782,641</u>
<u>Wastewater User Rate Revenue</u>	<u>\$136,620</u>	<u>\$177,260</u>
<u>Other Operating Revenue</u>	<u>\$102,737</u>	<u>\$130,332</u>
(b) Interest Income	<u>\$19,018</u>	<u>\$4,508</u>
Other Income or Revenue (Identify)		
Ref		
(c)		
<u>Water Connection Fees / Impact Fees</u>	<u>\$55,251</u>	<u>\$111,541</u>
<u>Sewer Connection Fees / Impact Fees</u>	<u>\$31,823</u>	<u>\$247,407</u>
(d) Total Revenues	<u>\$1,049,291</u>	<u>\$1,453,690</u>
(e) Operating Expenses (excluding interest on debt, depreciation, and other non-cash items)	<u>\$783,321</u>	<u>\$1,238,526</u>
(f) Net Revenues [(f) = (d) – (e)]	<u>\$265,970</u>	<u>\$215,164</u>
(g) Debt Service (including any required coverage)	<u>\$172,505</u>	<u>\$172,505</u>
(h) Attach audited annual financial report(s), or pages thereof, or other documentation necessary to support the above information. Include any notes or comments from the audit reports regarding compliance with covenants of debt obligations having a prior or parity lien on the revenues pledged for repayment of the SRF Loan. ( <i>Attachments # G, H, and I</i> )		
(i) Attach worksheets reconciling this page with the appropriate financial statements (for example, backing out depreciation and interest payments from operating expenses). ( <i>Attachment # J</i> )		
(j) If the net revenues were not sufficient to satisfy the debt service and coverage requirement, please explain what corrective action was taken. ( <i>Not Applicable</i> )		

**PART V – SUPPLEMENTARY INFORMATION**

**SCHEDULE OF PROJECTED REVENUES AND DEBT COVERAGE**

Begin with the fiscal year preceding first anticipated semiannual loan payment and continuing for at least three additional years. Attach a separate page for previous State Revolving Fund loans. (*Attachment # I shows debt repayment schedules for both SRF and non-SRF debt*)

	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
(a) Operating Revenue	\$1,514,805	\$1,921,891	\$1,975,473	\$2,028,854	\$2,082,169
(b) Interest Income	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500
(c) Other Income or Revenue (identify)					
<u>Water Connection Fees /     Impact Fees</u>	\$49,250	\$49,250	\$49,250	\$49,250	\$49,250
<u>Sewer Connection Fees /     Impact Fees</u>	\$154,000	\$154,000	\$154,000	\$154,000	\$154,000
<u>Transfers from General Fund</u>	\$100,000	\$0	\$0	\$0	\$0
(d) Total Revenues	\$1,822,555	\$2,129,641	\$2,183,223	\$2,236,604	\$2,289,919
(e) Operating Expenses (excluding interest on debt, depreciation, and other non-cash items)	\$1,637,202	\$1,719,062	\$1,805,015	\$1,895,266	\$1,990,029
(f) Net Revenues (f = d - e)	\$185,353	\$410,579	\$378,208	\$341,338	\$299,890
(g) Revenue (including coverage) pledged to debt service, excluding SRF loans	\$14,186	\$14,186	\$14,186	\$14,186	\$14,186
(h) Revenue (including coverage) pledged to outstanding SRF loans	\$158,319	\$158,319	\$158,319	\$158,319	\$158,319
(i) Revenue Available for this SRF Loan [(i) = (f) – (g) – (h)]	\$12,848	\$238,074	\$205,703	\$168,844	\$127,385

(j) Identify the source of the above information and explain methods used to develop the projections (*Attachment # K*). Include an explanation of any revenue and expense growth or other adjustments; for example, any rate increases, service growth, inflation adjustments, expense adjustments reflecting the cost of operating additional facilities, or other considerations.

(k) For construction loans, are the above projections consistent with the accepted financial feasibility information?  Yes  No

If “No”, please explain. (Not Applicable)

**PART V – SUPPLEMENTARY INFORMATION**

**LIST OF ATTACHMENTS**

LIST OF ATTACHMENTS. This application requires the submittal of *Attachments* to provide supplemental information. The application is not complete without the completed *List of Attachments*. Please list all attachments that you are including with this application form.

<b>Attachment</b>	<b>Number</b>
Additional Contacts	A
Design Scope of Work	B
Debt Obligations Having Prior or Parity Liens	C
Documentation for Promissory Note FPN 238395-4-52-01, SR 500, Lake County (Department of Transportation Hardship Loan)	D
Legal Opinion on the Availability of Pledged Revenues	E
Resolution Authorizing This Loan Application	F
Audited Fiscal Year 2018 Comprehensive Annual Financial Report	G
Audited Fiscal Year 2019 Comprehensive Annual Financial Report	H
Repayment Schedules for Existing Debt and This Loan	I
Notes to "Schedule of Actual Revenues and Debt Coverage"	J
Notes to "Schedule of Projected Revenues and Debt Coverage"	K

**akerman**

June 17, 2020

Ms. Angela Knecht  
Florida Department of Environmental Protection  
Program Administrator  
State Revolving Fund Program  
Marjory Stoneman Douglas Building  
3900 Commonwealth Blvd., Mail Station 3505  
Tallahassee, Florida 32399-3000

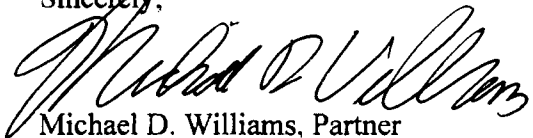
Re: City of Fruitland Park  
Loan Application State Revolving Loan Program  
For Point Source Water Pollution Control Project  
Number WW35082

Dear Ms. Knecht:

We serve as bond counsel to the City of Fruitland Park. It is our understanding the City is submitting a loan application through the program and for the project both referenced above. The loan will be secured by the net revenues of the City's water and wastewater system and such net revenues are legally available to be so pledged. The City of Fruitland Park has the legal authority under general Florida law to increase rates to provide for schedule repayment of the loan.

The City Audit for the fiscal year ended September 30, 2019 indicates that the City has pledged the gross revenues of its water and sewer utility to a promissory note with the Florida Department of Transportation but such audit indicates the City has no other debt with a lien on such net revenues superior to the security interest the City intends to grant to the referenced loan.

Sincerely,

  
Michael D. Williams, Partner

53547297:1

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

**ITEM TITLE:** Resolution 2020-037 Unity of Title –  
Petitioner Community United Methodist  
Church

**For the Meeting of:** August 27, 2020

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

**Date Submitted:** August 14, 2020

**Funds Required:** No

**Attachments:** Proposed Resolution, Notice of Declaration  
of Unity of Title and staff report

**Item Description:** Proposed Resolution 2020-037 authorizing the  
mayor to execute a declaration of unity of title unifying as an indivisible building  
site, two properties located at 404 West Fountain Street and 309 College Avenue,  
Fruitland Park, Florida.

**Action to be Taken:** Adopt Resolution 2020-037

**Staff's Recommendation:** Approval

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes



**RESOLUTION 2020-037**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF UNITY OF TITLE UNIFYING AS AN INDIVISIBLE BUILDING SITE, TWO PROPERTIES LOCATED AT 404 WEST FOUNTAIN STREET AND 309 COLLEGE AVENUE, FRUITLAND PARK, FLORIDA, OWNED BY COMMUNITY UNITED METHODIST CHURCH OF FRUITLAND PARK, INC. AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER AS ALTERNATE KEY NUMBER 1639409 AND ALTERNATE KEY NUMBER 1248329; PROVIDING FOR A DECLARATION OF UNITY OF TITLE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Community United Methodist Church of Fruitland Park, Inc. owns two parcels of real property more particularly described below which it desires to unify as one indivisible building site and

**WHEREAS**, it is necessary to authorize the Mayor of the City of Fruitland Park to execute the necessary document to effectuate the unity of title.

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

**Section 1. Authorization.**

The Mayor is authorized to execute the Declaration of Unity of Title attached hereto for the purpose of unifying the real property more particularly described below.

**LEGAL DESCRIPTION: The East 125 feet of the West 250 feet of the South 100 feet of Block 10 in the Town of Fruitland Park, Florida, according to the map or plat thereof as recorded in Plat Book 3, Page 9, Public Records of Lake County, Florida.**

**AND**

**The West 250 feet of Block 5, less the right of way for SR-466A, the West 250 feet of Catawba Street, lying between Blocks 5 and 10, and the West 250 feet of Block 10 in the City of Fruitland Park, according to the plat thereof as recorded in Plat Book 3, Pages 8 -9 of the Public Records of Lake County, Florida, LESS AND EXCEPT the East 125 feet of the West 250 feet of the South 100 feet of the South 100 feet of the aforesaid Block 10.**

**Section 2. Recording of Notice.** The Mayor or designee is directed to record the Declaration of Unity of Title, **a copy of which is attached hereto**, in the public records of Lake County, Florida, and provide a copy to the Lake County Property Appraiser.

**Section 3. Effective Date.**

This resolution shall become effective immediately upon its passage.

PASSED and ADOPTED at a regular meeting of the City Commission of the City of Fruitland Park, Lake County, Florida this 27<sup>th</sup> day of August 2020.

SEAL

CITY COMMISSION OF THE CITY OF  
FRUITLAND PARK, FLORIDA

---

CHRIS CHESHIRE, MAYOR

ATTEST:

---

ESTHER COULSON, CITY CLERK, MMC

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

Record and Return to:  
The City Clerk  
City of Fruitland Park  
506 W Berckman St.  
Fruitland Park, FL 34731

## NOTICE OF DECLARATION OF UNITY OF TITLE

This Declaration of Unity of Title, made this 27<sup>th</sup> day of August 2020, by Community United Methodist Church of Fruitland Park, Inc., having an address of 309 College Avenue, Fruitland Park, Florida 34731, hereinafter referred to as the “Declarant” being the fee owner of the following described real property located in Lake County, Florida:

Alt. Key Numbers: **1639409 & 1248329**

Parcel Id. Numbers: 09-19-24-0400-010-00000 and 09-19-24-0400-005-00000

### LEGAL DESCRIPTION:

**The East 125 feet of the West 250 feet of the South 100 feet of Block 10 in the Town of Fruitland Park, Florida, according to the map or plat thereof as recorded in Plat Book 3, Page 9, Public Records of Lake County, Florida.**

**AND**

**The West 250 feet of Block 5, less the right of way for SR-466A, the West 250 feet of Catawba Street, lying between Blocks 5 and 10, and the West 250 feet of Block 10 in the City of Fruitland Park, according to the plat thereof as recorded in Plat Book 3, Pages 8 -9 of the Public Records of Lake County, Florida, LESS AND EXCEPT the East 125 feet of the West 250 feet of the South 100 feet of the South 100 feet of the aforesaid Block 10.**

Hereby makes the following declarations of condition, limitation, and restriction on the Property, hereinafter to be known and referred to as a Declaration of Unity of Title, as to the following particulars:

1. That the afore-described plot of, or combination of separate lots, plots, parcels, acreage or portions thereof, shall hereafter be declared to be unified under one title as an indivisible building site. **See attached Sketch of Description.**
2. That the Property shall henceforth be considered as one plot or parcel of land, and that no portion thereof shall be sold, assigned, transferred, conveyed or devised separately except in its entirety as one plot or parcel of land.
3. The purpose of unity is to unify as one indivisible building site for construction thereon.

Declarant further agrees that this Declaration of Unity of Title shall constitute a covenant to run with the land, as provided by law, and shall be binding upon the Declarant, its successors and assigns, and all parties claiming under such parties until such time as the same be released in writing by the City of Fruitland Park, a Florida municipality of the

State of Florida. Declarant also agrees this Declaration of Unity of Title shall be recorded in the Public Records of Lake County, Florida.

IN WITNESS WHEREOF, Declarant has executed this instrument in the manner provided by law on the day and year above written. Signed, sealed, and delivered in our presence as witnesses:

WITNESSES

**CITY OF FRUITLAND PARK**

\_\_\_\_\_  
Signature of Witness #1

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

Anita Geraci-Carver  
Print Name of Witness #1

Attest:

\_\_\_\_\_  
Signature of Witness #2

\_\_\_\_\_  
Esther Coulson, City Clerk, MMC

Gary La Venia  
Print Name of Witness #2

**State of Florida**  
**County of Lake**

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 27<sup>th</sup> day of August 2020, by Chris Cheshire, as Mayor of the City of Fruitland Park, a Florida municipal corporation on behalf of the corporation. He is  personally known to me or who produced \_\_\_\_\_ as identification.

Notary Stamp:

\_\_\_\_\_  
Signature of Notary

**CITY OF FRUITLAND PARK  
STAFF REPORT BY LPG URBAN & REGIONAL PLANNERS, INC.**

**MINOR SITE PLAN AND UNITY OF TITLE**

**Owner:** Community United Methodist Church of Fruitland Park, Inc.

**General Location:** North of W. Fountain Street, East of College Ave.

**Number of Acres:** 0.28 ± acres

**Existing Zoning:** PFD

**Existing Land Use:** SF Medium Density

**Date:** July 21, 2021

**Description of Project**

Existing single family residence (2,435 square feet of which 1,253 square feet is living area) purchased by church to be utilized as food pantry. The subject site adjoins the church property along the northern and western property lines. The existing church property is 4.6 acres with access from West Miller (466A). The applicant is seeking minor site plan approval and unity of title combining site with existing church property.

	<b>Surrounding Zoning</b>	<b>Surrounding Land Use</b>
<b>North</b>	PFD	Institutional (CUMC)
<b>South</b>	RP	Central Business District Mix (vacant)
<b>East</b>	PFD	Institutional (FP Elementary)
<b>West</b>	PFD	SF Medium Density (CUMC)

**Assessment**

The proposed unity of title has an error on page 1 – it reads State of Sumter and should read State of Florida. Please revise.

Planning staff defers to City Engineer regarding handicapped parking.

**Recommendation**

Staff recommends approval of site plan subject to approval of City engineer. Staff recommends approval of Unity of Title subject to correction of document.

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

**ITEM TITLE:** Resolution 2020-038 Minor Site Plan –  
Petitioner: Community United Methodist  
Church

**For the Meeting of:** August 27, 2020  
**Submitted by:** City Attorney/City Manager/Community  
Development Director

**Date Submitted:** August 14, 2020

**Funds Required:** No

**Attachments:** Resolution 2020-038 and engineered site  
plan

**Item Description:** Resolution 2020-038 granting minor site  
plan approval to allow for use of an existing church building owned by Community  
United Methodist Church of Fruitland Park, Inc., as a church owned food pantry.

**Action to be Taken:** Adopt Resolution 2020-038

**Staff's Recommendation:** Approval

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**RESOLUTION 2020-038**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING MINOR SITE PLAN APPROVAL TO ALLOW FOR USE OF AN EXISTING CHURCH BUILDING OWNED BY COMMUNITY UNITED METHODIST CHURCH OF FRUITLAND PARK, INC. AS A CHURCH OWNED FOOD PANTRY; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Community United Methodist Church of Fruitland Park, Inc. has filed an application for Minor Site Plan Approval to allow for use of an existing church building as a church food pantry on real property located at 404 W. Fountain Street, Fruitland Park, that has an existing building; and

**WHEREAS**, the City Commission of the City of Fruitland Park have considered the application in accordance with the Land Development Regulations for Minor Site Plan Approval in Chapter 160 of the Land Development Regulations, subject to conditions;

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, LAKE COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1. Granting of Minor Site Plan Approval.**

The application filed by Community United Methodist Church of Fruitland Park, Inc. (hereafter referred to as “Applicant”), to allow for use of an existing church building as a food pantry for use associated with the church on real property located at 404 W. Fountain Street is hereby granted, with conditions, for the following described property:

Alt. Key Numbers: **1639409 & 1248329**

Parcel Id. Numbers: 09-19-24-0400-010-00000 and 09-19-24-0400-005-00000

**LEGAL DESCRIPTION:**

**The East 125 feet of the West 250 feet of the South 100 feet of Block 10 in the Town of Fruitland Park, Florida, according to the map or plat thereof as recorded in Plat Book 3, Page 9, Public Records of Lake County, Florida.**

**AND**

**The West 250 feet of Block 5, less the right of way for SR-466A, the West 250 feet of Catawba Street, lying between Blocks 5 and 10, and the West 250 feet of Block 10 in the City of Fruitland Park, according to the plat thereof as recorded in Plat Book 3, Pages 8 -9 of the Public Records of Lake County, Florida, LESS AND EXCEPT the East 125**

**feet of the West 250 feet of the South 100 feet of the South 100 feet of the aforesaid Block 10.**

**Section 2. Conditions of Approval.**

- (1) Prior to the start of any use of the building as a church food pantry, the Applicant shall resolve, to the satisfaction of the City Manager or designee, the following Planning and Administrative Matters:
  - (a) The Applicant shall meet the City Engineer’s reasonable requirements, including but not limited to ADA compliance of the building and parking area.
- (2) This conditioned approval may also be revoked by the City Commission, at any time, if the above conditions are not followed and met by the Applicant. The Site Plan is attached hereto and incorporated herein.

**Section 3. Effective Date.**

This resolution shall become effective immediately upon its passage.

PASSED and ADOPTED at a regular meeting of the City Commission of the City of Fruitland Park, Lake County, Florida this 27<sup>th</sup> day of August 2020.

SEAL

CITY COMMISSION OF THE CITY OF  
FRUITLAND PARK, FLORIDA

\_\_\_\_\_  
CHRIS CHESHIRE, MAYOR

ATTEST:

\_\_\_\_\_  
ESTHER COULSON, CITY CLERK, MMC

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



Record and Return to:  
City of Fruitland Park  
506 W. Berckman St  
Fruitland Park, FL 34731

## NOTICE OF SITE PLAN APPROVAL

TO: Community United Methodist  
Church 309 College Ave  
Fruitland Park, FL 34731

You are hereby notified that site plan approval subject to the conditions outlined below has been given to allow for use of an existing church building as a food pantry on real property located at 404 W. Fountain Street, more particularly described herein which lies wholly within the city limits of the City of Fruitland Park.

### LEGAL DESCRIPTION:

#### Parcel 1:

The East 125 feet of the West 250 feet of the South 100 feet of Block 10 in the Town of Fruitland Park, Florida, according to the map or plat thereof as recorded in Plat Book 3, Page 9, Public Records of Lake County, Florida.

#### Parcel 2:

The West 250 feet of Block 5, less the right of way for SR-466A, the West 250 feet of Catawba Street, lying between Blocks 5 and 10, and the West 250 feet of Block 10 in the City of Fruitland Park, according to the plat thereof as recorded in Plat Book 3, Pages 8 -9 of the Public Records of Lake County, Florida, LESS AND EXCEPT the East 125 feet of the West 250 feet of the South 100 feet of the South 100 feet of the aforesaid Block 10.

### Conditions of Approval.

- (1) Prior to the start of any use of the building as a church food pantry, the Applicant shall resolve, to the satisfaction of the City Manager or designee, the following Planning and Administrative Matters:
  - (a) The Applicant shall meet the City Engineer's reasonable requirements, including but not limited to ADA compliance of the building and parking area.
- (2) This conditioned approval may also be revoked by the City Commission, at any time, if the above conditions are not followed and met by the Applicant. The Site Plan is attached hereto and incorporated herein.

Under penalty of law, the above-referenced property may not be subdivided or split without the express written approval of the City Commission of the City of Fruitland Park.

---

Chris Cheshire, Mayor

City of Fruitland Park

Attest:

---

Esther B. Coulson, City Clerk, MMC  
City of Fruitland Park  
Approved as to form:

---

Anita Geraci-Carver, City Attorney  
City of Fruitland Park



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

**ITEM TITLE:** Public Hearing - Resolution 2020-039 Variance Request – Petitioner: Samuel Rector

**For the Meeting of:** August 27, 2020

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

**Date Submitted:** August 14, 2020

**Funds Required:** No

**Attachments:** Proposed resolution, advertisement receipt (affidavit forthcoming), location map and staff report

**Item Description:** Resolution 2020-039 granting a variance to the land development regulation requirements pertaining to setback standards.

**Action to be Taken:** **Adopt Resolution 2020-039**

**Staff's Recommendation:** Denial; does not meet review criteria

**Additional Comments:** None

**City Manager Review:** None

**Mayor Authorization:** None

**RESOLUTION 2020-039**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATION (LDR) REQUIREMENTS PERTAINING TO SETBACK STANDARDS FROM 15' TO 5', ON THE SUBJECT PROPERTY LOCATED SOUTH OF CR 466A AND WEST OF NORTH VALLEY ROAD AND OWNED BY SAMUEL RECTOR, PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Samuel Rector has petitioned for variances for his property located at 304 N. Valley Rd., Fruitland Park, located South of CR 466A (Miller Street) and west of North Valley Road, in the City of Fruitland Park, Florida; and

**WHEREAS**, the owner requests a variance to the following LDR requirements:

- Chapter 154, Section 154.040 Size and Dimension Criteria (for existing storage building)
- Chapter 156, Section 156.010(e) Storage Buildings (for existing storage building)
- Chapter 169, Section 169.010(d) Special Standards (for existing storage building and proposed guest/servant quarters)

**WHEREAS**, an existing storage building of the same architectural style of the residence constructed around 2003/2004 of 280 square feet encroaches into the fifteen-foot (15') side setback and exceeds the square footage allowed when storage buildings encroach into the setbacks; and

**WHEREAS**, the applicant desires to construct an addition to the existing storage building as a guest/servant quarters to include one bedroom having a closet, one bathroom, two storage areas and a covered porch consisting of an additional 1108 square feet which will also encroach into the fifteen foot (15') side setback; and

**WHEREAS**, the proposed addition will not exceed 30% of living area of the principal dwelling unit; and

**WHEREAS**, the City Commission has considered the petition in accordance with standards for the granting of variances contained in Chapter 168, City of Fruitland Park Land Development Regulations and

**WHEREAS**, this Resolution met all public notice requirements;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA**, as follows:

1. The City Commission has determined that the existing storage building constructed in 2003/2004 in excess of the maximum allowed and lying within the fifteen foot (15') side setback is not detrimental to the character of the area or inconsistent with the trends of development in the area.
2. The City Commission has determined that a reduction of the side setback from fifteen to five feet for an addition to the principal residence as a guest/servant quarters is not detrimental to the character of the area or inconsistent with the trends of development in the area.

3. The City Commission has determined that a reduction of the side setback from fifteen to five feet for the existing storage building constructed in 2003/2004 does not and will not have an unduly adverse effect on surrounding property.
4. The City Commission has also determined that the increase in square footage allowed when the storage building encroaches into a setback does not and will not have an unduly adverse effect on surrounding property as it relates to the existing storage building.
5. The City Commission has determined that a reduction of the side setback from fifteen feet to five feet for an addition to the principal residence as a guest/servant quarters will not have an unduly adverse effect on surrounding property.
6. Special conditions and circumstances exist which are peculiar to the Property which are not applicable to other land and structures.
7. A variance of 10 feet from the existing code for side setback is the minimum variance to accommodate the Applicant's request as it relates to the existing storage building and to the addition to the principal residence as a guest/servant quarters.
8. A variance of 30 square foot from the existing code for a storage building is the minimum variance to accommodate the Applicant's request as it relates to the existing storage building.
9. The City Commission has further determined that the variances relating to the existing storage building and the addition to the principal residence as a guest/servant quarters are consistent with the Comprehensive Plan for the City of Fruitland Park and Code, and will not adversely affect the public interest.
8. The variances relating to the existing storage building and addition to the principal residence as a guest/servant quarters will not adversely affect the public health, safety and general welfare of the citizens of the City of Fruitland Park.
9. The petition for variances filed by Samuel Rector for property south of CR 466A and west of North Valley Road, having an address of 304 N. Valley Rd., in the City of Fruitland Park, Florida, more particularly described as:

**LEGAL DESCRIPTION:** Lot 17, Block C, Valley of the Springs, according to the plat thereof recorded in Plat Book 25, Page 5, Public Records of Lake County, Florida

**Parcel Alternate Key No. 2908823**

is GRANTED as follows:

1. Variances to Chapter 154, Section 154.040 Size and Dimension Criteria. Setback Standards from a side setback of fifteen foot (15') to five foot (5') for the existing storage shed.
2. A variance to Chapter 156, Section 156.010(e) Setback Standards from a side setback of fifteen foot (15') to five foot (5') for a storage building greater than 250 square feet allowed when encroaching into a setback.
3. Variances to Chapter 169, Section 169.010(d) Special Standards from a side setback of fifteen foot (15') to five foot (5') for the existing storage shed and the addition to the principal residence as a guest/servant quarters.
4. No rooms in the existing storage building and in the addition shall be converted to a kitchen.

5. The storage areas shall remain as storage areas and not be converted to any other use.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:  
Approved as to Form:

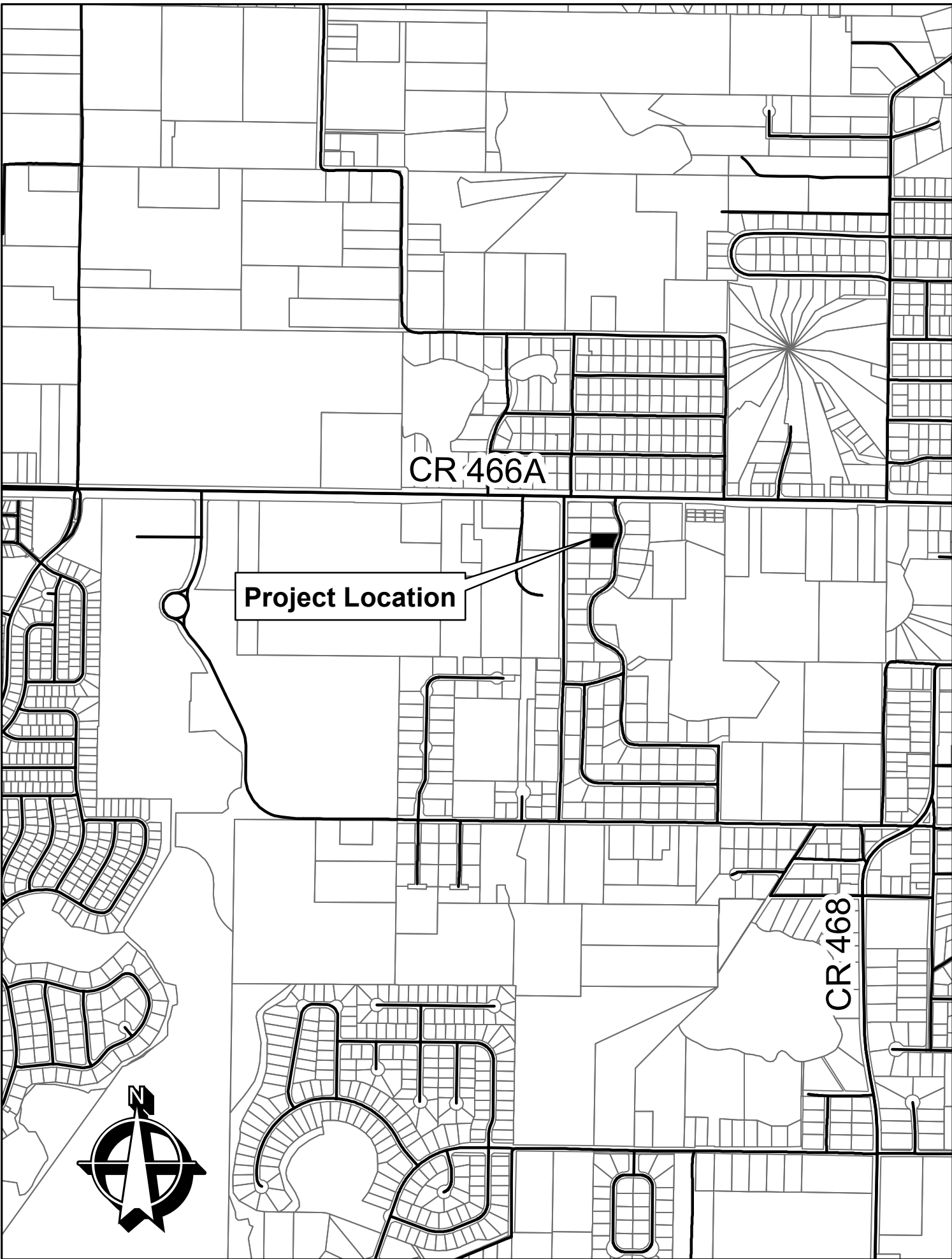
\_\_\_\_\_  
Esther Coulson, MMC, City Clerk

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

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)

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

(SEAL)



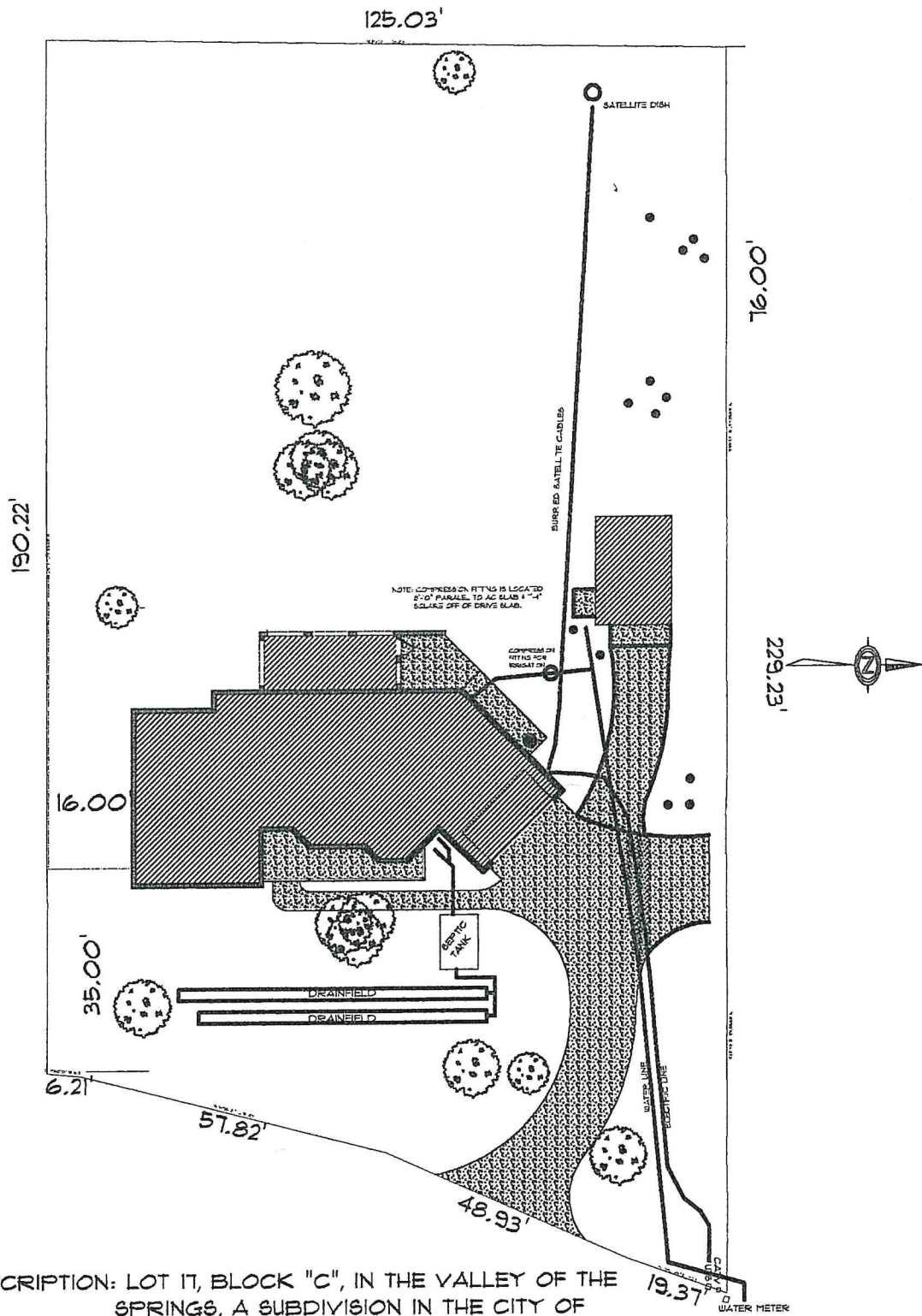
CR 466A

Project Location

CR 468







DESCRIPTION: LOT 17, BLOCK "C", IN THE VALLEY OF THE SPRINGS, A SUBDIVISION IN THE CITY OF FRUITLAND PARK, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 25, PAGES 5, 6 & 7, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

NOTE: LAND IS APPROXIMATELY 26173 SQ. FT.

# SITE PLAN

SCALE: 1" = 30'-0"

RECEIVED BY  
 COMMUNITY DEVELOPMENT  
 JUL 16 2020  
 DEPARTMENT  
 CITY OF FRUITLAND PARK

# NOTICE OF PUBLIC HEARING

## RESOLUTION 2020-039

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATION (LDR) REQUIREMENTS PERTAINING TO SETBACK STANDARDS FROM 15' TO 5', ON THE SUBJECT PROPERTY LOCATED SOUTH OF CR 466A AND WEST OF NORTH VALLEY ROAD AND OWNED BY SAMUEL RECTOR PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE.

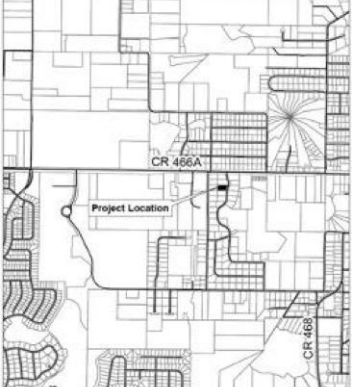
The proposed Resolution will be considered at the following public meetings:

Fruitland Park Planning and Zoning Meeting on August 20, 2020 at 6:00 p.m.

Fruitland Park City Commission Meeting on August 27, 2020 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 meetings are open to the public and hearings may be continued as determined by the commission from time to time to a time certain. The full proposed resolution 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.



**CITY OF FRUITLAND PARK  
STAFF REPORT BY LPG URBAN & REGIONAL PLANNERS, INC.**

**VARIANCE**

**Owner:** Samuel Rector

**General Location:** South of CR 466A and west of North Valley Road

**Number of Acres:** 0.60 ± acres

**Existing Zoning:** Residential PUD

**Existing Land Use:** SF Medium Density

**Date:** July 22, 2020

**Description of Project**

The existing PUD indicates that the subject lot is to conform to the R-1 zoning district including the setbacks as follows:

Front – 30’  
Rear – 25’  
Side – 15’

Chapter 156, Section 156.040 addresses accessory structures and indicates that residential storage building setbacks from side and rear are 5’. Chapter 156, Section 156.010(e) indicates that storage buildings which encroach into required yards shall not exceed 250 SF.

Existing single family residence (1756 SF living area/2871 total structure) with above ground pool, covered patio and detached storage shed. It should be noted that the storage shed/game room is the same architectural style of the residence. The applicant would like to construct an addition to the home consisting of one bedroom (per FL Bldg Code – one bedroom is defined with having a closet), one bathroom, two (2) storage areas and covered porch (1108 SF). The purpose of the addition is to allow an in-law quarters; however, since it is connected to the house and no kitchen is proposed; they are not limited to the square footage of the accessory structure/guest quarters (527 SF). The applicant indicates that no new electric or water meters proposed. The proposed plans indicate that the addition would connect to the existing storage shed. The existing home provides 4 parking spaces (2 within garage and 2 within the driveway).

The applicant is requesting a variance from Chapter 154, Section 154.040, Size and Dimension Criteria for a side setback from required 15’ to 5’ for the home expansion. The applicant maintains that the storage building was permitted and constructed at the time of permit approval of the home (2003). The storage building on the house plans indicate it was to be 240 SF with a 5’ side setback; however, the storage shed constructed was 280 SF which required a 15’ side setback. The applicant maintains that the building official was consulted regarding the additional square footage and was not advised of a need for a greater setback. It should be noted that the property appraiser notes that the storage shed was constructed in 2004. The proposed addition to the home would connect to the existing home and

storage shed. The planning staff defers to the City Building Official as to whether connecting to the existing storage shed would meet building codes and wind load capacity. The planning staff defers to the City Fire Official as to whether connecting to an existing shed would require additional fire walls.

	Surrounding Zoning	Surrounding Land Use
North	PUD	SFMD
South	PUD	SFMD
East	PUD	SFMD
West	PUD	SFMD

**Assessment**

Review of aerial and site plans indicate that in order to construct an addition to the home and maintain a 15’ side setback would require the removal and/or relocation of the above ground pool and removal of established trees. Based on review of the proposed plans, the area along the side property line would consist mainly of exterior walls. One (1) window is proposed within a storage area and one (1) door leading to a storage area.

Chapter 168, Section 168.010 (f) lists the review criteria that shall be considered:

- 1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;**

*The subject site consists of .60 acres and there is sufficient area to meet required setbacks for the home expansion. There are no physical constraints of the property (i.e. flood area, topography, size). Connecting to the existing storage shed is optional and the applicant maintains that the addition would be more aesthetically pleasing.*

*There are special circumstances that exist in regards to the setback of the existing shed. In the building plan submittal for the home, the shed was included on the plans. It would be understandable that the applicant would assume the building permit covered the shed too. It is also understandable, that a building official may review Chapter 156, Section 156.040 which address accessory structures and indicates that residential storage building setbacks from side and rear are 5’ and not realize that Chapter 156, Section 156.010(e) requires a larger setback based on size of the storage shed.*

*It is noted that typically a building official would not advise to required setbacks.*

- 2) The special conditions and circumstances are not the result of actions of the applicant;**

*In regards to the home expansion the special conditions and circumstances would be a result of the actions of the applicant.*

*In regards to the existing storage shed, the applicant indicates that the building official was consulted in regards to the expansion of the shed and was verbally authorized to proceed. It is noted that the typical building official would have requested revised plans which would also prompt zoning review.*

- 3) Literal interpretation and enforcement of the Development Code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Development Code, and would work unnecessary and undue hardship on the applicant;**

*The Land Development Code does allow for lesser setbacks of non-habitable accessory structures such as a free standing garage of 5' from the side property line and 15' from the rear. A typical one car garage is 12' x 22' (264 SF) and a typical 2-car garage is 18 x 20 (360 SF). The existing shed is 14' x 20' (280 SF) and literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.*

*The Land Development Codes does allow for lesser setbacks of habitable structures in the PUD zoning district of 10' between structures (i.e. 5' side setback); however, this particular PUD zoning district established a 15' side setback.*

*The proposed addition has no exterior doors that lead to the bedroom along the north side. The exterior door located along the north side leads to an interior storage area. It is the applicant's position that since storage (non-habitable structure) is the main use along the northern exterior that lesser setbacks should be applicable.*

- 4) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building, or structure;**

*A variance if granted for the existing storage shed is the minimum variance necessary for the use of structure and to avoid problems in the future in regards to resale or financing.*

*Not granting a variance for the proposed addition does not prohibit the reasonable use of the land.*

- 5) Granting of the variance request will not confer on the applicant any special privilege that is denied by the Development Code to other lands, buildings or structures in the same zoning district; and,**

*The variance if granted for the existing storage shed will not confer on the applicant any special privilege.*

*The variance if granted for the home expansion will not confer on the applicant any special privilege.*

- 6) The granting of the variance will be in harmony with the general intent and purpose of the Land Development Code, and will not be injurious to the surrounding properties or detrimental to the public welfare.**

*The variances if granted will be in harmony with the general intent and purpose of the Land Development Code and will not be injurious to the surrounding properties or detrimental to the public welfare.*

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**Recommendation**

Staff recommends approval of the setback variance for the existing shed from 15' to 5'.

Should the City Commission grant the variance for the home expansion, it is recommended that the following conditions be included:

No rooms shall be converted to a kitchen

The storage areas shall remain as storage areas and not be converted to any other use

DRAFT

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

**ITEM TITLE:** First Reading and Public Hearing - Ordinance  
2020-008 Form Board Survey

**For the Meeting of:** August 27, 2020  
**Submitted by:** City Attorney/City Manager/Community  
Development Director

**Date Submitted:** August 14, 2020

**Funds Required:** No

**Attachments:** Proposed Ordinance 2020-008

**Item Description:** Ordinance 2020-008 relating to building regulations; updating references to the Florida Building Code within Chapter 161 of the City of Fruitland Park's Land Development Code.

**Action to be Taken:** Approve Ordinance 2020-008.

**Staff's Recommendation:** Approval. (The second reading will be held on September 10, 2020)

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**ORDINANCE 2020-008**

**AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO BUILDING REGULATIONS; UPDATING REFERENCES TO THE FLORIDA BUILDING CODE WITHIN CHAPTER 161 OF THE CITY OF FRUITLAND PARK LAND DEVELOPMENT CODE TO THE MOST RECENT VERSION OF THE FLORIDA BUILDING CODE; AMENDING SECTION 161.010(b) OF THE LAND DEVELOPMENT CODE BY ADOPTING CERTAIN AMENDMENTS TO THE FLORIDA BUILDING CODE; DIRECTING THE CITY MANAGER TO TRANSMIT THE AMENDMENTS TO THE FLORIDA BUILDING COMMISSION AS REQUIRED BY STATUTE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City of Fruitland Park adopted the most recent Florida Building Code, as it may be amended from time to time by the State; and

**WHEREAS**, the Florida Legislature has adopted the 6<sup>th</sup> Edition of the 2017 Building Code; and

**WHEREAS**, the City wishes to update its land development code to reference the most up to date version of the Florida Building Code; and

**WHEREAS**, enforcement of the Florida Building Code is the responsibility of local governments; and

**WHEREAS**, Section 553.73(4)(b), Florida Statutes, authorizes Florida local governments to make local administrative amendments and technical amendments to its building codes, provided they are not less stringent than the minimum standards described in the Florida Building Code; and

**WHEREAS**, the City of Fruitland Park has advertised as required by law for a public hearing prior to adoption of this Ordinance by placing a legal advertisement in a newspaper of general circulation no less than 10 days prior to the public hearing notifying the public of this Ordinance and of the public hearing to be held at 6:00 p.m. on September 10, 2020 at City Hall located at 506 West Berckman Street, Fruitland Park, Florida; and

**WHEREAS**, a duly noticed public hearing was conducted on such proposed amendments as advertised; and



**WHEREAS**, at the public hearing the City Council determined it is necessary to adopt the amendments to the Florida Building Code as specified herein for the purpose of enhancing the safety, health, and welfare of City residents; and

**WHEREAS**, the Council based its determination upon a review of local conditions which demonstrated a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code; and

**WHEREAS**, the amendments specified herein are no more stringent than necessary to address the local need; and

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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:**

**Section 1. Recitals** The recitals set forth above are hereby adopted as legislative findings of the City Commission of the City of Fruitland Park

**Section 2.** Section 161.010(b) of the Land Development Code of the City of Fruitland Park, Florida, is hereby amended to read as follows::

(b) Adopted Building Code. The provisions of the 2017 Florida Building Code, as it may be amended from time to time by the State, is hereby adopted by reference, to the same extent as if fully set out in this article, for the purpose of regulating the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the city. Not less than one (1) copy of such code shall be maintained on file in the office of the building department.

~~(b) — Adopted Building Codes.~~

The following building codes are adopted:

~~Standard Building Code, 1988 edition, as amended, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama, with the exception of Appendix N.~~

~~Standard Mechanical Code, 1988 edition, as amended, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.~~

~~Standard Plumbing Code, 1988 edition, as amended, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.~~

~~Standard Gas Code, 1988 edition, as amended, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.~~

~~Standard Housing Code, 1988 edition, as amended, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.~~

~~Standard Swimming Pool Code, 1985 edition, as amended, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama, with one amendment as follows:~~

~~Delete Section 304.1 in its entirety and replace it with the following: All design, construction and workmanship for public pools shall be in conformity with the "Minimum Standards for Public Swimming Pools," dated April 1, 1977; and private pools shall be in conformity with the "Standard for Residential Swimming Pools," dated November 1987. Both standards are published by the National Spa and Pool Institute, Alexandria, Virginia. Engineered designs having the seal and signature of a relevant licensed engineer may be accepted in lieu of conforming to these standards.~~

~~CABO One and Two Family Dwelling Code, 1986 edition, as amended, with 1987 and 1988 amendments and one other amendment, as follows:~~

~~Revise Section R-202 by adding Subsection R-202.7 as follows: R-202.7— Hurricane Load. All masonry buildings and masonry accessory structures shall be designed to resist hurricane loads and wind loads specified in Table R-202 by complying with Appendix D-102 of the Standard Building Code, 1988 edition, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.~~

~~National Electrical Code, 1990 edition, as amended, published by the National Fire Protection Association, Quincy, Massachusetts, effective November 1, 1990, with five amendments as follows:~~

~~*Aluminum and Copper Clad Aluminum Conductors:*~~

~~The minimum size of any aluminum or copper clad aluminum electrical conductor used for the purpose of bonding, grounding or carrying lighting or power current shall be AWG 1. This requirement shall not apply to manufactured housing units certified under the State of Florida third party inspection statutes, or to listed and approved appliances, machinery, equipment and assemblies.~~

~~*Conductor Protection; Raceways:*~~

~~All buildings, additions and other structures shall have all electrical conductors used for the purpose of carrying lighting or power current over fifty (50) volts AC installed in a listed and approved raceway. This requirement shall not apply to single and two family dwellings or their accessory structures.~~

~~*Electric Service Entrance Conductors—Supply Side:*~~

~~All service entrance conductors shall be installed in a listed and approved raceway from the point of connection with the utility company's conductors all the way to the meter enclosure.~~

~~*Electric Service Entrance Conductors—Load Side.*~~

~~All service entrance conductors shall be installed in a listed and approved raceway from the meter enclosure to the service disconnecting means. The total length of such service entrance conductors measured from the point of entry into the building to the service disconnecting means shall be no longer than five feet unless protected by an overcurrent device.~~

~~*Electric Service—Rating of Disconnect.*~~

~~The service disconnecting means shall have a rating of not less than one hundred fifty (150) amps for any single or two family dwelling, or less than one hundred (100) amps for any dwelling unit in a multi family building. This requirement shall not apply to hotel or motel rooms.~~

~~Florida Sanitary Code of the Division of Health of the Department of Health and Rehabilitative Service published pursuant to Section 381.031, Florida Statutes, as amended.~~

~~Accessibility of Handicapped Persons, Chapter 553, Part V, Florida Statutes, as amended.~~

~~Fruitland Park Energy Efficient Building Code, as amended.~~

**Section 3.** The Land Development Code of the City of Fruitland Park, Florida is hereby amended by adding Section 161.010(c) which reads as follows:

(c) Any person who shall violate a provision of the code adopted in subsection (a), or fail to comply therewith, or with any of the requirements thereof, shall be punished as provided in section 10-99 or through code enforcement proceedings pursuant to F.S. Ch. 162, and chapter 35 of the Code of Ordinances.

**Section 4.** The Land Development Code of the City of Fruitland Park, Florida is hereby amended by adding Section 161.010(d) which reads as follows:

(d) The city adopts the following technical amendment to Section R322.2.1 of the 6<sup>th</sup> Edition of the Florida Building Code, Residential 2017 relating to flood provisions:

*R322.2.1 Elevation requirements.*

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1.5 feet or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet

on the FIRM plus 1.5 feet, or at least 3.5 feet if a depth number is not specified.

3. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1.5 feet or the design flood elevation, whichever is higher.

*Exception:* Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

**Section 5.** The Land Development Code of the City of Fruitland Park, Florida is hereby amended by adding Section 161.010(e) which reads as follows:

(e) The city adds the following technical amendment to a new Section 1612.4.2 of the 6<sup>th</sup> Edition of the Florida Building Code, Building (2017) relating to flood provisions:

1612.4.2 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 1.5 feet, whichever is higher.

**Section 6.** The Land Development Code of the City of Fruitland Park, Florida is hereby amended by adding Section 161.010(f) which reads as follows:

(f) The city adds the following administrative amendment to Section 110.3.1 of the 6<sup>th</sup> Edition of the Florida Building Code. Building (2017) relating to required foundation inspections:

Permit holder shall engage a certified surveyor to produce a form board survey (or foundation survey; depending on construction design) to verify the project is consistent with the City approved site plan/survey (plot plan).

1. Permit holder shall submit this form board/foundation survey to the City for review and approval prior to pouring the slab. This document may be hand delivered to the Community Development Department, mailed to City Hall and addressed to the Community Development Department and/or submitted to the Community Development Department via email in digitally signed pdf format.
2. The form board survey shall be forwarded to the Flood Plain Manager or designee and reviewed to confirm consistency with the City approved site plan/survey (plot plan).
  - a. **IMPORTANT:** The slab may not be poured until the formboard survey has been approved and determined to comply with all City of Fruitland Park requirements.

- b. The Building Official may waive the requirements on a case by case basis when the Building Official or designee has visited the site to verify site conditions.

**SECTION 7. Directions to City Manager.** The City Manager is directed to forward a copy of this Ordinance, after adoption, to the Florida Building Commission as provided in Section 553.73(4)(b) 5, Florida Statutes, within 30 days of said adoption.

**SECTION 8. Conflicting Ordinances.** All ordinances or parts of ordinances, land development code ordinances or parts of said ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 9. Severability.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**SECTION 10. Effective Date.** This Ordinance shall become effective immediately upon adoption; however, the technical amendments set forth herein shall not become effective until 30 days after the amendment has been received and published by the Florida Building Commission.

PASSED and ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, 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, MMC

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)

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

Approved as to form and legality:

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

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

**ITEM TITLE:** City Manager's Report

**For the Meeting of:** August 27, 2020

**Submitted by:** City Manager

**Date Submitted:** August 17, 2020

**Funds Required:** No

**Attachments:** None

**Item Description:** City Manager's Report

- i. Economic Development Status Update
- ii. COVID-19 Status Update
- iii. City Clerk

**Action to be Taken:**

**Staff's Recommendation:**

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

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

<b>ITEM TITLE:</b>	CITY ATTORNEY REPORT
<b>For the Meeting of:</b>	August 27, 2020
<b>Submitted by:</b>	City Attorney
<b>Date Submitted:</b>	August 17, 2020
<b>Funds Required:</b>	None
<b>Attachments:</b>	None
<b>Item Description:</b>	City Attorney Report

**City of Fruitland Park v. T.D. Burke, Lake County Case No. 2019-CA-001894 (Judge Baxley):** On March 19, 2020 the City issued First Set of Admissions Directed to Defendant T. D. Burke and First Request for Production to Defendant T. D. Burke. Responses are due April 20, 2020. Responses were received. Documents responsive to the requests are in the process of being provided. On April 20, 2020 Defendant filed a Motion for Summary Judgment. A hearing on Defendant's Motion for Summary Judgment was held July 27, 2020. At this time, we are waiting for the Court's ruling.

**City of Fruitland Park v. State of Florida – Department of Management Services:** On December 26, as previously reported, Mr. Thomas filed the Petition on behalf of the City. On July 14, 2020 the State of Florida, Department of Management Services, Division of Retirement, served the City with Interrogatories and Request for Production of Documents. Responses are due from the City on or before August 14, 2020. The State of Florida, Division of Administrative Hearings scheduled the hearing to take place in Tavares August 18 – 20, 2020; however, it has been canceled. Once a new hearing date has been scheduled it will be provided to the Commission. No updates since last meeting.

**Michael and Laurie Fewless v. City of Fruitland Park, Lake County Case No. 2020-CA-000104 (Judge Welke):** Plaintiffs filed a two-count complaint against the City alleging negligence and breach of fiduciary duty. Plaintiffs seek in excess of \$600,000.00. The lawsuit arises from the FRS retirement program. The City's insurance carrier has assigned attorney Thomas to defend the City in this action. On February 26, 2020 Mr. Thomas on behalf of the City filed a Motion to Dismiss to complaint. On March 11, 2020 the City received discovery requests, interrogatories and request for documents. The City is currently preparing responses.

On March 12, 2020 Circuit Court Welke entered an Order referring the Motion to Dismiss to the General Magistrate to hold a hearing on the Motion. On March 20, 2020 Plaintiffs' attorney filed an objection to the Order referring to the General Magistrate; therefore, Judge Welke will hold a



hearing on the City's Motion to Dismiss. A hearing on the Motion has not yet been scheduled. No updates since the last report. No updates since last meeting.

**Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026 (Judge Davis):**

Plaintiff purports to be the mortgage holder on Lake County Parcel Id. 10-19-24-0002-000-07500 for a loan issued to Stephen P. Angelillo. The City is named as a party defendant because the City has an existing code enforcement lien recorded against the same property. The City's lien also encumbers additional parcels. The Plaintiff has filed an action to foreclose the property and seeks to extinguish the City's lien as against the above-described parcel. As of June 29, 2020, the accumulated fines are approximately \$82,000.00.

The City was served with the lawsuit on June 23, 2020. A responsive pleading is due on July 13, 2020. The City's insurance company determined there is coverage to defend the City in this action and there is not a deductible. On July 15, 2020 Attorney Andrew Dayes filed an Answer and Affirmative Defenses on behalf of the City. No further action has been taken. No updates since last meeting.

<b>Action to be Taken:</b>	N/A
<b>Staff's Recommendation:</b>	N/A
<b>Additional Comments:</b>	None
<b>City Manager Review:</b>	Yes
<b>Mayor Authorization:</b>	Yes

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

<b>ITEM TITLE:</b>	<b>Public Comments</b>
<b>For the Meeting of:</b>	<b>August 27, 2020</b>
<b>Submitted by:</b>	City Clerk
<b>Date Submitted:</b>	<b>August 14, 2020</b>
<b>Funds Required:</b>	None
<b>Account Number:</b>	N/A
<b>Amount Required:</b>	N/A
<b>Balance Remaining:</b>	N/A
<b>Attachments:</b>	Yes, Resolution 2013-023, Public Participation Policy and Chapter 286 Florida Statutes

**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.

<b>Action to be Taken:</b>	<b>None</b>
<b>Staff's Recommendation:</b>	N/A
<b>Additional Comments:</b>	N/A
<b>City Manager Review:</b>	Yes
<b>Mayor Authorization:</b>	Yes

**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

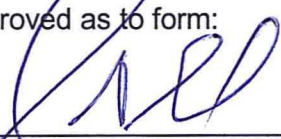
ATTEST:

  
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

Select Year:  

## The 2019 Florida Statutes

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

## PUBLIC BUSINESS

## PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

**286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—**

(1) For purposes of this section, “board or commission” means a board or commission of any state agency or authority or of any agency or authority of a county, municipal corporation, or political subdivision.

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

(3) The requirements in subsection (2) do not apply to:

(a) 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;

(b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

(c) A meeting that is exempt from s. [286.011](#); or

(d) A meeting during which the board or 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.

(4) Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that:

(a) Provide guidelines regarding the amount of time an individual has to address the board or commission;

(b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;

(c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or

(d) Designate a specified period of time for public comment.

(5) If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with this section.

(6) A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section upon the filing of an application for such injunction by a citizen of this state.

(7)(a) Whenever an action is filed against a board or commission to enforce this section, the court shall assess reasonable attorney fees against such board or commission if the court determines that the defendant to such action acted in violation of this section. The court may assess reasonable attorney fees against the individual filing such an

action if the court finds that the action was filed in bad faith or was frivolous. This paragraph does not apply to a state attorney or his or her duly authorized assistants or an officer charged with enforcing this section.

(b) Whenever a board or commission appeals a court order that has found the board or commission to have violated this section, and such order is affirmed, the court shall assess reasonable attorney fees for the appeal against such board or commission.

(8) An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

**History.**—s. 1, ch. 2013-227.

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