

**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

November 12, 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 Brian Broone, Heritage Community Church

Pledge of Allegiance – Police Chief Erik Luce
- 2. ROLL CALL**
- 3. OATH OF OFFICE – SWEARING-IN CITY COMMISSIONERS** (city clerk)
 - (a) District 3 Commissioner**
Chris Cheshire
 - (b) District 4 Commissioner**
John L. Gunter Jr.
 - (c) District 5 Commissioner**
Chris Bell
- 4. ANNUAL ELECTION OF OFFICERS** (city clerk)
 - (a) Mayor**
 - (b) Vice Mayor**
- 5. LOCAL PLANNING AGENCY**
As soon as practical at 6:15 p.m., recess to the Local Planning Agency meeting.
- 6. CONSENT AGENDA**
Approval of Minutes (city clerk)
Approval of October 22, 2020 minutes
- 7. REGULAR AGENDA**
 - (a) Resolution 2020-065 Lake County League of Cities Appointments** (city clerk)
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER AND ALTERNATE TO THE LAKE COUNTY LEAGUE OF CITIES, INC.; PROVIDING THE TERM

EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

- (b) Lake County Educational Concurrency Review Committee Appointment** (city clerk)
Motion to appoint a member to serve on the Lake County Educational Concurrency Review Committee for one year.
- (c) Lake~Sumter MPO Governing Board Appointments** (city clerk)
Motion to appoint a member and alternate to serve on the Lake~Sumter Metropolitan Planning Organization Governing Board.
- (d) Boards/Committees/Workshops**

 - i. Charter Review Discussion** (city manager)
Charter review discussion.
 - ii. Centennial Celebration Event Committee Discussion** (city clerk)
Centennial Celebration Event Committee discussion.
- (e) 2021 City Commission Meeting Schedule** (city clerk)
Motion to approve the 2021 city commission meeting schedule.
- (f) Resolution 2020-064 Professional Grant Writing Services Contract - Liberty Partners of Tallahassee LLC** (city manager/city attorney)
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE 2020-2021 CONTRACT FOR GRANT MANAGEMENT AND CONSULTING SERVICES BETWEEN LIBERTY PARTNERS OF TALLAHASSEE, LLC & CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.
- (g) Abandoned Properties and 401 Acorn Circle - Case CE2017-0032** (city manager/city attorney)
Motion to recommend to the Special Magistrate the waiver of the order of fines on Case CE2017-0032 for the property condemned as dangerous structures located at 401 Acorn Circle and authorize the charge levied and assessed by the August 11, 2017 Special Magistrate's Order to be payable by the current property owner.
- (h) Computers Purchases - Community Development Department** (city manager/community development department director)
Approve the purchase of five desktop and two laptop computers. for the community development department.

- (i) **Fire Protection and Rescue Service Discussion** (city manager)
Discussion on the fire protection and rescue service.

PUBLIC HEARING

- (j) **First Reading and Public Hearing - Ordinance 2020-012 Fire Prevention-Life Safety Codes** (city attorney)

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING SECTIONS 92.01, 92-04, 92-10 AND 92-99 IN CHAPTER 92 OF THE CODE OF ORDINANCES RELATING TO THE FLORIDA FIRE PREVENTION CODE, LIFE SAFETY CODE AND PENALTIES; REPEALING SECTIONS 92.07 THROUGH 92-09 IN CHAPTER 99 OF THE CODE OF ORDINANCES THEREBY ELIMINATING THE FIRE SAFETY BOARD; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on December 10, 2020.)

- (k) **Second Reading and Public Hearing - Ordinance 2020-011 Solid Waste Rates** (city treasurer/city attorney/city manager)

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AMENDING SECTION 99.40 TO INCREASE THE SOLID WASTE RATES BY 2% WITH RATES EFFECTIVE AS OF JANUARY 1, 2021; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on October 22, 2020.)

- (l) **Second Reading and Public Hearing - Ordinance 2020-013 Elections** (city attorney)

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES RELATING TO ELECTIONS; REPEALING PROVISIONS NO LONGER APPLICABLE; AMENDING PROVISIONS TO COMPLY WITH FLORIDA LAW; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on October 22, 2020.)

(m) Second Reading and Public Hearing – Ordinance 2020-005 Annexation (Boundary Amendment) 27.74 Acres – CR 466A-West of Oliver Lane - Petitioner: Lake County School District

(city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 27.74 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466A AND WEST OF OLIVER LANE; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; SETTING AN EFFECTIVE DATE. (The first reading was held on October 22, 2020.)

(n) First Reading and Public Hearing – Ordinance 2020-006 LSCPA – FLUP to Commercial - N CR466A and West of Olive Lane - Petitioner: Lake County School District

(city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT AND SITE SPECIFIC AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO COMMERCIAL HIGH INTENSITY OF 27.74 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF OLIVER LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading may be continued as determined by the commission from time to time to a time certain.)

QUASI-JUDICIAL PUBLIC HEARING

- (o) **Second Reading and Quasi-Judicial Public Hearing – Ordinance 2020-007 Rezoning and Master Development Agreement – Petitioner: Lake County School District** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 27.74 ± ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO CITY OF FRUITLAND PARK COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on October 22, 2020.)

END OF QUASI-JUDICIAL PUBLIC HEARING

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

9. **UNFINISHED BUSINESS**

10. **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.

11. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

(b) Commissioner DeGrave

(c) Commissioner Bell

(d) Vice Mayor Gunter, Jr.

12. MAYOR'S COMMENTS

Wreaths Across America Request

Motion to grant John Gella Memorial Unit 219 Inc.'s request - 8th Annual Wreaths Across America December 19, 2020.

13. ADJOURNMENT

DATES TO REMEMBER

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

- November 20, 2020, *2020 Sponsor Appreciation Event*, Lake County League of Cities (LCLC), Mount Dora Golf Club, 1100 South Highland Street, Mount Dora, Florida 32757 at 4:00 p.m.;
- November 26, 2020 City Hall Closed, Thanksgiving Day;
- November 27, 2020 City Hall Closed, Day After Thanksgiving Day;

- December 4, 2020, Employee Christmas Luncheon, Recreation Center at 205 W Berckman Street, Fruitland Park, Florida 34731 at 1:00 p.m.
- December 9, 2020, Lake County School Board Annual School Concurrency Meeting, Lake County School Board District Complex, School Board Chambers, 201 W. Burleigh Boulevard, Tavares, Florida 32778 at 10:00 a.m.
- December 10, 2020, City Commission Meeting regular at 6:00 p.m.;
- December 11, 2020, *2020 LCLC, TBD – Year-End Wrap Up*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;

- December 17, 2020, Operation Bless Fruitland Park/Employee Holiday Luncheon, Heritage Community Church 509 W. Berckman Street, Fruitland Park, Florida 34731 at 11:30 a.m.;
- December 24, 2020, City Commission Regular at 6:00 p.m. – Cancelled;
- December 24, 2020, Christmas Eve – City Hall Closed;
- December 25, 2020, Christmas Day - City Hall Closed, and
- December 31, 2020, New Year’s Eve – City Hall Closed

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
AGENDA ITEM SUMMARY SHEET
Item Number: 3 a-c**

ITEM TITLE:	Swearing-In and Installation of Elected Officials
For the Meeting of:	November 12, 2020
Submitted by:	City Clerk
Date Submitted:	November 4, 2020
Funds Required:	None
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Oath

Item Description: Swearing-In Oath of Office and Installation of Elected Officials:

(a) District 3 Commissioner - Chris Cheshire

(b) District 4 Commissioner – John L. Gunter Jr.

(c) District 5 Commissioner – Chris Bell

Action to be Taken: None

Staff's Recommendation: N/A

Additional Comments: N/A

City Manager Review: Yes

Mayor Authorization: Yes



506 West Berckman Street, Fruitland Park, Florida 34731

OATH OF OFFICE

“I (name) do solemnly swear (or affirm) that I will support and uphold the Constitution and Laws of the United States and of the State of Florida; that I am qualified under the law to hold the office which I am about to assume, and that I will faithfully and impartially perform and discharge the duties of the office of city commissioner, according to the law, to the best of my ability, so help me God (optional).”

Signature of Elected/Appointed Official

Subscribed and sworn to before me this th day of, 20

Signature of Person Administering Oath

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

ITEM TITLE:	Annual Election
For the Meeting of:	November 12, 2020
Submitted by:	City Clerk
Date Submitted:	November 4, 2020
Funds Required:	No
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	No

Item Description: **Commission Members' Election** According to Article III, Section 3.07, Mayor, the city's charter requires the city commission on an annual basis at its first regular meeting or soon thereafter after the November regular election to elect one of its members as:

- (a) mayor
- (b) vice mayor

Action to be Taken:	Approve the nominations.
Staff's Recommendation:	N/A
Additional Comments:	None
City Manager Review:	Yes
Mayor Authorization:	Yes

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

ITEM TITLE:	Local Planning Agency (LPA) Meeting
For the Meeting of:	November 12, 2020
Submitted by:	City Clerk
Date Submitted:	November 3, 2020
Funds Required:	No
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes, LPA Establishment
 Item Description:	 LPA Establishment Ordinance 226 and Florida Statutes 163.3174
 Action to be Taken:	 As soon as practical, recess to the Local Planning Agency meeting.
 Staff's Recommendation:	 N/A
 Additional Comments:	 None
 City Manager Review:	 Yes
 Mayor Authorization:	 Yes

AN ORDINANCE OF THE (CITY ~~OR COUNTY~~) OF Fruitland Park,
FLORIDA, DESIGNATING AND ESTABLISHING THE City Commission
AS ITS LOCAL PLANNING AGENCY PURSUANT TO THE LOCAL GOVERNMENT
COMPREHENSIVE PLANNING ACT OF 1975 (Chapters 163.3161 - 163.3211,
Florida Statutes); SETTING FORTH SAID AGENCY'S DUTIES AND RESPON-
SIBILITIES; ESTABLISHING SAID AGENCY'S ORGANIZATION, RULES AND
PROCEDURES; REQUIRING THAT ALL MEETINGS BE PUBLIC AND PROVIDING
FOR THE KEEPING OF PUBLIC RECORDS; PROVIDING FOR FINANCIAL
SUPPORT; PROVIDING FOR SEVERABILITY OF ANY PORTION DECLARED
INVALID; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND
PROVIDING FOR THE EFFECTIVE DATE HEREOF. *THIS IS AN EMERGENCY
ORDINANCE EFFECTING THE WELFARE OF THE CITIZENS.*
BE IT ORDAINED BY THE City Commission OF
THE (CITY ~~OR COUNTY~~) OF Fruitland Park, FLORIDA:

Section 1. AUTHORITY. This ordinance is enacted pursuant to
and in accordance with, provisions of Chapter 163, Florida
Statutes (Local Government Comprehensive Planning Act of 1975).

Section 2. DESIGNATION AND ESTABLISHMENT OF LOCAL LAND
PLANNING AGENCY. Pursuant to, and in accordance with, Section
163.3174, of Florida Statutes (the Local Government Comprehen-
sive Planning Act of 1975) the City Commission
is hereby designated and established as the local planning
agency for the ~~(City)~~ incorporated territory of Fruitland Park,
Florida.

Section 3. DUTIES AND RESPONSIBILITIES OF THE LOCAL PLANNING
AGENCY. The local planning agency, in accordance with the
Local Government Comprehensive Planning Act of 1975, Section
163.3161-3211, Florida Statutes, shall:

- (a) Conduct the comprehensive planning program and prepare
the comprehensive plan or elements or portions thereof
for the (City ~~OR COUNTY~~) of Fruitland Park;
- (b) Coordinate said comprehensive plan or elements or portions
thereof with the comprehensive plans of other appropriate
local governments and the State of Florida;

- (c) Recommend said comprehensive plan or elements or portions thereof to the City Commission for adoption; and
- (d) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the City Commission such changes in the comprehensive plan as may be required from time to time.

Section 4. ORGANIZATION, RULES AND PROCEDURES OF THE AGENCY.

Members of the local planning agency shall continue to be appointed and follow such rules of procedure, methods of choosing officers, setting of public meetings, providing of financial support, and accomplishing its duties as provided in The City Charter.

Section 5. PUBLIC MEETINGS AND RECORDS. All meetings of the local planning agency shall be public meetings and all agency records shall be public records. The local planning agency shall encourage public participation.

Section 6. The City Commission shall appropriate funds at its discretion to the local planning agency for expenses necessary in the conduct of its work. The local planning agency may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning Act of 1975, expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided acceptance of loans or grants must be approved by the City Commission.

Section 6. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by an court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not effect the validity of the remaining portions thereof.

Section 7. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS.

All ordinances and resolutions of the governing body in conflict herewith are hereby repealed.

Section 8. EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption, as an emergency ordinance.

PASSED AND ADOPTED BY THE City Commission OF THE (CITY ~~OF~~) OF Fruitland Park, FLORIDA, THIS 24 DAY OF June, A.D., 1976

Jack Deulh
Mayor or Chairman

ATTEST:

Lois A. Lowery, City Clerk

FIRST READING: June 24, 1976

SECOND READING: Waived

THIRD READING: Waived

Select Year:

The 2020 Florida Statutes

[Title XI](#)
 COUNTY ORGANIZATION AND INTERGOVERNMENTAL
 RELATIONS

[Chapter 163](#)
 INTERGOVERNMENTAL
 PROGRAMS

[View Entire
 Chapter](#)

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. [163.3171](#), shall designate and by ordinance establish a “local planning agency,” unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the governing body of the local government from granting voting status to the school board member. The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative. All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. [163.02](#), provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

(2) Nothing in this act shall prevent the governing body of a local government that participates in creating a local planning agency serving two or more jurisdictions from continuing or creating its own local planning agency. Any such governing body which continues or creates its own local planning agency may designate which local planning agency functions, powers, and duties will be performed by each such local planning agency.

(3) The governing body or bodies shall appropriate funds for salaries, fees, and expenses necessary in the conduct of the work of the local planning agency and shall also establish a schedule of fees to be charged by the agency. To accomplish the purposes and activities authorized by this act, the local planning agency, with the approval of the governing body or bodies and in accord with the fiscal practices thereof, may expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; however, acceptance of loans must be approved by the governing bodies involved.

(4) The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:

(a) Be the agency responsible for the preparation of the comprehensive plan or plan amendment and shall make recommendations to the governing body regarding the adoption or amendment of such plan. During the preparation of

the plan or plan amendment and prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed plan or plan amendment. The governing body in cooperation with the local planning agency may designate any agency, committee, department, or person to prepare the comprehensive plan or plan amendment, but final recommendation of the adoption of such plan or plan amendment to the governing body shall be the responsibility of the local planning agency.

(b) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required, including the periodic evaluation and appraisal of the comprehensive plan required by s. [163.3191](#).

(c) Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, when the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission.

(d) Perform any other functions, duties, and responsibilities assigned to it by the governing body or by general or special law.

(5) All meetings of the local planning agency shall be public meetings, and agency records shall be public records.

History.—s. 6, ch. 75-257; s. 1, ch. 77-223; s. 5, ch. 85-55; s. 2, ch. 92-129; s. 9, ch. 95-310; s. 9, ch. 95-341; s. 1, ch. 2002-296; s. 10, ch. 2011-139; s. 2, ch. 2012-99.

ORDINANCE 2003-004

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; AMENDING CHAPTER 152, SECTION 152.110 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF FRUITLAND PARK TO PROVIDE FOR A REPRESENTATIVE FROM THE LAKE COUNTY SCHOOL DISTRICT AS A NON-VOTING MEMBER ON THE CITY OF FRUITLAND PARK'S LOCAL PLANNING AGENCY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, recent amendments to the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. 163.3161, et seq.) require that a representative from the Lake County School District serve as a non-voting member on the City of Fruitland Park's Local Planning Agency; and

WHEREAS, the City Commission of the City of Fruitland Park desires to make the necessary amendments to the Land Development Regulations to authorize a representative from the Lake County School Board to serve as a non-voting member on the City's Local Planning Agency; and

WHEREAS, the City Commission desires that the School Board approve the School Board member from District #2 (Fruitland Park's district) as the School Board's representative on the Local Planning Agency.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRUITLAND PARK, FLORIDA.

SECTION 1. Chapter 152, Section 152.110 of the Land Development Regulations of the City of Fruitland Park is hereby amended to read as follows:

Section 152.110: LOCAL LAND PLANNING AGENCY

Designation and establishment of Local Land Planning Agency. Pursuant to, and in accordance with Section 163.3174, Florida Statutes (the Local Government Comprehensive Planning Act of 1975) the City Commission is hereby designated and established as the Local Planning Agency for the incorporated territory of the city. Additionally, the Local Planning Agency shall include one (1) non-voting representative of the Lake County School District appointed by the Lake County School Board.

a) Public Meetings and Records.

All meetings of the Local Planning Agency shall be public meeting and all agency records shall be public records. The Local Planning Agency shall encourage public participation.

b) Appropriation of Funds.

The City Commission shall appropriate funds at its discretion to the Local Planning Agency for expenses necessary in the conduct of its work. The Local Planning Agency may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning Act of 1975, expend all sums appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided acceptance of loans or grants must be approved by the City Commission.

c) Powers and Duties.

The Local Planning Agency, in accordance with the Local Government Comprehensive Planning Act of 1975, Section 163.3161 through 163.3111, Florida Statutes shall:

- 1) Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the city.
- 2) Coordinate the comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state.
- 3) Recommend the comprehensive plan or elements or portions thereof to the City Commission for adoption.
- 4) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the City Commission such changes in the comprehensive plan as may be required from time to time.

SECTION 2. All ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. The provisions of this ordinance are intended to be incorporated into the Land Development Regulations of the City of Fruitland Park, Florida and the sections of this ordinance may be renumbered, relettered, and the word "ordinance" may be changed to "section," "article," or such other word or phrase in order to accomplish such intention.

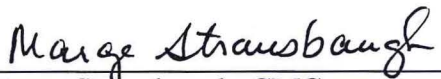
SECTION 4. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

SECTION 5. This ordinance shall be effective upon passage.

PASSED AND ORDAINED this 24th (m) day of April (m), 2003 by the City Commission of the City of Fruitland Park, Florida.


WILLIAM R. WHITE, MAYOR

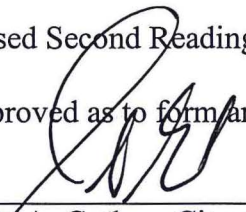
ATTEST:


Marge Strausbaugh, CMC,
City Clerk

Passed First Reading 3-27-03

Passed Second Reading 4-24-03 (m)

Approved as to form and legality:


Scott A. Gerken, City Attorney



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

ITEM TITLE:	Draft Regular Meeting Minutes
For the Meeting of:	November 12, 2020
Submitted by:	City Clerk
Date Submitted:	November 4, 2020
Funds Required:	No
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes, draft minutes

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

Approve the regular meeting minutes of October 22, 2020 as submitted if there are no corrections.

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

Staff's Recommendation: Approval

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

**FRUITLAND PARK CITY COMMISSION REGULAR
DRAFT MEETING MINUTES
October 22, 2020**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, October 22, 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; Public Works Director Robb Dicus; Community Development Administrative Assistant Kelly Turner; Deputy City Clerk Jabari Hopkins, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order, Reverend Dennis R. Langford, Covenant Life Church of God, gave the invocation and Chief Luce led in the Pledge of Allegiance to the flag,

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

2. ROLL CALL

Mayor Cheshire requested that Ms. Coulson call the roll where a quorum was declared present and he announced the decorum for this evening's meeting.

ACTION: 6:01:29 p.m. Upon Mayor Cheshire's suggestion and **by unanimous consent, the city commission accepted the change to this evening's agenda under regular agenda Item 6.(f), Second Reading and Public Hearing – Ordinance 2020-010 SRF Revolving Loan Agreement Pledge of Funds, addendum, legal opinion dated October 14, 2020 from Michael Williams, Attorney, Akerman.**

3. SPECIAL PRESENTATIONS

(a) 2020 Officer of the Year Recognition

Chief Luce recalled the introduction of Officer Courtney Stewart, Police Department, to the city commission at its November 14, 2019 regular meeting. He expressed appreciation for her work ethic; recognized her continuous service to the community (both in the old Fruitland Park and the Villages of Fruitland Park), and relayed the recommendation from staff to recognize her as *Officer of the Year* where she was presented with an award.

ACTION: 6:02:20 p.m. The city commission congratulated Officer Stewart who accepted the recognition with honor.

(b) Guide Dogs Training – City Parks

Ms. Lauri Carpenter, Southeastern Guide Dogs Inc. (a puppy raising group for Sumter, Marion and Western Lake Counties in Central Florida), introduced, at this evening's meeting, Puppy Cleo and Jim and Lyn Synott, puppy raisers for the group and City of Fruitland Park residents. She distributed Southeastern Guide Dogs' literatures on *Here's Why we do What we Do* and *Extraordinary Dogs Transforming Lives* and described the not-for-profit organization's dog breeding, raising, training and matching partnership program with services offered to individuals involving the guide and veterans' service dogs. (Copies of the literatures are filed with the supplemental papers to the minutes of this meeting.)

Due to the Coronavirus Disease 2019 (COVID-19), Ms. Carpenter addressed the problems the leadership teams have in holding inside meetings and requested holding monthly dogs-in-training meetings for individuals who use public transportation and need special accommodations at either Gardenia or Veteran's Memorial Parks starting January 2021 on the third Friday from 10:00 a.m. to noon.

At Mayor Cheshire's request, Ms. Geraci-Carver identified subsection 95.27, Domestic Animals, Ordinance 312 and confirmed -- in response to Mr. Synott's description on the periodical reports and harness training program conducted by Southeastern Guide Dogs -- that the previously cited activities would comply with said ordinance.

ACTION: 6:06:24 p.m. After discussion and **by unanimous consent, the city commission accepted the request from Southeastern Guide Dogs Inc to hold training programs as previously cited and that arrangements be made with the Parks and Recreation Director in this regard.**

4. LOCAL PLANNING AGENCY

By unanimous consent, the city commission recessed its meeting at 6:19 p.m. to convene to the Local Planning Agency meeting scheduled for 6:15 p.m. and reconvened at 6:41 p.m.

5. CONSENT AGENDA

(a) Approval of Minutes
October 8, 2020 regular

(b) Resolution 2020-062 Firefighters Pension Trust Fund (Fire Department) Appointment

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE BOARD OF TRUSTEES OF THE MUNICIPAL FIRE FIGHTERS PENSION TRUST FUND OF THE CITY OF FRUITLAND PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:41:14 p.m. A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission approve the consent agenda as previously cited.

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

6. REGULAR AGENDA

(a) Professional Grant Writing Services Agreement Discussion

Mr. La Venia requested the city commission's permission to commence negotiations with one of the firms, Community Resource Management Inc. or Liberty Partners of Tallahassee LLC on the Professional Grant Writing Services Request for Qualifications 2020-02.

ACTION: 6:41:52 pm. After discussion and on motion of Commissioner DeGrave, seconded by Mobilian and unanimously carried, the city commission selected and awarded the contract to Liberty Partners of Tallahassee LLC as the best qualified firm on Request for Qualifications 2020-02 Professional Grant Writing Services and directed the city manager to negotiate favorable terms on said contract.

(b) Resolution 2020-063 Commission Remuneration

Ms. Geraci-Carver read into the record the title of proposed Resolution 2020-063 the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA DETERMINING THE SALARY OF THE MAYOR AND CITY COMMISSIONERS; PROVIDING FOR AN EFFECTIVE DATE. 082307, 082406, 092602, 96-019 (VM) and 101096.

ACTION: 6:43:46 p.m. A motion was made by Commissioner Bell and seconded by Commissioner Mobilian that the city commission adopt Resolution 2020-063 as previously cited.

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

Commissioner Bell	Yes
Commissioner Mobilian	Yes
Commissioner DeGrave	Yes
Vice Mayor Gunter	No
Mayor Cheshire	Yes

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

(c) Code Enforcement Vehicle Quotes

Mr. La Venia reviewed the following new vehicle quotes for code enforcement:

- 2021 Chevy Silverado 1500 Crew Cab, Alan Jay, Sourcewell, \$27,442
- 2021 Chevrolet Silverado 1500, Alan Jay, GM \$36,360,
- 2020 F-150 4x2 Crew Cab, Bartow Ford \$29,891.42, and
- 2020 Ford F-150 XL Crew Cab, Prestige Ford \$28,360

ACTION: 6:44:40 p.m. After discussion and **on motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried the city commission accepted the city manager's recommendation to approve the vehicle purchase with Alan Jay, Sourcewell, the lowest bidder, for the 2021 Chevy Silverado 1500 Crew Cab for \$27,442.**

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

PUBLIC HEARING

(d) First Reading and Public Hearing – Ordinance 2020-013 Elections

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2020-013 the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES RELATING TO ELECTIONS; REPEALING PROVISIONS NO LONGER APPLICABLE; AMENDING PROVISIONS TO COMPLY WITH FLORIDA LAW; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on November 12, 2020.)

ACTION: 6:46:40 p.m. After discussion, a motion was made by Commissioner Bell and seconded by Commissioner DeGrave that the city commission approve Ordinance 2020-013 as previously cited.

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

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

(e) First Reading and Public Hearing – Ordinance 2020-011 Solid Waste Rates

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2020-011 the substance of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AMENDING SECTION 99.40 TO INCREASE THE SOLID WASTE RATES BY 2% WITH RATES EFFECTIVE AS OF JANUARY 1, 2021; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on November 12, 2020.)

The city commission discussed its preference to address renegotiations early Spring 2021 on the costs of recycling and for Mr. La Venia to make arrangements with Waste Management Inc. to tour Covanta Energy Corporation, the waste-to-energy incineration facility, in Okahumpka.

Mr. David Serdar, City of Fruitland Park Unincorporated Area Resident, addressed the importance of recycling and voiced support of the proposed ordinance.

ACTION: 6:50:04 p.m. After discussion, a motion was made by Commissioner Bell and seconded by Commissioner DeGrave that the city commission approve Ordinance 2020-011 as previously cited.

By unanimous consent, the mayor closed the public hearing.

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

(f) Second Reading and Public Hearing – Ordinance 2020-010 SRF Revolving Loan Agreement Pledge of Funds

It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2020-010, after Ms. Geraci-Carver read the title, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. (The first reading was held on October 8, 2020.)

After Mr. La Venia described the proposed ordinance, he pointed out the October 14, 2020 letter from bond counsel Mr. Michael D. Williams, Akerman, ,

regarding the subject SRF loan program; a copy of which is filed with the supplemental papers to the minutes of this meeting.

ACTION: 7:02:19 p.m. A motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission approve with addendum -- the aforementioned October 14, 2020 letter from Akerman -- and enact Ordinance 2020-010 to become effective immediately as provided by law.

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

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

(g) First Reading and Public Hearing – Ordinance 2020-005 Annexation (Boundary Amendment) 27.74 Acres – CR 466A-West of Oliver Lane - Petitioner: Lake County School District

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2020-005 the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 27.74 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466A AND WEST OF OLIVER LANE; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; SETTING AN EFFECTIVE DATE.

(The second reading will be held on November 12, 2020.)

By unanimous consent, the city commission accepted the request from Mr. Greg Beliveau, LPG Regional Urban Planners Inc., that the testimony submitted at the Local Planning Agency meeting earlier this evening be transferred to this evening's agenda.

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

ACTION: 7:07:28 p.m. A motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission approve the

Local Planning Agency's recommendation of approval on proposed Ordinance 2020—005 as previously cited.

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

(h) First Reading Public Hearing – Ordinance 2020-006 Rezoning - Petitioner: Lake County School District

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2020-006 the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT AND SITE SPECIFIC AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO COMMERCIAL HIGH INTENSITY OF 27.74 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF OLIVER LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on November 12, 2020.)

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

ACTION: 7:09:50 p.m. A motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission approve the Local Planning Agency's recommendation of approval on proposed Ordinance 2020—006 as previously cited and transmit same to the Florida Department of Community Affairs.

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

QUASI-JUDICIAL PUBLIC HEARING

(i) First Reading and Quasi-Judicial Public Hearing – Ordinance 2020-007 Rezoning - LSCPA – Petitioner: Lake County School District

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2020-007 the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 27.74 ± ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO CITY OF FRUITLAND PARK COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on November 12, 2020.)

Mr. Beliveau requested that the city commission approve the proposed ordinance with the amendment to Section 7,

ACTION: 7:11:30 p.m. Upon Commissioner Bell's request, **the city commission by unanimous consent, agreed to direct the city manager to write a letter to the Lake County School Board to inform them on the lack of revenues to construct the proposed school in the City of Fruitland Park.**

A motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission approve the Local Planning Agency's recommendation of approval on proposed Ordinance 2002-007, as amended, to include the direction as previously cited.

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

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

END OF QUASI-JUDICIAL PUBLIC HEARING

7. OFFICERS' REPORTS

(a) City Manager

i. Economic Development Status Update -401 Acorn Circle Abandoned Property (CE2017-0032)

Mr. La Venia referred to the city commission's actions at its October 10, 2019 regular meeting to develop a procedure to remove any property in violation of the city's right-of-way; pursue the Special Magistrate process in placing code liens and disposition of the fire-damaged

property located on 32 Grizzard Street and the previously cited properties under Case Numbers CE2019-0043 and CE2017-0032 respectively (condemned as dangerous structures by the building official) and clear said properties to be placed under ownership.

Mr. La Venia reported on the August 11, 2017 Special Magistrate's Order of Enforcement on the subject property (Case Number CE2017-0032) and the order of fines issued which has since increased; recognized that the original property owner is deceased and the petitioner, Jennifer E. Marcial, is gone, and relayed the intent of the new owner -- Mr. Martavious "Marty" Bean who foreclosed on the subject property -- to demolish the structure by November 30, 2020.

Mr. La Venia conveyed Mr. Bean's concurrence to reimburse the costs associated with the subject final order to the city and requested that the city commission approve his recommendation, for the next meeting, to waive the fines; pay the costs associated with the Special Magistrate's final order, and direct Ms. Geraci-Carver to provide further information on same.

ACTION: 7:14:32 p.m. and 7:15:36 p.m. By unanimous consent, the city commission accepted the city manager's recommendation, as previously cited, and directed the city attorney to prepare the fines and costs related to 401 Acorn Circle, Case CE2017-0032.

ii. COVID-19 Status Update

Mr. La Venia had no status update report on the Coronavirus Disease 19 at this time.

ACTION: 17:14:32 p.m. No action was taken.

(b) City Attorney

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

Ms. Geraci-Carver reported that she has been communicating with the opposing counsel on the T. D. Burke case and indicated that more information will be provided at the next meeting. .

ACTION: 7:17:27 p.m. No action was taken at this time.

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

Ms. Geraci-Carver had nothing to report on the State of Florida Department of Management Services case.

ACTION: 7:17:27 p.m. No action was taken at this time.

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

Ms. Geraci-Carver had nothing to report on the Michael and Laurie Fewless case.

ACTION: 7:17:27 p.m. No action was taken at this time.

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

Ms. Geraci-Carver gave a report on the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case foreclosure where he did not file a responsive pleading with Lake County Fifth Judicial Circuit Court within the time period after he was served; he received the October 8, 2020 clerk's default, and mentioned the procedures to foreclose on the property (located at 3131 US Highway 441/27). .

ACTION: 7:17:42 p.m. No action was taken at this time.

8. UNFINISHED BUSINESS

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

ACTION: 7:17:06 p.m. No action was taken.

9. PUBLIC COMMENTS

Mr. Serdar commended and thanked the Chief Luce and the law enforcement officers on their performance during COVID-19 within the city and around the country and voiced his concerns on the forthcoming general election.

ACTION: 7:17:22 p.m. No action was taken.

10. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian indicated that he will provide more information after the Lake-Sumter Metropolitan Planning Organization (MPO) holds its meeting on October 28, 2020.

ACTION: 7:22:03 p.m. No action was taken.

(b) Commissioner DeGrave

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

ACTION: 7:22:13 p.m. No action was taken.

(c) Commissioner Bell - TDC

Commissioner Bell reported on the last Lake County Tourist Development Council (TDC) meeting following-up the grant allocated to Sleepy Hollow Sports Complex in the City of Leesburg and the TDC's recommendation of approval to submit the funding request to the Lake County Board of County Commissioners to assist with

the complex' improvements and promotion in preparation of the forthcoming event.

ACTION: 7:22:17 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: 7:22:15 p.m. No action was taken.

11. MAYOR'S COMMENTS

Dates to Remember

Mayor Cheshire announced the following events:

- October 28, 2020, Lake~Sumter Metropolitan Planning Organization (LSMPO) Governing Board Virtual Meeting, Lake~Sumter MPO Board Room, Suite 175, 1300 Citizens Boulevard, Leesburg, Florida 34748 at 2:00 p.m.;
- November 5, 2020 City Commission Meeting special at 6:00 p.m. – Cancelled;
- 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;
- December 4, 2020, Christmas Luncheon, Recreation Center at 1:00 p.m.

ACTION: 7:22:19 p.m. No action was taken.

11. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 7:24 p.m.

The minutes were approved at the November 12, 2020 regular meeting.

Signed _____
Esther B. Coulson, City Clerk, MMC

Signed _____
Chris Cheshire, Mayor

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7a

ITEM TITLE:	Resolution 2020-065 Lake County League of Cities Appointments
For the Meeting of:	November 12, 2020
Submitted by:	City Clerk
Date Submitted:	November 4, 2020
Funds Required:	Yes
Account Number:	01511 30400
Amount Required:	\$353.29
Balance Remaining:	
Attachments:	Yes proposed resolution, appointment form and LCLC bylaws
Item Description:	The Lake County League of Cities' Bylaws requires the City of Fruitland Park, as the member city, to designate one elected official to serve as the director and one alternate director who may be an elected official or city staff to serve a term of one year starting January 1, 2021.
Action to be Taken:	Adopt Resolution 2020-065 designating a member and alternate.
Staff's Recommendation:	None
Additional Comments:	N/A
City Manager Review:	Yes
Mayor Authorization:	Yes

RESOLUTION 2020-065

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER AND ALTERNATE TO THE LAKE COUNTY LEAGUE OF CITIES, INC.; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake County League of Cities, Inc. bylaws provide for a member of the City of Fruitland Park Commission to serve as director and an alternate director (a commission member or staff member) to serve a one-year term of office; and

WHEREAS, the City Commission desires to appoint a member and alternate to represent the City of Fruitland Park.

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

1. _____ is hereby appointed to serve as director to the Lake County League of Cities, Inc. His term will commence December 31, 2020 and expire December 31, 2021, unless sooner terminated.
2. _____ is hereby appointed to serve as alternate director to the Lake County League of Cities, Inc. His term will commence December 31, 2020 and expire December 31, 2021, unless sooner terminated.
3. This resolution shall take effect upon its adoption by the City Commission of the City of Fruitland Park, Florida.

APPROVED this 12th day of November 2020, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park
Chris Cheshire, Mayor

Attest:
Esther B. Coulson, MMC, City Clerk

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

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

BYLAWS

LAKE COUNTY LEAGUE OF CITIES, INC.

As Revised and Amended:

Article I. Incorporation.

The Lake County League of Cities, Inc., shall affiliate with and participate in the Florida League of Cities, and shall be organized as a corporation not-for-profit under the laws of Florida, and shall be governed by the articles of incorporation and these bylaws, as they may be amended from time to time.

Article II. Purpose.

The purpose of the Lake County League of Cities, Inc. (hereafter, "the League"), is to encourage sharing of information and benefits among the municipal and local governments of Lake County, Florida.

Article III. Membership.

Section 1. Regular membership in the League shall be open to duly chartered and incorporated municipal governments in lake County, Florida.

Section 2. Associate membership in the League shall be open to the Board of County Commissioners of Lake County, Florida, and to any other governmental or special district whose operations affect Lake County, Florida Associate members of the League are invited to attend and participate in all annual and quarterly meetings, and meetings of the Board of Directors. Their advice and counsel shall be welcomed by the Board and the members and they shall not have a vote.

Section 3. Sponsorship in the League shall be open to any corporation, association, or group which is approved by majority vote of the Board of Directors. Sponsors of the League shall receive notice of all ~~annual and quarterly meetings, and regular~~ and meetings of the Board of Directors and shall not have a vote.

Section 4. Dues for regular and associate members, and sponsors, shall be determined annually by the Board of Directors.

Article IV. Meetings.

Section 1. The League shall hold an annual membership meeting in January of each calendar year, and shall hold quarterly membership meetings in April, July, and October, or at such times as the Board of Directors may provide.

Section 2. The Board of Directors shall meet in each month in which an annual or quarterly meeting is not scheduled and may meet at additional times at the call of the President or upon the ~~signature~~ direction of a majority of the Directors.

Section 3. The quorum for any meeting of the League, or of any of its committees or boards, shall be a majority of the ~~relevant members~~ Directors.

Section 4. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall ~~govern the League in all cases~~ guide all meetings and procedures to which they are applicable, and in which they are not inconsistent with the articles of incorporation, these bylaws, or any special rules of order which the League may adopt.

Article V. Directors.

Section 1. The business of the League shall be transacted by a Board of Directors representing cities whose dues are paid and in good standing.

Section 2. Each member city shall have one (1) vote on the Board of Directors. By action of their governing body, each member city may designate, in writing, one (1) elected official to serve as the Director, and that Director shall exercise that member city's vote on the Board of Directors.

Section 3. By action of their governing body, each member city may designate one (1) Alternate Director, who may exercise that member city's vote on the Board of Directors in the absence of the Director. The Alternate Director may be either an elected official or a staff member of that city.

Section 4. Actions taken by the Board of Directors shall be by majority vote of those present and voting. The amounts of dues shall be established by a majority of the entire Board.

Section 5. Dues shall be assessed on a fiscal year basis and shall be due and payable not later than October 1 of each calendar year. If dues are not paid by that time, the Executive Director will report such delinquencies monthly, beginning at the November meeting.

Section 6. It shall be the responsibility of the Board of Directors to secure the services of a competent auditor to review the financial records of the League. This will be performed by the Finance Chair and at least two Past Presidents.

Section 7. Legal guidance will be provided through the counsel of the Florida League of Cities on regular legal matters. The Board of Directors may employ the services of another Attorney in cases where the need arises.

Article VI. Officers.

Section 1. All officers of the Lake County League of Cities, Inc., shall be duly elected officials of the city they represent.

Section 2. The officers of the League shall be a President, First Vice President and a Second Vice President, who shall be chosen from among the members of the Board of Directors. The Board of Directors may provide for appointment of other officers ~~if necessary.~~

Section 3. Officers shall serve a term of one year, or until their successors are elected and qualified. The Board of Directors shall elect the officers for the ensuing calendar year each December, and officers shall assume their duties on January 1.

Section 4. The First Vice President, if confirmed by election of the Board of Directors, shall serve as President for the succeeding term. The Second Vice President, if confirmed by the election of the Board of Directors, shall serve as First Vice President for the succeeding term. No member shall hold more than one office.

Section 5. The President shall preside and establish the agenda for all meetings of the League; shall schedule and call regular and special meetings of the Board of Directors, ~~and the annual and quarterly meetings of the member cities~~; may call special meetings of the Board of Directors and/or the membership upon due notice; shall be the spokesperson for the League; and shall be an ex officio member of all boards and committees within the League.

Section 6. The First Vice President shall serve as President-elect; shall be chair of the Legislative Committee; shall perform the duties of the President in the absence or incapacity of the President; and shall assist the President in performing the duties set herein.

Section 7. A Finance Committee shall be appointed annually by the President. The Second Vice President shall serve as chair of the Finance Committee, shall review revenues and expenditures as may be appropriate to insure financial integrity and shall assist the President and First Vice President in performing the duties set herein.

Section 8. When the office of President is vacant, the first Vice President shall serve as Acting President until such time as the Board of Directors shall elect a new President.

Article VII. Executive Director.

Section 1. The Board of Directors, by majority vote, may secure the services of an Executive Director, who shall serve at the pleasure of the Board of Directors. The Executive Director shall receive such compensation as may be approved from time to time by the Board of Directors.

Section 2. The Executive Director shall be responsible for conveying necessary information between and among the members of the Board of Directors, as directed by the President. At minimum, this information shall include ten (10) day notice of any regularly scheduled meeting, and adequate notice of any special meeting held under these bylaws. The Executive Director shall prepare, and upon approval, send all correspondence for the League and its various committees. There shall be a 48- hour notice given to the Board of Directors for Special Meetings

Section 3. The Executive Director, in consultation with the President, shall determine and execute logistical arrangements for all meetings of the League, and of its committees. At minimum, the arrangements will include the time, date, and place of every meeting.

Section 4. The Executive Director or designee shall take minutes at each meeting of the League and shall distribute them promptly to the members prior to the next meeting at which approval of the minutes is to be considered. Upon approval of the minutes, the Executive Director shall maintain them as part of the permanent records of the League, together with any pertinent documents or resolutions which may become part of the record. The Executive Director shall be custodian of the records of the League.

Section 5. The Executive Director shall duly maintain the bank and financial records of the League, and may, together with the President, the First or Second Vice President, sign checks and other financial documents. Following the conclusion of each fiscal year, the Executive Director shall provide for the financial records of the previous year to be audited. The written audit shall be submitted to the Board of Directors prior to the adoption of dues for the next fiscal year.

Section 6. The Executive Director shall assist the Finance Committee in preparing and updating the budget by providing data and interpretation of financial information for the League, and in consultation with the Executive Committee, shall see that any financial obligations of the League are duly and timely paid.

Section 7. In addition to these duties, the Executive Director shall perform such other duties as may be required by the officers of the Board of Directors of the League.

Article VIII. Committees.

Section 1. **Executive.** The President, the First Vice President, the Second Vice President and the Executive ~~Secretary~~ Director shall compose an Executive Committee which shall have general supervision of the affairs of the League between business meetings of the Board of Directors. The Executive Committee may make recommendations to the League, and may take such action as may be necessary in emergencies to protect the League's interests, provided that no emergency action taken by the Executive Committee shall continue past the next meeting of the Board of Directors without the approval of the Board by majority vote.

Section 2. **Legislative.**

A. The First Vice President shall ~~be chairman of~~ the Legislative Committee. Each Director shall serve as a member of the Legislative Committee, or may designate the Alternate Director, or any elected or appointed official or employee from the same member city to serve instead.

B. In consultation with the Florida League of Cities, the Legislative Committee shall present to the Board of Directors a recommended Legislative Program not less than sixty (60) days prior to the opening of the regular session of the Florida Legislature, as provided by law. The Legislative Program, when debated and adopted by the Board of Directors, shall be the official position of the Lake County League of Cities, Inc., and shall be distributed to the members of the Lake County Legislative Delegation, and advocated to them by the Legislative Committee.

C. During the regular session of the Florida Legislature, the Legislative Committee shall review and evaluate the status of the Legislative Program and shall support and encourage the enactment and adoption of its constituent items. Unless otherwise determined by the Legislative Committee Chair, the Legislative Committee shall meet weekly at least monthly during the Legislative Session to determine and act upon local response to the actions of the Legislature, and shall keep in regular contact with the Florida League of Cities retarding pending legislative matters.

D. In addition to recommending a Legislative Program, the Legislative Committee may recommend, and the Board may adopt, a Local Program to be advocated to the Board of County Commissioners, and to other boards and commissions affecting Lake County, Florida.

Section 3. **Finance.**

A. The Second Vice President shall ~~be chairman of~~ the Finance Committee, which shall consist of not fewer than three directors appointed by the President promptly after each annual meeting. Vacancies on the Committee may be filled by the President.

B. In ~~August~~ July of each year, the Finance Committee shall submit to the Board of Directors a recommended budget, which shall show proposed revenues and expenditures for the ensuing fiscal year. When adopted by the Board of Directors, the budget shall govern the expenditures of the League. From time to time, the Finance Committee may recommend supplements to the budget for the current fiscal year, subject to approval by the Board.

C. Not later than ~~August~~ July of each year, the Finance Committee shall submit to the Board of Directors a recommended structure for dues for regular and associate members, and for sponsors.

D. The budget prepared by the Finance Committee, and the budget adopted by the Board of Directors, shall not be in deficit.

Section 4. **Other.** Other committees may be appointed by the President as necessary to carry out the purposed of the League.

Article IX. Amendments.

These bylaws may be amended by two-thirds vote of a quorum of Directors attending any regular or special meeting of the Board of Directors, provided that the amendment has been submitted in writing to the Directors at least thirty (30) days prior to the regular or special meeting at which the amendment is to be considered.

Duly adopted according to the bylaws of the Lake County League of Cities on the 13th day of March, 2020.

~~DAVID KNOWLES~~, Cal Rolfson, President
Lake County League of Cities, Inc.

ATTEST:

Jim R. Myers, Jr., Executive Director
Lake County League of Cities, Inc.

Lake County League of Cities

Post Office Box 519
Eustis, Florida 32727-0519

Telephone (352) 223-0455
Email: Lakeleague1@comcast.net

August 1, 2020

To: City of Fruitland Park
Attn: Gary LaVenía, City Manager
506 Berckman Street
Fruitland Park, FL 34731-3239

Dues Invoice

The annual membership dues for the Lake County League of Cities for 2020-21 are due **by October 1, 2020**. Please send your check made payable as follows:

Lake County League of Cities, Inc.
Attn: Jim R. Myers, Jr., Executive Director
P.O. Box 519
Eustis, FL 32727-0519

Dues are based on a levy of 3.5 cents per capita of the member city. The minimum dues are \$ 125.00.

Your 2019 Estimated Population is: **10,094**

Your 2020-221 dues are: **\$353.29**

In order to have a current list of City Officials on file and to enhance communications, please complete the questionnaire below. Return this list at your earliest convenience. ***If new appointments are made at other times of the year, please make your payment promptly and mail the list at a later time, when new appointments are made.***

<u>Position</u>	<u>Name</u>	<u>Mailing Address/Zip</u>	<u>Phone/ E-Mail</u>
Mayor			
Council President			
Commissioner/ Councilman			
Commissioner/ Councilman			
Commissioner/ Councilman			
Commissioner/ Councilman			
City Manager/ Administrator			
City Clerk			
City Attorney			

Board of Director Appointment

(Please provide complete information requested below)

The By-Laws of the Lake County League of Cities provides that each member may designate one (1) elected official to serve as the Director, and that Director shall exercise that member city's vote on the Board of Directors.

Member City's Appointment as a Director

Name: _____
Title: _____
Address: _____

Daytime Telephone: _____
Fax # _____
E-Mail Address _____

The By-Laws of the Lake County League of Cities provides that each member may designate one (1) elected official or staff member to serve as an Alternate Director, and that Alternate Director shall exercise that member city's vote on the Board of Directors in the absence of the Director.

Member City's Appointment as an Alternate Director

Name: _____
Title: _____
Address: _____

Daytime Telephone: _____
Fax # _____
E-Mail Address _____

Preferred Staff Contact

Name: _____
Title: _____
Address: _____

Daytime Telephone: _____
Fax # _____
E-Mail Address _____

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7b**

ITEM TITLE:	Lake County Educational Concurrency Review Committee Appointment
For the Meeting of:	November 12, 2020
Submitted by:	City Clerk
Date Submitted:	November 4, 2020
Funds Required:	No
Account Number:	N/A
Amount Required:	
Balance Remaining:	
Attachments:	Yes review committee excerpt
Item Description:	The Lake County Educational Concurrency Review Committee requires that a representative from the city be appointed annually in accordance to subsection 1.1 of the interlocal agreement among Lake County, Lake County School Board and the municipalities for school facilities planning and siting and Ordinance 2008-007 Public Schools Element.
Action to be Taken:	Appoint a member to serve on the Lake County Educational Concurrency Review Committee.
Staff's Recommendation:	Approval
Additional Comments:	N/A
City Manager Review:	Yes
Mayor Authorization:	Yes

WHEREAS, the County, the Cities and the School Board are mandated to enter into this Interlocal Agreement pursuant to Section 163.01, Section 163.3177(6)(h)2, Section 163.3180(13)(g), and Section 1013.33(2)(a), Florida Statutes; and

WHEREAS, sections 163.31777 and 163.3180(g), Florida Statutes, sets the school concurrency requirements that must be implemented through interlocal coordination between the County, the Cities and the School Board; and

WHEREAS, the County, the Cities and the School Board have met and coordinated with respect to the statutory requirements for a countywide, uniform school concurrency program; and

WHEREAS, the School Board is obligated to maintain and implement a financially-feasible, 5-year capital facilities program based on the level of service standards provided for in this Agreement; and

WHEREAS, the County and the Cities are required to amend their comprehensive plan and Land Development Regulations, as appropriate and necessary, in order to effectuate their obligations under this Agreement and state statute; and

WHEREAS, the School Board has a constitutional and statutory obligation to provide a uniform system of free public schools on a countywide basis; and

WHEREAS, the County and the Cities have the sole authority to undertake land use planning and to implement necessary land development regulations within their jurisdictions; and

WHEREAS, this Agreement neither is intended to nor does it delegate or transfer any land use planning or regulatory authority to the School Board; and

WHEREAS, the Concurrency Review Committee requested certain changes to the Interlocal Agreement by vote at its meeting held on February 7, 2008, such changes being incorporated into this First Amended Interlocal Agreement.

NOW THEREFORE, be it mutually agreed between the School Board of Lake County and the Board of County Commissioners of Lake County and the cities of Astatula, Howey in the Hills, Tavares, Mt. Dora, Eustis, Umatilla, Leesburg, Lady Lake, Fruitland Park, Minneola, Mascotte, Groveland, Clermont, and Monteverde that the following requirements and procedures shall be utilized in coordinating land use and the siting of public school facilities:

Section 1 Coordination and Sharing of Information

Section 1.1 Joint Meetings

1.1.1 Staff of the County, the Cities, and the School Board shall meet at least quarterly to discuss issues regarding coordination of land use and school facilities planning, including such issues as population and student projections, levels of service, capacity, development trends, school needs, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support schools and ensure safe student access. The School Board staff shall be responsible for making meeting arrangements. Such meetings shall be held during the first two weeks of January, April, July and October each year.

1.1.2 The Lake County Educational Concurrency Review Committee shall meet at least annually, but more often as needed. The annual meeting shall be held during the first two weeks of December each year. The annual meeting will provide an opportunity for the Committee to hear reports, discuss policy and reach understandings concerning issues of mutual concern regarding school concurrency, coordination of land use and school facilities planning, population and student growth, development trends, school needs, off-site improvements, and joint use opportunities. The Superintendent of Schools or designee shall be responsible for making meeting arrangements and providing notification, including notice to the general public.

1.1.3 The Lake County Educational Concurrency Review Committee shall be composed of the following members: Sixteen members, with one representative from the Lake County School Board, one from the

Lake County Board of County Commissioners, and one representative from each City. **Members may be elected officials or citizens.** Members of the Committee shall be appointed annually by each appointing body. The Committee shall elect a chair and a vice-chair and shall adopt such rules as it determines are necessary. The Committee shall be subject to the Public Meetings Law and all meetings shall be duly noticed, open to the public, and duly advertised. Six members of the committee shall constitute a quorum

Section 1.2 Oversight Process

The effectiveness with which the Interlocal Agreement is being implemented shall be considered at the annual meeting described in Section 1.1.2. The staff representatives of each local government and the School Board, as described in Section 1.1.1, shall provide technical review and recommendations regarding any need for change to the provisions of the agreement. The workshop shall be publicly noticed and the agenda shall provide an opportunity for public input and comment. The representatives of each of the local governments and School Board will report back to their respective bodies with recommendations for any needed changes to this Agreement. The Committee shall prepare and adopt an annual report summarizing its findings and shall distribute such report to the County, all Cities and the School Board.

Section 1.3 Student Enrollment, Population Projections, Growth and Development Trends

1.3.1 In fulfillment of their respective planning duties, the County, the Cities, and the School Board agree to coordinate and base their plans upon consistent projections of the amount, type, and distribution of population growth and student enrollment. The School Board shall be responsible for developing student enrollment projections and generation rates and the County shall be responsible for developing county-wide population growth projections. The School Board and County shall consult with the Cities in developing its projections. The School Board shall use the procedures set forth in Section 5.1.1 (2) in making any changes to the methodology of how these projections are made.

1.3.2 The School Board shall utilize both district-wide student population projections, which are based on information produced by the demographic, revenue, and education estimating conferences pursuant to Section 216.136, Florida Statutes, where available, and projections based on the Concurrency Service Areas (CSA) established in Section 5 of this Agreement. These projections may be modified by the School Board based on local development trends and data with agreement of the Florida Office of Educational Facilities and the SMART (Soundly Made, Accountable, Reasonable and Thrifty) Schools Clearinghouse. Such student population projections shall take into account students who are home schooled, who attend private schools, or who attend non-conversion charter schools.

1.3.3 Quarterly, the County and each City shall provide the School Board with a report on growth and development trends within their respective jurisdiction, by CSA, as provided in Section 5 of this Agreement. This report will be in tabular, graphic, and textual formats and shall be provided by January 15, April 15, July 15 and October 15 of each year for the quarter that ended on the last day of the previous month.

- (1) The report shall include the following:
 - a. The type, number, and location of residential units which have received zoning approval or site plan approval, and if available, any phasing plans for such development;
 - b. Information, to the extent available, regarding the conversion or redevelopment of housing or other structures into residential units which are likely to generate new students;
 - c. The amount of school impact fees assessed by unit type, the unit of local government from which the fees were collected, the amount of impact fee revenues collected, and any pending changes to the school impact fee schedule;



**Lake County
Educational Concurrency Review Committee
2019 Members**

Astatula	Mr. Tim Green, City Planner
Clermont	Ms. Regina McGruder, Senior Planner
Eustis	Mr. Robert Morin Jr., Commissioner
Fruitland Park	Vice Mayor John L. Gunter
Groveland	Councilman Randolph Waite
Howey-in-the-Hills	Ms. Dairian Burke, Town Clerk
Lady Lake	Mayor Jim Richards
Leesburg	Mr. Dan Miller, Planning Director
Mascotte	Mr. Max Spann, City Planner Ms. Michelle Hawkins, City Clerk
Minneola	Vice Mayor Pam Serviss Mr. Mark Johnson, City Manager
Montverde	To be Determined
Tavares	Vice Mayor Troy Singer Mr. Antonio Fabre, Planning Coordinator
Umatilla	Mr. Aaron Mercer, Public Works
Lake County	Commissioner Tim Sullivan
Lake County Schools	Board Member Sandy Gamble

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7c**

ITEM TITLE:	Lake~Sumter MPO Governing Board Appointments
For the Meeting of:	November 12, 2020
Submitted by:	City Clerk
Date Submitted:	November 4, 2020
Funds Required:	No
Account Number:	N/A
Amount Required:	
Balance Remaining:	
Attachments:	Yes Lake~Sumter MPO Bylaws .

Item Description: Lake~Sumter Metropolitan Planning Organization Governing Board members (primary and alternate), according to its bylaws are required to be designated by city commission.

Action to be Taken:	Appoint or reappoint a primary member and alternate to serve on the Lake~Sumter MPO Governing Board.
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Staff's Recommendation:	Approval
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Additional Comments:	N/A
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City Manager Review:	Yes
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Mayor Authorization:	Yes
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BYLAWS OF THE

**LAKE~SUMTER METROPOLITAN
PLANNING ORGANIZATION
GOVERNING BOARD**

EXECUTIVE COMMITTEE

TECHNICAL ADVISORY COMMITTEE

COMMUNITY ADVISORY COMMITTEE

Approved August 27, 2019

PREAMBLE

The following sets forth the Bylaws, policies, and procedures, which shall serve to guide the proper functioning of the Urban Transportation Planning Process for the Lake~Sumter Metropolitan Planning Organization (MPO). The intent is to provide procedures and policies for the MPO Governing Board, the MPO Technical Advisory Committee (TAC) and the MPO Community Advisory Committee (CAC) for fulfilling the requirements of the Federal Highway Act of 1962, Federal Highway Act of 1974, Section 339.175, Florida Statutes, and will operate under the provisions of Section 163.01, Florida Statutes, as amended, and subsequent laws setting forth requirements for transportation planning for all modes of travel and to insure the accomplishment of the planning tasks within a cooperative framework properly related to comprehensive planning on a continuous basis.

SECTION 1.0: BYLAWS OF THE METROPOLITAN PLANNING ORGANIZATION (MPO)

The Governor, under Section 339.175 of the Florida Statutes, designated and apportioned the membership of the MPO on December 9, 2003. On October 22, 2010 the Governor affirmed the Re-designation Plan of the MPO to include all of Sumter County. The governing body of each governmental entity so designated shall appoint the appropriate number of members to the MPO. The designated local governmental entities and their appointment by the Governor are stipulated by the approved Lake~Sumter MPO Apportionment Plan on December 9, 2003, and incorporated into this document by reference.

The Clerk of the MPO is the Executive Assistant to the Executive Director of the MPO. The duties of the Clerk include, but are not limited to, assisting the Executive Director and the MPO Governing Board in day –to–day operations of the MPO, ensuring compliance with public meeting notice requirements, distribution of and posting of public meeting agendas, maintaining public meeting minutes, attesting resolutions and other documents, and recording of documents when required. The Executive Director of the MPO may change the location of the office of the MPO upon approval vote of the Executive Committee.

SECTION 1.1: MEMBERSHIP APPOINTMENT, QUALIFICATION, AND TERMS OF OFFICE

- A. There shall be thirty (30) governing board member positions of the MPO, with sixteen (16) of those possessing voting privileges. The voting positions consist of fourteen (14) permanent voting positions and two (2) rotating At-Large Representative municipal voting positions; one (1) Lake County and one (1) Sumter County. In addition to the voting positions, the MPO Governing Board consists of ten (10) non-voting positions and four (4) ex-officio non-voting positions.
- B. The fourteen (14) permanent voting positions shall be assigned to (number of votes in parentheses): Clermont (1), Eustis (1), Lady Lake (1), Leesburg (1), Minneola (1), Mount Dora (1), Tavares (1), Sumter County (2) and Lake County (5), which possesses a voting position for each of the five county commissioners.
- C. The seven (7) governing board positions among which the At-Large Representative voting privilege shall rotate for Lake County shall be those of: Astatula, Fruitland Park, Groveland,

Howey-in-the-Hills, Mascotte, Montverde and Umatilla. The at-large position shall be subject to a one year term beginning on January 1, changing each year, and rotating in alphabetical order. Astatula was the first rotating member government with an at-large term beginning January 1, 2005.

- D. The five (5) governing board positions among which the At-Large Representative voting privilege shall rotate for Sumter County shall be those of: Bushnell, Center Hill, Coleman, Webster and Wildwood. The at-large position shall be subject to a one year term beginning on January 1, changing each year, and rotating in alphabetical order. Bushnell shall be the first rotating member government with an at-large term beginning January 1, 2011.
- E. In the event a municipality declines to participate as an At-Large Representative for either Lake County or Sumter County, the rotating voting privilege shall, upon action by the Governing Board, rotate to the next specified municipality in the alphabetical rotation and shall remain with that municipality for the remaining of the term, which is until the end of the calendar year. The At-Large Representative voting privilege shall rotate the following calendar year to the next municipality in the alphabetical rotation.

In the event that neither the municipal representative nor the alternate representative currently possessing At-Large voting privileges is present at a meeting of the MPO Governing Board, voting privileges - for that meeting only - shall revert to the municipal representative or alternate representative possessing At-Large voting privileges the previous term.

- F. Ex-officio non-voting members include: Florida Central Railroad, Lake County School Board, Sumter County School Board, and the Central Florida Expressway Authority.
- G. MPO Governing Board members, both primary and alternate, shall be designated by the elected body of the member government or by the board of the member entity. Alternate designees shall be entitled to the right to participate in meetings. However, if a primary and an alternate representing a voting member government are both present, only one may vote on action items. All members, whether voting members or not, shall have the right to participate in the discussion of items to come before the MPO Governing Board. A qualified member of the MPO Board may designate in writing to the chairperson of the MPO an alternate who may exercise full membership powers in the absence of the MPO member. Said alternate must be a locally elected official capable of representing the interests of the unit of government represented by the absent member of the MPO, and may be appointed to serve for only that meeting for which he or she is designated, or for a longer duration, but not to exceed the term of the appointed member.
- H. The MPO Governing Board members shall serve four (4) year terms. Membership shall terminate upon the member leaving his/her elective or appointive office for any reason or by a majority vote of the total membership of a county or city governing body represented by the member. Vacancies shall be filled by the original appointing body. Members may be reappointed for one (1) or more additional four (4) year terms.
- I. Code of Ethics. Members, Officers, and Employees are required to comply with Florida Statute 112, Part III, Code of Ethics for Public Officers and Employees. Members are expected to abide by the ethical rules which govern their service on the organization they represent.

- J. All MPO Governing Board members (designated or alternate) shall avoid any professional conflict of interest and prevent the appearance of undue influence. Any member who becomes aware of any type of conflict or attempt to influence shall make it known to the staff liaison and either excuse himself/herself from the proceedings, and/or file a conflict of interest form into the record.
- K. The MPO’s procedures for complying with federal requirements associated with Title VI of the Civil Rights Act of 1964 are outlined in the organization’s Title VI Nondiscrimination Plan and Limited English Proficiency Plan. Additionally, more information on the Title VI Complaint Procedure is contained in Addendum II of the MPO’s Title VI Program.

SECTION 1.2: OFFICERS AND DUTIES

- A. The following officers shall be elected each year:
 - 1. Chair
 - 2. Chair-Elect
 - 3. 1st Vice Chair / Secretary
 - 4. 2nd Vice Chair
- B. Officers shall be voting members on the MPO Governing Board. Officers shall be elected by a majority of the voting members present at the last scheduled organizational meeting of the year and shall serve a term of one (1) year, starting with the January meeting.
- C. The Chair shall preside at all meetings and in the event of his/her absence or at his/her direction, the Chair-Elect shall assume the powers and duties of the Chair.
- D. Officers shall pursue at least one continuing education opportunity each year through the MPO Advisory Council or other acceptable forum.
- E. Should an officer position become vacant, the MPO Governing Board shall fill the position through election at the next regularly scheduled meeting.
- F. All official contracts, agreements and other documents approved for action by the MPO shall be signed by the Chair or a designee approved by the Governing Board.

SECTION 1.3: EXECUTIVE COMMITTEE AND DUTIES

- A. The following board members shall comprise the Executive Committee:
 - 1. Chair
 - 2. Chair-Elect
 - 3. 1st Vice Chair
 - 4. 2nd Vice Chair
 - 5. Immediate Past Chair
 - 6. At-Large Representative for Lake County
 - 7. At-Large Representative for Sumter County

- B. The Immediate Past Chair shall be eligible to serve on the Executive Committee until such time that a change in Chair results in a new Immediate Past Chair.
- C. The At-Large Representative for Lake County holds the voting privilege rotating annually among: Astatula, Fruitland Park, Groveland, Howey-in-the-Hills, Mascotte, Montverde and Umatilla.
- D. The At-Large Representative for Sumter County holds the voting privilege rotating annually among: Bushnell, Center Hill, Coleman, Webster and Wildwood.
- E. The purpose of the Executive Committee is to efficiently address matters not feasible to be heard by the full MPO Governing Board. The Executive Committee is additionally tasked with strategic planning for the MPO, evaluating the performance of the MPO Executive Director, and performing other duties as assigned to or requested of them by the MPO Governing Board.
- F. The Chair may convene the Executive Committee for items deemed appropriate for Executive Committee review or action. The Executive Committee will meet as often as they deem necessary to complete their duties, but shall meet at three (3) times a year.
- G. To provide balanced representation on the Executive Committee among counties and municipalities, the MPO Governing Board, at the time of the election of officers, shall attempt to fill, if feasible, officer positions by rotating between municipal and county representatives as officers are advanced, when feasible, to the next level of elected office.

SECTION 1.4: APPOINTMENTS

- A. The Chair, Chair-Elect, 1st Vice Chair, 2nd Vice Chair, Immediate Past Chair and one voting member elected by the MPO Governing Board shall be appointed to serve as the three primary and three alternate appointments to the Central Florida MPO Alliance. The Executive Committee shall designate which of the aforementioned positions shall serve in a primary capacity and which shall serve in an alternate capacity.
- B. The Chair shall automatically serve as the primary appointment to the Florida MPO Advisory Council. The Chair-Elect and 1st Vice Chair shall automatically serve as alternates.
- C. At the time of election of officers, a member of the MPO Governing Board, voting or non-voting, shall be elected as Chair of the Lake County Transportation Disadvantaged Coordinating Board.
- D. At the time of election of officers, a member of the MPO Governing Board, voting or non-voting, shall be elected as Chair of the Sumter County Transportation Disadvantaged Coordinating Board.
- E. Should an elected appointment position become vacant, the appointment shall be filled by election at the next regular meeting of the MPO Governing Board.

SECTION 1.5: MEETINGS

- A. All meetings of the MPO Governing Board and advisory committees shall be open to the public and opportunities for public comments shall be provided. All public meetings and hearings shall be held in locations that are accessible to people with disabilities.
- B. In accordance with the provisions of federal and state laws, public meetings that are part of the public participation plan will be conducted at convenient and accessible locations at convenient times. In addition, MPO will utilize visualization techniques to describe the plans and make public information available, when possible, in an electronically accessible format and in plain language.
- C. Regular meetings of the MPO shall typically be held on the 4th Wednesday of each applicable month at a time and place to be designated by the Executive Director. Regular meeting dates and times may be changed by the Executive Director to accommodate holidays and/or other reasons. MPO Governing Board shall meet at least four times a year.
- D. Special meetings may be called by the Chair or by vote of the MPO Governing Board. Reasonable notice must be provided to the members and alternates for special meetings.
- E. A majority of voting members on the MPO Governing Board shall constitute a quorum for the transaction of business. MPO Governing Board members must be present to cast a vote. Any business transacted by MPO Governing Board must be approved by not less than a majority of the votes cast.
- F. Voting Procedures. Voting shall be by voice, except that a roll call vote shall be held to adopt and/or amend the Long Range Transportation Plan and Transportation Improvement Program, as required by Federal and State Law. In all other instances, voting shall be by voice unless a Board Member specifically requests a roll call vote on a particular matter. All other questions or procedures shall be governed by the most recent edition of Robert's Rules of Order
- G. An agenda shall be prepared for each meeting. Items may be placed on the agenda by any voting or non-voting member, the Executive Committee, the TAC, the CAC, or the staff. Notices and tentative agendas shall be sent to members and alternates seven (7) days prior to the regular meeting dates, and shall be made available to the public at least four (4) days in advance of the meeting. Agenda changes may be made at any meeting by two-thirds (2/3) vote of the MPO Governing Board, provided that all agenda changes are made in accordance with Section 6.0 ("MPO Public Participation Policy") below.
- H. Advance notification of all meetings, both regular business and special, shall be provided as required by applicable law.
- I. The MPO's public involvement process shall provide for early and continuing involvement in the transportation planning and programming process to all segments of the community. As specifically stated in the federal legislation, these segments are freight shippers, users of public transit, citizens, providers of transportation, affected public agencies, representatives of transportation agency employees, other interested parties, and segments of the community affected by transportation plans, programs, and projects. The process shall also provide for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low income and minority households which may face challenges accessing employment and other amenities.

- J. Minutes shall be kept of all meetings.
- K. If the Bylaws do not address a particular issue that comes before the MPO, and if the statute that the MPO is operating under does not cover said item, then *Robert's Rule of Order* shall take precedence.

SECTION 1.6: RESPONSIBILITIES AND FUNCTIONS OF THE MPO

- A. The MPO is charged with the overall responsibility for preparation, approval, and implementation of the intermodal urban transportation planning and programming process for the Lake-Sumter MPO area and all plans and programs that are developed through the process. The MPO is responsible for defining transportation related goals and objectives and ensuring that the transportation planning process embodies these goals and objectives.
- B. The MPO is responsible for the preparation and publication of the following:
 - 1. Annual Report of MPO Accomplishments and activities for the purpose of disseminating information to the public at the January meeting each year.
 - 2. Certification Document for the purpose of obtaining the transportation planning program for the next fiscal year.
- C. Citizen Involvement:
 - 1. The MPO shall guide and assist the MPO Community Advisory Committee (CAC) in their activities and shall be responsible for public involvement programs undertaken by the study.
 - 2. The MPO shall provide the opportunity at each of its meetings for citizens to comment or be heard on any matter pertinent to the urban transportation planning process.
 - 3. The public may obtain information or make submissions or requests concerning MPO matters by contacting the office of the Lake~Sumter MPO.

SECTION 1.7: SUBCOMMITTEES

- A. Subcommittees may be designated by the MPO as necessary to investigate and report on specific subject areas of interest to the MPO. These may include but are not limited to:
 - 1. Airports
 - 2. Highways
 - 3. Mass Transit (Public Transportation)
 - 4. Transportation needs of "transportation disadvantaged" groups
 - 5. Directions for future growth (local Comprehensive Plan reviews)
- B. Subcommittees may be designated as necessary to deal with administrative and legislative procedures. These may include:

1. Administrative topics
2. Bylaws
3. Nominating
4. Legislative Issues

SECTION 1.8: EMERGENCY REVISIONS AND AMENDMENTS

A. Establishment of Need for Emergency Revisions or Amendments

In circumstances in which the MPO is notified by a state or federal agency that an immediate minor revision is necessary for clarification of a plan document or an amendment is required to a program document to maintain consistency with state or federal programs, or program or project funding and if the time constraint is such that action at the next regularly scheduled meeting of the MPO Governing Board would significantly delay progress on a project previously supported by the MPO, the Terms for Emergency Revisions and Amendments may be invoked by the Chair.

B. Terms for Emergency Revisions and Amendments

1. In cases where an amendment or revision must be approved prior to the next board meeting for the amended project to receive funding, or maintain consistency with state and federal programs the Lake~Sumter MPO Board Chair is authorized to sign the corresponding resolution on behalf of the board without having to call an emergency meeting of the board or committees. The Chair's approval of the amendment then must be ratified at the next regularly scheduled board meeting. To maintain the integrity of the public involvement process, whenever feasibly possible, the Technical Advisory Committee, Community Advisory Committee, are asked to provide input prior to ratification by the board.
2. I. In the case of the Chair's execution of an emergency resolution, the resolution may be transmitted with signature to state and federal agencies, with the provision that the resolution shall come before the Executive Committee for recommendation and the Governing Board for ratification at the next regularly-scheduled meetings. Should the Governing Board take action to disapprove the resolution, state and federal agencies shall be notified by the end of the following business day of the Governing Board's action.

SECTION 2.0: BYLAWS OF THE MPO TECHNICAL ADVISORY COMMITTEE (TAC)

- A. The TAC shall consist of highway and transportation planners, professional engineers, or those personnel made available by the various municipalities and transportation agencies/authorities and may include but not be limited to the following members:

1. Director of Planning and Public Transportation, District Five, Florida Department of Transportation, or representative as a liaison to the TAC
 2. Public Works Director or Traffic Engineer or the designee from Lake County
 3. Public Works Director or Traffic Engineer or the designee from Sumter County
 4. A representative from the Lake County School District
 5. A representative from each of the 14 municipalities in Lake County
 6. A representative from each of the general aviation airports in Lake County
 7. A representative from Lake County Transit
 8. A representative from Lake County Economic Growth
 9. A representative from Sumter County Planning
 10. A representative from the Sumter County School District
 11. A representative from Sumter County Transit
 12. A representative from each of the five municipalities in Sumter County
 13. A representative of the Central Florida Expressway Authority
- B. Each of the member municipalities in Lake County and Sumter County, the Boards of County Commissioners from Lake County and Sumter County, and the School Superintendents from Lake County and Sumter County shall each appoint one member to the TAC. Each member may be represented by an alternate or alternates designated in writing by the governing body of said governmental unit. Additionally, a representative from the Central Florida Expressway Authority, the Florida Department of Environmental Protection, and a representative from the Federal Highway Administration (FHWA), Planning and Research Engineer, or representative thereof shall be non-voting members of the TAC. Members and alternates shall serve terms of indefinite length at the pleasure of their respective governmental bodies or agencies.

SECTION 2.1: OFFICERS AND DUTIES

- A. A chair and vice-chair shall be elected at the last scheduled meeting of each year and shall serve a term of one year, starting with the January meeting.
- B. MPO staff will provide timely input/materials for the TAC agenda. The chair or vice-chair can request items be added to the agenda. FDOT representatives will provide timely input/materials to MPO Staff for agenda items.

SECTION 2.2: MEETINGS

- A. Regular monthly meetings of the TAC shall be held on a day and time agreed upon annually by the Committee. Regular meeting dates and times may be changed by action of the Committee (TAC) to accommodate holidays and/or other reasons.
- B. Special meetings may be called by the Chair, the Vice-Chair or the TAC. Reasonable notice must be provided to the members and alternates for special meetings.
- C. Six (6) of the voting members on the Committee (TAC) shall constitute a quorum for the transaction of business.
- D. Notices and tentative agendas shall be sent to members and alternates seven (7) days prior to the regular meeting dates, and shall be made available to the public at least four (4) days in advance of the meeting. Agenda changes may be made at any meeting by two-thirds (2/3) vote of the TAC

Board; no additions may be made after the four (4) day notice. Items not on the agenda may be discussed at a meeting, but official action on the matter shall be re-scheduled for the next available meeting, provided that all agenda changes are made in accordance with Section 6.0 (“MPO Public Participation Policy”) below.

- E. Minutes shall be kept of all meetings.
- F. Meetings will be open to the public and media.
- G. If the Bylaws do not address a particular issue that comes before the Board, and if the statute that the TAC is operating under does not cover said item, then *Robert’s Rule of Order* shall take precedence.

SECTION 2.3: PURPOSE, RESPONSIBILITIES AND FUNCTIONS OF THE TAC

- A. The TAC is responsible for coordinating transportation planning and programming; for review of all transportation studies, reports, and plans and/or programs; and for making recommendations to the MPO that are pertinent to the subject document. The TAC shall assist the MPO by providing technical resources as requested.
- B. The TAC is responsible for formal review of the List of Priority Projects.
- C. The TAC is responsible for considering Safe Access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the MPO on such matters.
- D. The TAC shall coordinate its actions with local school boards and local program and organizations within the metropolitan area which participate in school activities such as locally established community traffic safety teams.
- E. Local school boards must provide the MPO with information concerning future school sites and in the coordination of transportation service.
- F. The TAC recommendations to the MPO shall be based upon the technical sufficiency, accuracy, and completeness of studies and plans and/or programs.
- G. The TAC shall make priority recommendations to the MPO and/or other agencies responsible for plan and program implementation based upon the needs as determined by technical studies.
- H. The TAC shall serve for the completion of all required transportation studies, plans, development, and programming recommendations required under the Public Laws pertaining to all modes of transportation and transportation support facilities.
- I. The TAC shall serve as an advisory committee to any and all duly constituted area wide transportation authorities and/or boards, as well as area wide planning boards or councils for physical development, health, social, or comprehensive planning upon direct request of such authorities, boards, or councils.

J. The TAC shall, when feasible and desirable to do so, utilize any means that may be suggested or devised to provide for citizen participation in the transportation planning process.

SECTION 2.4: SUBCOMMITTEES

A. Subcommittees may be designated by the TAC as necessary to investigate and report on specific subject areas of interest to the TAC. These may include but are not limited to:

- 1. List of Priority Projects
- 2. Airports
- 3. Highways
- 4. Mass Transit/Public Transportation
- 6. Directions for future growth (local Comprehensive Plan reviews)
- 7. Nominating Committees
- 8. Plans and Programs
- 9. Management and Operations
- 10. Air Quality
- 11. Freight and Goods Movement

B. Subcommittees may be designated as necessary to deal with administrative and legislative procedures relating to the TAC. These may include:

- 1. Administrative matters
- 2. Bylaws

SECTION 3.0: BYLAWS OF THE MPO COMMUNITY ADVISORY COMMITTEE (CAC)

The citizens of the area shall be involved in the transportation planning process by the establishment of a MPO Community Advisory Committee (CAC). The purpose of the CAC shall be to seek reaction to planning proposals and to provide comment with respect to the concerns of various segments of the population in regard to their transportation needs.

SECTION 3.1: MEMBERSHIP APPOINTMENT, QUALIFICATION, AND TERMS OF OFFICE

A. The committee of at least 31 voting members and 2 non-voting alternates shall consist of community representatives from Lake County and Sumter County. Members, whether voting or non-voting, shall not be elected officials. Seventeen (17) seats shall be geographic seats appointed at-large from the jurisdictions as indicated below, and sixteen (16) seats shall be appointed by the MPO Governing Board as indicated below:

- 1. Seventeen (17) geographically appointed members from local jurisdictions:
 - a. Lake County - 5 representatives
 - b. Sumter County - 2 representatives
 - c. Lake Municipalities 7 representatives
 - d. Sumter Municipalities 3 representatives

2. Sixteen (16) MPO Governing Board appointments:

- | | |
|---------------------------------|-------------------|
| a. Multimodal | 8 representatives |
| b. Underserved population | 2 representatives |
| c. Transportation Disadvantaged | 2 representatives |
| d. Business Community | 2 representatives |
| e. Non-Voting members | 2 representatives |

B. One representative of FDOT District Five and one representative of the Central Florida Expressway Authority may serve as a non-voting advisors to the CAC.

C. Alternates: The MPO Board expects members to remain actively engaged in the committee, participating as fully as possible. It's recognized that circumstances may occasionally arise that keep a member from attending a meeting. These guidelines on the role of alternates are meant to provide flexibility for members while ensuring committee participation. Members can request that an alternate represent them at a maximum of two (2) meetings during the year.

1. Alternates for Geographic Appointees: Alternate members may be appointed by the appointing local governments as necessary. These alternates will serve in the absence of the primary member and have the same right to vote and comment on agenda items. Designated alternates must be lay persons and not elected officials. Each alternate designated by a county or municipality shall also reside within the geographic boundaries of that county or municipality so as to be familiar with the general citizenry's needs and desires of that county or municipality.
2. Alternates for MPO Board Appointees: The two Non-Voting Alternates appointed by the MPO Board are expected to attend all meetings, sit at the table with voting members, and participate in discussions. Voting appointees who are unable to attend a meeting should notify MPO staff and request a Non-Voting Alternate to represent them and vote in their place. Staff will then reach out to the Non-Voting Alternates and ensure that they can attend and vote in place of the member. The first voting appointees to notify staff will receive priority. Once all alternates have been engaged, all other appointees not at the meeting will receive absences.

D. Terms of Office and Conflicts of Interest

1. Representatives shall assume their responsibilities as of the next committee meeting after their appointment.
2. The term of office for a committee member in good standing will be for a period of four (4) years. At the discretion of the appointing authority, a member in good standing can be reappointed to a succeeding term(s).
3. Should a member resign or cease to be a member for any reason before the expiration of his/her term, a successor will be appointed by the designating authority.

4. All members (designated or alternate) shall avoid any professional conflict of interest. Any committee member who becomes aware of any type of conflict shall make it known to the staff liaison and either excuse himself/herself from the proceedings, or file a conflict of interest form into the record.
- E. If any member of the CAC fails to attend three (3) consecutive meetings, the member will be notified, as will the member government, that a fourth (4th) consecutive absence will result in automatic vacancy. At that point, the appointing authority must take action to re-appoint.
- F. Any vacancies in membership shall be filled through a process acceptable to the member government and acted upon by the local governing body. Such appointment shall be documented with the MPO in the form of a letter from the appointing authority.
- G. A chair and vice-chair shall be elected at the last scheduled meeting of each year and shall serve a term of one year, starting with the January meeting.

SECTION 3.2: MEETINGS

- A. Regular meetings of the CAC shall be held on a day and time agreed upon annually by the Committee. Regular meeting dates and times may be changed by action of the CAC to accommodate holidays and/or other reasons.
- B. Special meetings may be called by the Chair, the Vice-Chair or the CAC. Reasonable notice must be provided to the members and alternates for special meetings.
- C. Six (6) of the voting members on the CAC shall constitute a quorum for the transaction of business.
- D. Notices and tentative agendas shall be sent to members and alternates seven (7) days prior to the regular meeting dates, and shall be made available to the public at least four (4) days in advance of the meeting. Agenda changes may be made at any meeting by two-thirds (2/3) vote of the CAC; no additions may be made after the four (4) day notice. Items not on the agenda may be discussed at a meeting, but official action on the matter shall be re-scheduled for the next available meeting, provided that all agenda changes are made in accordance with Section 6.0 (“MPO Public Participation Policy”) below.
- E. Minutes shall be kept of all meetings.
- F. Meetings will be open to the public and press.
- G. If the Bylaws do not address a particular issue that comes before the Board, and if the statute that the CAC is operating under does not cover said item, then *Robert’s Rule of Order* shall take precedence.

SECTION 3.3: RESPONSIBILITIES AND FUNCTIONS OF THE CAC

- A. The CAC should actively represent all segments of the general public and their concern in the transportation planning process.

- B. The CAC shall be charged with the following functions:
1. Advise the MPO in the formulation of goals and objectives for shaping the urban environment.
 2. Provide an effective, stakeholders' review of the preliminary findings and recommendations of MPO's plans, studies and issues.
 3. Assist in the public information programs conducted by the MPO
 4. Review the List of Priority Projects.
 5. Review the Long Range Transportation Plan
 6. Review the five-year Transportation Improvement Program.
 7. Provide recommendations to the MPO Governing Board.
 8. Assist in other missions and functions of the MPO as requested by MPO Governing Board, including member appointments to ad hoc subcommittees that may be formed from time to time for the purpose of specifically addressing roadways, bicycle, pedestrian, and/or transit- related issues.
- C. The CAC shall transmit to the MPO Governing Board, in written form, the findings of all public information programs, citizen comments on study recommendations, and other representative concerns expressed by the general public regarding the transportation planning process.
- D. Members of the CAC shall not express their individual and/or personal views as those of the CAC, unless the CAC has, through a majority vote of those members present at a meeting, expressed such opinions.

SECTION 3.4: SUBCOMMITTEES

- A. Subcommittees may be designated by the CAC as necessary to investigate and report on specific subject areas of interest to the CAC. These may include but are not limited to:
1. Airports
 2. Highways
 3. Mass Transit/Public Transportation
 4. Bicycle, Pedestrian and Trails
 5. Transportation of "transportation disadvantaged" groups
 6. Directions for future growth
- B. Subcommittees may be designated as necessary to deal with administrative and legislative procedures related to the CAC. These may include:
1. Administrative matters
 2. Bylaws

SECTION 5.0: GENERAL POLICIES OF THE MPO

General Policies shall apply to all committees and participants of the MPO.

- A. The adoption of reports, studies, plans, and programs must be by resolution of the MPO. The MPO may consider the review and recommendation by the TAC, CAC, and BPAC.
- B. Recommended changes in the Bylaws require a simple majority vote of the members at any meeting, providing that all members have received written copies of proposed amendments at least ten (10) days prior to the meeting.
- C. All committees shall maintain a broad perspective covering the range of all modes of transportation and associated facilities in all recommended planning work programs so that proper study and evaluation of transportation needs shall result in a multi-modal transportation system plan, balanced with respect to area wide needs and properly related to area wide comprehensive plan goals and objectives.

SECTION 6.0: MPO PUBLIC PARTICIPATION POLICY

- A. **Right to be Heard.** Pursuant to Section 286.0114, Florida Statutes, members of the public shall be given a reasonable opportunity to be heard on a proposition before official action is taken by any Lake~Sumter MPO Board or Committee. Such opportunity to be heard need not be provided at the same meeting in which official action on the proposition is to be made, but shall be provided at a meeting during the decision making process that is within a reasonable proximity in time to the meeting in which the Board or Committee takes official action. Public input shall be limited to three (3) minutes per speaker, with the Chair of the Board or Committee having the option of allowing additional time. 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 MPO 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 Section 286.011, Florida Statutes; or
 - 4. 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.
- B. **Request to be Heard.** Members of the public who wish to provide comment at an MPO meeting may come before the Board or Committee during the designated period of time on the agenda. Members of the public requesting to be heard on a proposition may designate a representative to speak for them individually, or to speak on behalf of a group of concerned citizens. All remarks shall be addressed to the Board or Committee as a whole, and not to any one member thereof.
- C. **Agenda.** All MPO Boards and Committees shall have an agenda that is available at least four (4) days in advance of any meeting. Unless exempted as set forth under subsection (A) above, official action on a proposition cannot be taken at a meeting unless it was included in such agenda. Items not on the agenda may still be discussed at a meeting, but official action on the matter shall be re-scheduled for the next available meeting so as to provide the public a reasonable opportunity to be heard.

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7d i-ii**

ITEM TITLE: Boards/Committees/Workshops
For the Meeting of: November 12, 2020
Submitted by: City Manager/City Clerk
Date Submitted: November 4, 2020
Funds Required: (see below)
Account Number:
Amount Required:
Balance Remaining:
Attachments: None

Item Description: Boards/Committees/Workshops

- i. **Charter Review Discussion** –At the August 3, 2020 workshop, the city commission, by unanimous consensus, agreed to review and update the city’s charter to be placed on the ballot by the November 8, 2022 general election and allocated \$7,500 in the general fund.

- ii. **Centennial Celebration Event Committee Discussion** – On May 14, 2020, the city commission, by unanimous consensus, authorized the library director to advertise at the library the recruitment of interested individuals for the conception of a Centennial Celebration Event Committee to plan for the city’s 100th year. The commission adopted Centennial Celebration Resolution 2020-042 on September 24, 2020 and certain individuals have expressed desire to involved.

Action to be Taken:

Staff’s Recommendation:

Additional Comments:

City Manager Review: Yes

Mayor Authorization: Yes

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7e**

ITEM TITLE: 2021 City Commission Meeting Schedule
For the Meeting of: November 12, 2020
Submitted by: City Clerk
Date Submitted: November 4, 2020
Funds Required: No
Account Number: N/A
Amount Required: N/A
Balance Remaining: N/A
Attachments: 2021 Meeting Schedule

Item Description: 2021 Meeting Schedule, discuss tentative dates and times of the city commission future meetings.

Action to be Taken: Approve the 2021 city commission meeting schedule.

Staff's Recommendation: Approval

Additional Comments: To comply with subsection 33.70 4)G, Invocation Ordinance 2015-023.

City Manager Review: Yes

Mayor Authorization: Yes

CITY OF FRUITLAND PARK 2021 MEETING SCHEDULE

The City of Fruitland Park holds its regularly scheduled meetings every second and fourth Thursday of the month at 6:00 pm at 506 West Berckman Street, Fruitland Park, Florida, 34731. (City code reflects at least once in every month ss3.11, procedure.) The following meeting dates, times and locations are subject to change due to special and/or workshops meetings, public hearings, national holidays, office closings, and other unforeseen circumstances such as emergencies:

January 14 regular
January 28 regular

February 11 regular
February 25 regular

March 11 regular
March 25 regular

April 8 regular
April 22 regular

May 13 regular
May 27 regular

June 10 regular
June 24 regular

July 8 regular
July 22 regular

August 12 regular
August 26 regular

September 9 regular
September 23 regular

October 14 regular
October 28 regular

November 11 regular
November 25 regular – CANCELLED – Thanksgiving

December 9 regular
December 23 regular – CANCELLED - Holidays

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7f**

ITEM TITLE: Resolution 2020-064 Professional Grant Writing Services Contract – Liberty Partners of Tallahassee LLC

For the Meeting of: November 12, 2020

Submitted by: City Manager/City Attorney

Date Submitted: November 2, 2020

Funds Required: \$1,200 per month (see contract)

Account Number: N/A

Amount Required: N/A

Balance Remaining: N/A

Attachments: Proposed resolution and agreement

Item Description: Resolution 2020-064 approving the 2020-2021 contract for grant management and consulting services with Liberty Partners of Tallahassee LLC.

Action to be Taken: Adopt Resolution 2020-064.

Staff's Recommendation: Approval

Additional Comments: None.

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2020-064

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE 2020-2021 CONTRACT FOR GRANT MANAGEMENT AND CONSULTING SERVICES BETWEEN LIBERTY PARTNERS OF TALLAHASSEE, LLC AND THE CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park solicited qualified persons or firms to provide services in connection with researching, writing, securing and managing State, Federal and private grants; and

WHEREAS, the City Commission in compliance with Florida law and City regulations received responses to its solicitation, heard presentations and ranked the firms; and

WHEREAS, the City has negotiated a contract with Liberty Partners of Tallahassee, LLC; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds entering into an agreement with Liberty Partners of Tallahassee, LLC is beneficial to the City of Fruitland Park and its residents and businesses; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida desires to enter into the Liberty Partners of Tallahassee, LLC and City of Fruitland Park 2020-2021 Contract for Grant Management and Consulting Services.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Liberty Partners of Tallahassee, LLC and City of Fruitland Park 2020-2021 Contract for Grant Management and Consulting Services, a copy of which is attached hereto, is approved.

Section 2. The Commission authorizes the City Manager to execute the Agreement.

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

PASSED AND RESOLVED this ____ day of November 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, MMC CITY CLERK

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

Approved as to form:

Anita Geraci-Carver, City Attorney



**LIBERTY PARTNERS OF TALLAHASSEE, LLC & CITY OF FRUITLAND PARK
2020-2021 CONTRACT
FOR GRANT MANAGEMENT AND CONSULTING SERVICES**

1. *Client; Scope of Services.* Our client in this matter will be the City of Fruitland Park, Florida. (the “City”). We will be engaged to advise the City in connection with researching, writing, securing and management of State, Federal or private grants.

Liberty Partners will utilize our expertise to provide the personalized and targeted services that will incorporate the components necessary to meet the City’s overall grant funding goals and objectives. Our engagement will include the scope of work identified below as they relate to funding for infrastructure, parks and recreation and other projects and initiatives as directed.

The scope of the work shall include, but not limited to, the following:

- A. Work extensively with City staff to learn about goals and objectives of the City.
- B. Meet with the City’s staff and Commission if needed to assist in the development of the list of priorities and specific project funding requests (grants).
- C. Identify which of these priorities and specific project funding requests should be addressed at the state or Federal level and assist in developing written material on each request detailing the project scope, budget and the amount being sought by the City.
- D. Research, identify and recommend potential state and Federal grant funding opportunities appropriate for the City.
- E. Work with the City staff to compile information needed in drafting and submitting grant applications.
- F. Stay involved and attend, if necessary, all related City Commission meetings.
- G. Develop relationships with Federal and State agency staff to understand when grants will become available.
- H. Maintain a consistent line of communication between City staff and our firm.
- I. Hold regular meetings/calls to discuss goals and objectives and each grant opportunity as they arise.
- J. Provide staff with detailed report of funding opportunities, draft grant applications, and any other applicable information.

2. *Term of Engagement.* The term of the engagement will be for twelve (12) months beginning on November 1, 2020 and ending on October 31, 2021. Should the contract not be renewed, we will take such steps as are reasonably practicable to protect the City's interests in the above

_____ / _____

matter and, if you so request, we will suggest to you a possible successor firm and provide it with whatever papers you have provided to us. Our representation of the City will terminate upon our sending you a final statement for services rendered in this matter.

3. *Fees and Retainer.* Based on the scope of services outlined above and in our RFP response, these services shall be retained at a rate outlined below:

A. Grant Strategy, Research and Prioritization:

1. Meet with the City's staff and Commission to assist in the development of a list of priorities and specific project funding requests (grants) for programs and priorities.
2. Identify which of these priorities and specific project funding requests should be addressed at the federal or state level and assist in developing written material on each request detailing the project scope, budgetary impact and the funding request amount sought after by the City and, as appropriate, enlist support from third parties.
3. Research, identify and recommend potential federal and state government as well as private and non-profit grant funding opportunities appropriate for the City.

These services will be retained at a rate of \$1,200 per month.

B. Grant Writing:

1. Assist the City's staff in drafting and submitting grant applications. City staff will provide the contractor with all pertinent information for the firm to draft grant applications, sign off on final grant applications before submission and designate the firm as the point of contact for each grant application as appropriate. The City will maintain the role of awardee for all grant applications and adhere to any requirements as such.

The fee for this service will be a fee of 1% of the grant awarded to the City. Should the grant prohibit a grant writing fee, the firm and the City shall discuss the fee for grant writing on a case-by-case basis.

C. Grant Management:

1. Laying out all terms and conditions of the grant award, including payment processes, cost sharing, and program income requirements.
2. Helping the City create a strategic plan for accomplishing grant goals and objectives, including assisting with the hiring process, providing and implementation of a grant tracking module to show grant requirements and expectations.
3. Supporting the City in meeting required financial and performance reporting requirements.
4. Instruction on how to use grant funds for rent and property management expenses.
5. Guide the City through changes in budget or scope that determine grant eligibility.
6. Supporting the communication process between the City and the awarding agency.
7. Guiding the City through grant close out issues including final reports.

The fee for this service will be a fee of 5% of the grant awarded to the City.

_____ / _____

Travel, lodging and/or other direct expenses related to these services shall be pre-approved by the City, billed on a monthly basis and not exceed \$2,000 per year. Full payment is due promptly upon receipt of our statement. If this statement remains unpaid for more than 30 days, we may cease performing services for you until arrangements satisfactory to us have been made for payment of outstanding statements and the payment of future fees.

4. *Confidentiality.* From time to time, the firm may be provided with non-public or proprietary information related to the City’s business in order to assist the firm in performing the services outlined in this contract. All such information, whether provided orally or in writing, shall be considered confidential unless subject to disclosure under Florida public records laws. The firm agrees not to disclose any such information to any person without your prior written consent and will provide prompt notice to you of any judicial or quasi-judicial demand for such information. **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT GLAVENIA@FRUITLANDPARK.ORG.**

5. *Client Responsibilities.* You agree to cooperate fully with us and to provide promptly all information known or available to you relevant to our representation as well as furnishing the firm with any forms required by the City including, but not limited to: Non- Collusion Affidavit, Drug Free Workplace, and Conflict of Interest Forms. You also agree to pay our statements for services and expenses in accordance with paragraph 3 above.

6. *Conflicts.* As we have discussed, you are aware that the firm represents many other companies, organizations and individuals. It is possible that during the time that we are representing the City, some of our present or future clients will have disputes or transactions with the City. The City agrees that we may continue to represent or may undertake in the future to represent existing or new clients in any matter that is not substantially related to our scope of services outlined in paragraph 1 above even if the interests of such clients in those other matters are directly adverse to you. We agree, however, that your prospective consent to conflicting representations contained in the preceding sentence shall not apply in any instance where, as a result of our representation of you, we have obtained proprietary or other confidential information of a nonpublic nature, which, if known to such other client, could be used in any such other matter by such client to your material disadvantage. You should know that, in similar engagement letters with many of our other clients, we have asked for similar agreements to preserve our ability to represent you and them.

7. *Staffing.* Katie Taff and Melanie Bostick will be the primary contacts for the day-to-day services to the City. Jennifer Green will be actively involved in this engagement and is available to assist as needed.

AGREED TO AND ACCEPTED:

City of Fruitland Park
By: _____
Gary LaVenía, City Manager
Date: _____

Liberty Partners of Tallahassee, LLC
By: _____
Jennifer J. Green, President & Owner
Date: _____

Approved unanimously by the Commission of the City of Fruitland Park: **October 22, 2020.**

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7g**

ITEM TITLE: Abandoned Property - 401 Acorn Circle
For the Meeting of: November 12, 2020
Submitted by: City Attorney/City Manager/
Date Submitted: November 2, 2020
Funds Required:
Account Number: N/A
Amount Required: N/A
Balance Remaining: N/A
Attachments:

Item Description: Abandoned Property - 401 Acorn Circle – At the October 22, 2020 regular meeting, the commission accepted staff's recommendation to waive the fines on the subject property, Case Number CE2017-0032 reflected on the August 11, 2017 Special Magistrate's Order of Enforcement and directed the city attorney to prepare the fines and related costs to be paid for by the property owner.

The new property owner foreclosed on the property and plan to demolish the structure by November 30, 2020.

Action to be Taken: City commission's discretion.

Staff's Recommendation: Approval

Additional Comments: None.

City Manager Review: Yes

Mayor Authorization: Yes

Return to:
City of Fruitland Park
Att: Code Enforcement
506 W. Berckman St.
Fruitland Park, FL 34731

Original-Recorded

INSTRUMENT #2017089374
OR BK 4988 PG 1801 - 1804 (4 PGS)
DATE: 8/17/2017 2:13:45 PM
NEIL KELLY, CLERK OF THE CIRCUIT COURT
LAKE COUNTY
RECORDING FEES \$35.50

**BEFORE THE SPECIAL MAGISTRATE
CITY OF FRUITLAND PARK**

City of Fruitland Park,

Petitioner,

vs.

Case No.: CE2017-0032

Jennifer E. Marcial,

Respondent.

ORDER OF ENFORCEMENT

This cause came on for hearing on the 3rd day of August, 2017, before the Special Magistrate of the City of Fruitland Park, Florida upon the petition of the City of Fruitland Park Code Enforcement Department, and the Special Magistrate having heard the testimony of the respective parties present and the evidence presented, the following Findings of Fact and Conclusions of Law are made:

Findings of Fact

1. That Respondent, Jennifer E. Marcial, 401 Acorn Circle, Fruitland Park, FL 34731 was properly served with notice of these proceedings at least ten (10) days prior to the hearing herein.
2. The violation which is the subject of this proceeding occurred on real property located in the City of Fruitland Park, Lake County, Florida, described as 401 Acorn Circle, Fruitland Park, Florida, Oaktree Terrace Sub Lot 1, PB 26, PG 65, ORB 3577, PG 982, Public Records of Lake County, Florida. Parcel Number 10-19-24-025000000100 (the "Property").
3. Since on or before April 13, 2017, the Property has been in violation of:
 - a) **City of Fruitland Park Ordinance
Chapter 97. Property Maintenance
Sec. 97.03. Excessive or Untended Growth of Vegetation Prohibited**

Except as otherwise provided in this chapter, the existence of an excessive growth of weeds, undergrowth, or other vegetation on a parcel of property which is located within 100 feet of any improved property endangers the public's health, safety, and welfare, and adversely affects and impairs the value of adjacent property, is a nuisance, and is prohibited. For purposes of this section, weeds, undergrowth, or other vegetation shall be considered excessive and untended if their height exceeds 18", or if the property on which the weeds, undergrowth, or other vegetation is located may reasonably be expected to become, or is, infested or inhabited by rodents, vermin, or wild animals, or may, or does, furnish a breeding place for mosquitos.

**b) City of Fruitland Park Ordinance
Chapter 97. Property Maintenance**

Sec. 97.02. Accumulation of Refuse Prohibited

Except as otherwise provided in this chapter, no person shall accumulate refuse, cause refuse to be accumulated, or allow refuse to be accumulated upon any property located within the city regardless of the property's zoning classification or use. The accumulation of refuse upon property located within the city, regardless of the property's zoning classification or use, endangers the public's health, safety, and welfare, adversely affects and impairs the value of adjacent property, is a nuisance, and is prohibited.

**c) City of Fruitland Park Land Development Regulations
Section 156.010 Accessory Uses and Structures**

General Provisions.

- 1) Restrictions.
 - A) No barbed wire, razor wire or similar material shall be allowed for residential uses. Temporary security fencing may be allowed for construction sites in residential zones.
- 2) Height.
 - A) For residential uses, no permanent fence or wall shall exceed four (4) feet in height within the front yard area.
- 3) Location.
 - A) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with Section 156.060 of this Chapter.

**d) City of Fruitland Park Code of Ordinances
Exhibit to Ordinance Property Maintenance Code
Sec. 108 - Property Maintenance Code, Unsafe Structures and Equipment**

108.1.1 Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Sec. 108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

4. Respondent was not present for the August 3, 2017 hearing.

Conclusions of Law

1. The Respondent has violated the provisions of City of Fruitland Park Code of Ordinances, Sections: 97.03, 97.02, 156.010 and Section 108.1.1, 108.1.3, Property Maintenance Code, as well as any other codes that may apply.
2. Based upon the facts and evidence presented, an Order of Enforcement is warranted.

Order

Respondent shall pay costs associated with the file in the amount of \$44.36. All fines and costs shall be paid to the City of Fruitland Park, 506 W. Berckman Street, Fruitland Park, FL 34731.

Respondent shall repair any and all safety hazards on the Property and bring the Property into compliance with the City's codes and ordinances within 30 days from the date of this order.

Failure to bring the Property into compliance with the City of Fruitland Park codes shall result in an Order of Fine being issued at the rate of \$50.00 per day to commence 30 days from the date this order is signed for each day the Property is not in compliance and continue to accrue at the daily rate of \$50.00 until such time as the Property comes into compliance.

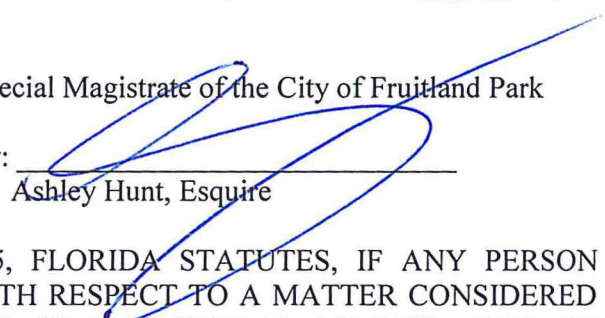
Respondent shall contact the Code Enforcement Officer at 352-360-6727 to advise that the Property has been brought into compliance and request an inspection to verify same.

If this Order of Enforcement is not complied within the specified time, the City has the option of repairing or demolishing the structure at the City's expense per approval from the City Commission for funding, if the structure becomes a safety hazard. All expenses from the City associated with repairs to the Property will be added to the Order of Fine.

Failure to comply with this Order within the specified time shall also result in an Order of Fine being issued at the rate of \$50.00 per day and the recordation of this Order, which constitutes a lien upon any real or personal property owned by the Respondent and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.

Done and ordered at City of Fruitland Park, Lake County, Florida, this 11th day of August, 2017.

Special Magistrate of the City of Fruitland Park

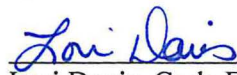
By: 
Ashley Hunt, Esquire

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO A MATTER CONSIDERED AT A PUBLIC MEETING OR HEARING OF THE SPECIAL MASTER, CITY OF FRUITLAND PARK, FLORIDA, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD FOR SUCH PURPOSE IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

PURSUANT TO SECTION 162.11, FLORIDA STATUTES, EITHER THE CITY OF FRUITLAND PARK OR THE RESPONDENT MAY APPEAL A FINAL ADMINISTRATIVE ORDER OF THE SPECIAL MASTER TO THE CIRCUIT COURT IN LAKE COUNTY, FLORIDA. SUCH AN APPEAL SHALL BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER TO BE APPEALED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order of Enforcement was forwarded by regular United States Mail to Jennifer E. Marcial, 401 Acorn Circle, Fruitland Park, FL 34731 this 17 day of August, 2017 and posted on the Property and at City Hall.


Lori Davis, Code Enforcement Officer

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7h**

ITEM TITLE: New Department Computers
For the Meeting of: November 12, 2020
Submitted by: City Manager/Community Development Director
Date Submitted: October 30, 2020
Funds Required: \$10,325
Account Number: N/A
Amount Required: N/A
Balance Remaining: N/A
Attachments: Memorandum and estimate

Item Description: New Community Development Department Computers – as noted in the department’s five-year plan dated June 4, 2020.

Action to be Taken: Approve the purchase.

Staff’s Recommendation: Approval

Additional Comments: Estimate includes computers and pertinent software for operation.

City Manager Review: Yes

Mayor Authorization: Yes



Community Development Department
506 W. Berckman St.
Fruitland Park FL 34731

Tel. (352) 360-6727
Fax. (352) 360-6652

Memo

Date: June 4, 2020
To: Gary La Venia, City Manager
From: Tracy Kelley, Community Development Department
Re: 5-Year Plan

The following is to be considered for the Community Development 5-year plan:

- One (1) Color Plotter @ \$25,000
- Five (5) New Desktop Computers @ \$1,000/per or total \$5,000
- Two (2) New Laptop Computers @ \$1,000/per or total \$2,000
- One (1) New Server @ \$5,000
- One (1) Department Drone @ \$1,750
- One (1) New Staff Position @ \$15,600 (annual salary)
- New Office Space (renovation of PD) \$12,000

Total Projection: \$66,350.00

Cc: File



Leesburg - 595 S. 14th Street, Leesburg, FL 34748
352-315-0485

Lady Lake - 109 S. US Hwy 27/441 Lady Lake, FL
32159
352-750-3707

Estimate

Date	Estimate #
10/27/2020	53641

Name / Address
Contract \$80/Half 5@\$500 City of Fruitland Park 506 West Berckman Street Fruitland Park, FL 34731 CONTRACT CLIENT

Monday to Friday 8:00am - 5:00pm
Lady Lake Store only Saturday 9:00am--1:00PM
Leesburg store is closed on Saturdays

352-360-6727	Phone
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Description	Qty	Rate	Total
Intel Core i5-10400 2.9Ghz Six Core	5	1,000.00	5,000.00
Microsoft Windows 10 Professional	5	100.00	500.00
GIGABYTE H370M D3H GSM LGA1151/ Intel H370/ DDR4/ Quad-GPU CrossFireX/ SATA3&USB3.1/ M.2/ A&GbE/ MicroATX Motherboard	5	0.00	0.00
Samsung 500GB M2 EVO Series	5	0.00	0.00
DVD+RW DVD-R DVD-ROM CD-ROM SATA DVD/CD Burner	5	0.00	0.00
32GB DDR4	5	100.00	500.00
Fractal Design Core 1100 Mini Tower	5	0.00	0.00
400W Power Supply	5	0.00	0.00
1 Year Limited Parts and Labor Warranty.	5	0.00	0.00
Warranty does not cover power surges due to the power company, nature, or any other cause of surges. Viruses/Malware infection and software issues are not covered. All warranty work is to be performed in shop. (ONSITE incurs Service Charges)			
***Please bring original receipt with computer for warranty repairs. MMD Computer Center Desktop Computer with 1 Year In Shop Warranty			6,000.00
PNY Video Card VCQP400V2-PB NVIDIA Quadro P400 v2 2GB GDDR5 Retail	1	175.00	175.00
Lenovo Thinkpad E15 Ryzen 7 4700U 15.6", 16GB, 512GB, Windows 10 Pro	2	1,075.00	2,150.00
Office 2019 Home and Business	7	250.00	1,750.00
HD Webcam with Microphone	5	50.00	250.00

PLEASE NOTE: THIS ESTIMATE IS ONLY GOOD FOR 14 DAYS FROM ABOVE DATE. Due to availability of parts some substitutions may have to be made.	Subtotal	\$10,325.00
	Sales Tax (7.0%)	\$0.00
	Total	\$10,325.00

Signature: _____

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7i**

ITEM TITLE:	Fire Protection and Rescue Service Discussion
For the Meeting of:	November 12, 2020
Submitted by:	City Manager
Date Submitted:	October 12, 2020
Funds Required:	
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Emails

Item Description: Fire Protection and Rescue Service Discussion

Action to be Taken:

Staff's Recommendation:

Additional Comments:

City Manager Review: Yes

Mayor Authorization: Yes

From: [Gary La Venia](#)
To: [Christopher Cheshire](#); [Christopher Bell](#); [John Gunter](#); [John Mobilian](#); [Patrick A. DeGrave](#)
Cc: [Esther Coulson](#)
Subject: FW: Fruitland Park Fire Department Out of Service
Date: Monday, October 12, 2020 9:14:48 AM
Importance: High

To All:

Below you will find correspondence from John Molenda, Deputy County Manager.

John and I have been speaking about the issue addressed in this e-mail for some time, I am sure you recall that I have brought this matter up to you individually on more than one occasion.

I have asked John, on several occasions, to address his concerns to me in writing so as to allow the Commission to get a more coherent picture of what is evolving into a more frequently occurring situation.

While John does a thorough job addressing the concerns we have discussed, he failed to leave out one key component of the discussion, the potential, which is a real consideration, that the County will begin assessing a charge on the City for covering unanticipated, unscheduled downtime.

It is important to know that each time this situation occurs Chief Luce is notified through the County Fire Chiefs office. He subsequently informs me.

I've had Chief Luce reach out to the County Fire Chief to request a comprehensive log for the past 12 months detailing each time this has occurred. This request was made over a month ago, we await the report.

If I don't hear by weeks end I will reach out to Mr. Molenda for said.

You can discern from Mr. Molenda's correspondence that the City is covered when this situation occurs, the questions is a what cost.

You can also see the consternation and disruption that this is triggering for the County FD.

I await your comments and direction.



From: Molenda, John <jmolenda@lakecountyfl.gov>
Sent: Friday, October 09, 2020 5:17 PM
To: Gary La Venia <glavenia@fruitlandpark.org>
Cc: Cole, Jeff <jcole@lakecountyfl.gov>
Subject: Fruitland Park Fire Department Out of Service

Hello Mr. LaVenia, I wanted to take the time to again bring up a concern that has been in existence for some time now. This morning we were again notified that Fruitland Park Fire Department was "out of service". We continue to see times in which no response is available. As a member of the common dispatch system, it is imperative that Fire Station 56 stay available to respond to your residents as a closest unit and as a back-up or secondary unit on specific incidents assigned by Countywide Dispatch or the Lake County Medical Director. There is already a demand placed on surrounding units given Fruitland Park is BLS and not ALS. The absence is becoming more frequent, jeopardizing the safety of not only the public but also other emergency responders in need of back-up and assistance.

Response times of surrounding units increase as a result of not staffing Fire Station 56. Further, patient care and protection of life and property are hindered as a result of the disruption. The lack of consistent staffing has a domino effect on the entire system. There were more out of service instances in the first 5 months of 2020 than in all of 2019. In just the first 7 months of the year, Fruitland Park Fire Department was out of service 61 times. 2019 saw an average of 3.7 times per month as opposed to the current average of 8 times per month. The duration varies though has increased from an average of 2.3 hours in 2019 up to 8.2 hours in 2020. The out of service times account for 19% of all LCFR responses to Fruitland Park. From a data aspect, roughly 1 in 5 Lake County Fire Rescue responses to Fruitland Park is as a result of Station 56 being out of service.

Fruitland Park Fire being out of service impacts the response times of all agencies, transport times for medical emergencies, ISBA payments to other cities, increased workload on fire and EMS personnel, and fire union negotiations. There have been several calls in which other fire departments responded as a result of your station out of service, subsidized by other agencies, and increasing response times to unbeknownst residents. I know we have discussed this in the past and you wanted to be made aware moving forward. Thus, I wanted to pass on that the problem is not only continuing but potentially getting worse. If there is anything we can do to assist please let me know. As always call me directly anytime to discuss, and I do appreciate your consideration.

Sincerely,

JOHN MOLEND
DEPUTY COUNTY MANAGER

COUNTY MANAGER'S OFFICE



A 315 W. Main Street Tavares, FL 32778

P 352.343.9458 | **F** 352.343.9516 | **C** 352.267.8396

E jmolenda@lakecountyfl.gov | **W** www.lakecountyfl.gov

NOTE: Florida has a very broad public records law.

Your email communications may be subject to public disclosure.

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7j**

ITEM TITLE: First Reading and Public Hearing - Ordinance
2020-012 Fire Prevention and Life Safety Codes

For the Meeting of: November 12, 2020

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

Date Submitted: October 7, 2020

Funds Required: No

Account Number: N/A

Amount Required: N/A

Balance Remaining: N/A

Attachments: Proposed ordinance

Item Description: **Proposed Ordinance 2020-012 Fire Prevention and Life Safety Codes** amending Sections 92.01, 92.04, 92.10 and 92.99 and repealing Sections 92.07 through 92.09 eliminating the fire safety board. (The second reading will be held on December 10, 2020.)

The city attorney recommends that subsection 161.020, fire codes be removed from the LDRs and placed under Ch. 92.

Action to be Taken: Approve Ordinance 2020-012.

Staff's Recommendation: N/A

Additional Comments:

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2020-012

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING SECTIONS 92.01, 92.04, 92.10 AND 92.99 IN CHAPTER 92 OF THE CODE OF ORDINANCES RELATING TO THE FLORIDA FIRE PREVENTION CODE, LIFE SAFETY CODE AND PENALTIES; REPEALING SECTIONS 92.07 THROUGH 92.09 IN CHAPTER 99 OF THE CODE OF ORDINANCES THEREBY ELIMINATING THE FIRE SAFETY BOARD; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, provisions within Chapter 92 of the Code of Ordinances entitled Fire Prevention are outdated and the City desires to amend the code; and

WHEREAS, the state fire marshal is mandated in Ch. 633, Florida Statutes to adopt the Florida Fire Prevention Code, the National Fire Protection Association's Standard 1, Fire Prevention Code and The Life Safety Code, NFPA 101; and

WHEREAS, the City Commission desires to adopt those codes adopted by the state fire marshal; and

WHEREAS, the City has determined that a fire safety board is not needed and therefore intends to eliminate the fire safety board.

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

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

Section 2. Fireworks. Section 92.01 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

Sec. 92.01. – Fireworks.

It shall be unlawful for any person to explode fireworks, firecrackers, or bombs or other detonating devices in the city for any purpose whatsoever in violation of state law. ~~unless first obtaining from the mayor authority and written consent.~~

(1969 Code, § 9-1; Ord. 141, passed 10-21-67)

Section 3. Fire and life safety codes adopted. Section 92.04 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

Sec. 92.04. - Fire and life safety codes adopted.

- (A) ~~The National Fire Protection Association (NFPA) Pamphlet 1, 1985 Edition, as published by the National Fire Protection Association and as amended thereafter and hereafter is hereby adopted and ordained as the fire code for the city.~~

Pursuant to F.S. § 633.025, the most current edition of the Florida Fire Prevention Code, National Fire Protection Association Standard 1, adopted by the state fire marshal is adopted and enacted as the Fire Prevention Code of the City of Fruitland Park as fully as if set out at length in this section.

- (B) ~~The National Fire Protection Association (NFPA) 101, Life Safety Code, 1985 Edition, as published by the National Fire Protection Association, and as amended thereafter and hereafter, is hereby adopted and ordained as the life safety code for the city.~~

Pursuant to F.S. § 633.025, the most current edition of the Life Safety Code, NFPA 101, adopted by the state fire marshal is adopted and enacted as the Life Safety Code of the City of Fruitland Park as fully as if set out at length in this section.

Section 4. Phase-in. Section 92.10 of the Code of Ordinances of the City of Fruitland Park, Florida, shall be re-numbered Section 92.07 and is hereby amended to read as follows:

Sec. 92.07. – Phase-in.

- (A) The fire code adopted in this chapter shall be enforceable immediately upon final adoption of the fire code.
- (B) The life safety code adopted herein shall be enforceable as follows:
- (1) All buildings and premises for which a certificate of occupancy has not yet been issued shall be subject to the provisions of the life safety code immediately upon the adoption of the life safety code.
 - (2) All existing residential buildings and premises shall be subject to the provisions of the life safety code commencing ~~January 1, 1993~~ January 1, 2021.
 - (3) All other buildings, premises, and public thoroughfares shall be subject to the provisions of the life safety code commencing ~~January 1, 1992~~ August 1, 2021.

(Ord. 90-001, passed 5-10-90)

Section 5. Penalty. Section 92.99 of the Code of Ordinances of the City of Fruitland Park, Florida, shall be re-numbered Section 92.08 and is hereby amended to read as follows:

Sec. 92.08. - Penalty.

Whoever violates any provision of this chapter for which a specific penalty is not provided shall be subject to the penalties as provided in section 10-99 and as otherwise provided by general law.

- ~~(A) Whoever violates any provision of this chapter for which a specific penalty is not provided shall be fined not more than \$500.00 or imprisoned not more than 60 days, or both.~~
- ~~(B) Any person violating § 92.01 shall be fined not more than \$500.00 for each offense. The explosion of each and every single device described in § 92.01 shall be considered a separate offense.~~
- ~~(C) Any person, firm, or corporation violating § 92.03 and convicted thereof shall be punished by a fine not exceeding \$500.00.~~
- ~~(D) Failure to comply with any order issued under § 92.06 shall subject the owner of the premises to a fine not to exceed \$500.00 per violation. A separate violation shall exist for each day, beyond the date for correction specified by the fire safety inspector, that the violation set forth in the inspector's written notice continues. The fine imposed hereunder shall be imposed by the fire safety board.~~

~~(1969 Code, §§ 1-8, 9-1; Ord. 90-001, passed 5-10-90; Ord. 141, passed 10-12-97; Ord. 292, passed 1-28-82)~~

Section 6. Inclusion in Code. It is the intent of the Commissioners that the provisions of this Ordinance shall become and be made a part of the City of Fruitland Park Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word "or phrase in order to accomplish such intentions.

Section 7. Severability. If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioner's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not effect the applicability thereof to any other person, property or circumstances.

Section 8. Conflicts. That all ordinances or parts of ordinances in conflict herewith are hereby repealed. Sections 92.07, 92.08 and 92.09 in effect prior to adoption of this ordinance are repealed.

Section 9. Effective Date. This ordinance shall become effective as provided for by law.

PASSED and ORDAINED this _____ day of _____, 2020, by the City Commission of the City of Fruitland Park, Florida.

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, MMC, City Clerk

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

First Reading _____

Second Reading _____

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7k

ITEM TITLE: Second Reading and Public Hearing –
Ordinance 2020-011 Solid Waste Increase

For the Meeting of: November 12, 2020

Submitted by: City Treasurer

Date Submitted: October 5, 2020

Funds Required: N/A

Attachments: Proposed Ordinance 2020-011 and Waste
Management Rates

Item Description: **Proposed Ordinance 2020-011 solid waste** increases solid waste collections and recycling to two percent effective January 1, 2021 according to the contract which allows an annual increase each January. (The first reading was held on October 22, 2020.)

Action to be Taken: **Enact Ordinance 2020-011 to become effective immediately as provided by law with the refuse collection rate adjustments to be implemented January 1, 2021.**

Staff's Recommendation: Approval

Additional Comments: Yes

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2020-011

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AMENDING SECTION 99.40 TO INCREASE THE SOLID WASTE RATES BY 2% WITH RATES EFFECTIVE AS OF JANUARY 1, 2021; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park through a waste management company provides solid waste and recycling services to customers within the City of Fruitland Park; and

WHEREAS, the City of Fruitland Park charges its customers a rate for providing such service; and

WHEREAS, the City of Fruitland Park's contract with the waste management company allows for an annual increase each January and the city has been notified that the rates will increase 2%; and

WHEREAS, the City Commission of the City of Fruitland Park, Lake County, Florida hereby finds and declares that the increased rates should be passed on to those who receive such services, and that 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, LAKE COUNTY, FLORIDA AS FOLLOWS:

Section 1. Recitals.

The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this ordinance.

Section 2. Refuse Collection Fees.

That Section Sec. 99.40 in Chapter 99, of the Fruitland Park Code of Ordinances is hereby amended to read as follows:

Sec. 99.40. Refuse collection fees.

- (A) The city clerk is authorized to charge a fee for refuse collection as set forth in division (B) below.
- (B) The refuse collection services for which the city clerk shall charge a fee and the amount of fee for each service are as follows:
 - (1) Residential collection, monthly fee.
 - (a) *Manual curbside pickup:*

	NUMBER OF 32 GALLON CONTAINERS
TWICE WEEKLY COLLECTION	1 through 6
	\$19.44 \$19.68

(b) *Mechanical containerized service:* Shall be the same as the commercial containerized service fees set forth below except that the disposal component of the fee shall be those disposal fees for residential service established by Lake County multiplied by the residential units.

(2) Commercial collection, monthly fee.

(a) *Manual curbside pickup:*

	NUMBER OF 32 GALLON CONTAINERS
NUMBER OF WEEKLY COLLECTIONS	1 through 6
	1 \$20.31 \$20.47
	2 \$22.26 \$22.44

(b) *Mechanical containerized service:*

Commercial Collection

Mechanical Containerized Service

# OF WKLY COLLECTIONS	SIZE OF CONTAINER IN CUBIC YARDS			
	2	4	6	8
1	\$85.47 \$86.28	\$161.90 \$163.40	\$232.52 \$234.61	\$285.79 \$288.11
2	\$167.70 \$169.33	\$320.53 \$323.54	\$461.86 \$466.04	\$568.33 \$572.97
3	\$249.94 \$252.39	\$479.20 \$483.72	\$691.14 \$697.40	\$850.88 \$857.83
4	\$332.16 \$335.40	\$637.85 \$643.88	\$920.44 \$928.78	\$1133.01 \$1142.28
5	\$414.37 \$418.44	\$796.52 \$804.04	\$1149.73 \$1160.16	\$1415.94 \$1427.53
6	\$496.62 \$501.49	\$955.15 \$964.19	\$1379.00 \$1391.52	\$1698.48 \$1712.39

(3) Reserved.

(4) The fee for any refuse collection service not specifically set forth above shall be determined by negotiation between the city, the hauler, and the customer.

However, in the event that a fee cannot be agreed upon, the city manager shall set the fee.

- (C) The fees charged pursuant to this section shall be charged only for those refuse collection services provided under Chapter 98 of this Code. For purposes of this section, users of the city's water system shall be considered receivers of the city's refuse service.
- (D) The fee charged for refuse collection shall be charged monthly.
- (E) Failure by any person or business entity to remit a fee charged pursuant to this section shall result in any or all of the following:
 - (1) Discontinuance of refuse collection service;
 - (2) Discontinuance of water service;
 - (3) Institution of enforcement proceedings by the code enforcement officer;
 - (4) Institution of judicial enforcement and collection proceedings; or
 - (5) Any other enforcement and collection proceedings deemed necessary by the city manager.
- (F) Any person or business entity desiring to challenge an amount charged pursuant to this section shall request a hearing with the city manager regarding the disputed amount. Upon a request for hearing pursuant to this division, the city manager shall schedule a hearing with the complainant. Upon the conclusion of the hearing, the city manager shall have the authority to make any adjustment to the amount in dispute that he deems necessary.

Section 3. Conflicts And Ordinances Repealed.

All ordinances or parts of ordinances in conflict are hereby repealed.

Section 4. 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 5. Codification.

It is the intent of the City Commission of the City of Fruitland Park that the provisions of this chapter shall become and made a part of the Fruitland Park Code of Ordinances; and grants authority to the codifier to renumber or re-letter sections, and change the words in this ordinance to section, article, chapter or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Effective Date.

This Ordinance shall become effective immediately upon adoption; however, the refuse collection rate adjustments shall be implemented January 1, 2021.

PASSED AND DULY ADOPTED by the City of Fruitland Park, Lake County, Florida this _____ 2020.

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

First Reading: _____

Second Reading _____

Exhibit "B"

City of Fruitland Park Collection and Disposal Rates

Effective 01/01/21-12/31/21

Residential Services Based on \$40/ton disposal for 2x week garbage/yardwaste/1x week Recycling

Garbage Collection	Disposal	Curbside Recycling	Rate Per Month
\$ 8.42	\$ 3.90	\$ 2.63	\$ 14.95

Commercial Handstops

	Garbage Collection	Disposal	Rate Per Month
Commercial curb 1x week	\$ 7.23	\$ 8.44	\$ 15.67
Commercial curb 2x week	\$ 8.51	\$ 8.95	\$ 17.46

Commercial Dumpsters (Rate/month)

Qty/Size/Frequency	Garbage Coll.	Garbage Disp.	Coll./Disp
1-2yd X 1 WEEK	\$ 37.63	\$ 37.87	\$ 75.50
1-2yd X 2 WEEK	\$ 75.26	\$ 75.74	\$ 151.00
1-2yd X 3 WEEK	\$ 112.90	\$ 113.60	\$ 226.50
1-2yd X 4 WEEK	\$ 150.50	\$ 151.47	\$ 301.97
1-2yd X 5 WEEK	\$ 188.13	\$ 189.33	\$ 377.46
1-2yd X 6 WEEK	\$ 225.76	\$ 227.20	\$ 452.96
1-4yd X 1 WEEK	\$ 69.87	\$ 75.74	\$ 145.61
1-4yd X 2 WEEK	\$ 139.71	\$ 151.48	\$ 291.19
1-4yd X 3 WEEK	\$ 209.60	\$ 227.21	\$ 436.81
1-4yd X 4 WEEK	\$ 279.44	\$ 302.97	\$ 582.41
1-4yd X 5 WEEK	\$ 349.30	\$ 378.71	\$ 728.01
1-4yd X 6 WEEK	\$ 419.15	\$ 454.45	\$ 873.60
1-6yd X 1 WEEK	\$ 96.73	\$ 113.61	\$ 210.34
1-6yd X 2 WEEK	\$ 193.51	\$ 227.22	\$ 420.73
1-6yd X 3 WEEK	\$ 290.22	\$ 340.84	\$ 631.06
1-6yd X 4 WEEK	\$ 386.97	\$ 454.44	\$ 841.41
1-6yd X 5 WEEK	\$ 483.71	\$ 568.04	\$ 1,051.75
1-6yd X 6 WEEK	\$ 580.43	\$ 681.65	\$ 1,262.08
1-8yd X 1 WEEK	\$ 107.51	\$ 151.48	\$ 258.99
1-8yd X 2 WEEK	\$ 214.98	\$ 302.96	\$ 517.94
1-8yd X 3 WEEK	\$ 322.47	\$ 454.44	\$ 776.91
1-8yd X 4 WEEK	\$ 429.93	\$ 605.55	\$ 1,035.48
1-8yd X 5 WEEK	\$ 537.44	\$ 757.38	\$ 1,294.82
1-8yd X 6 WEEK	\$ 644.93	\$ 908.85	\$ 1,553.78

Fruitland Park Term and PI Language:

February 1, 2016

Effective 01/01/20-12/31/20

1. Section 4 Term is amended to read as follows:

- a. The term of this Agreement shall end on September 30, 2021; provided, however, the City reserves the right to terminate the same prior thereto if the Collector defaults in any one of the material terms and conditions herein specified and does not cure same within the time specified.
- b. The term of this Agreement may be extended for additional terms if the City and Collector consent in writing not less than ninety (90) days prior to the expiration of each term.

5 Section 16 is deleted and replaced with the following:

Commencing January 1, 2017 and each January 1 thereafter, the fees or compensation payable to Collector shall be increased by two percent (2%).
Collector shall provide the City with a revised Exhibit B incorporating the adjusted rates.

Waste Mgt Collection Disposal Rates

Jan 2021

RATE	(R)RE		FY 20 GB	New Rate	GB	YDWS	YDWS	CURB	FP	FP		IND AMT	Last Year	Difference	
CODE	(C)CO	DESC	COLL	FY21 2%	DISP	COLL 2%	DISP	RECYC 2%	ADMIN	FF		BILLED	3.90	FY2020	
SWR001	R	Residential	6.33	6.45	3.23	1.97	0.67	2.63	2.94	1.79		19.68	8.42	19.44	0.24
														FY2020	
SWC002	C	Commercial curb 1x week	7.09	7.23	8.44				2.94	1.86		20.47		20.31	0.16
SWC001	C	Commercial curb 2x week	8.34	8.51	8.95				2.94	2.04		22.44		22.26	0.18
SWC003	C	1-2yd X 1 WEEK	36.89	37.63	37.87				2.94	7.84		86.28		85.47	0.81
SWC004	C	1-2yd X 2 WEEK	73.77	75.26	75.74				2.94	15.39		169.33		167.70	1.63
SWC037	C	1-2yd X 3 WEEK	110.68	112.90	113.60				2.94	22.94		252.39		249.94	2.45
	C	1-2yd X 4 WEEK	147.55	150.50	151.47				2.94	30.49		335.40		332.16	3.25
		1-2yd X 5 WEEK	184.43	188.13	189.33				2.94	38.04		418.44		414.37	4.07
		1-2yd X 6 WEEK	221.33	225.76	227.20				2.94	45.59		501.49		496.62	4.87
SWC005	C	1-4yd X 1 WEEK	68.50	69.87	75.74				2.94	14.85		163.40		161.90	1.51
SWC006	C	1-4yd X 2 WEEK	136.97	139.71	151.48				2.94	29.41		323.54		320.53	3.01
SWC020	C	1-4yd X 3 WEEK	205.49	209.60	227.21				2.94	43.97		483.72		479.20	4.52
	C	1-4yd X 4 WEEK	273.96	279.44	302.97				2.94	58.53		643.88		637.85	6.03
		1-4yd X 5 WEEK	342.46	349.30	378.71				2.94	73.09		804.04		796.52	7.52
		1-4yd X 6 WEEK	410.93	419.15	454.45				2.94	87.65		964.19		955.15	9.04
SWC008	C	1-6yd X 1 WEEK	94.83	96.73	113.61				2.94	21.33		234.61		232.52	2.09
SWC009	C	1-6yd X 2 WEEK	189.72	193.51	227.22				2.94	42.37		466.04		461.86	4.17
SWC022	C	1-6yd X 3 WEEK	284.53	290.22	340.84				2.94	63.40		697.40		691.14	6.26
	C	1-6yd X 4 WEEK	379.38	386.97	454.44				2.94	84.43		928.78		920.44	8.35
		1-6yd X 5 WEEK	474.22	483.71	568.04				2.94	105.47		1,160.16		1,149.73	10.43
		1-6yd X 6 WEEK	569.05	580.43	681.65				2.94	126.50		1,391.52		1,379.00	12.52
SWC011	C	1-8yd X 1 WEEK	105.39	107.50	151.48				2.94	26.19		288.11		285.79	2.32
SWC012	C	1-8yd X 2 WEEK	210.76	214.98	302.96				2.94	52.09		572.97		568.33	4.64
SWC018	C	1-8yd X 3 WEEK	316.15	322.47	454.44				2.94	77.98		857.83		850.88	6.96
	C	1-8yd X 4 WEEK	421.52	429.95	605.55				2.94	103.84		1,142.28		1,133.01	9.27
		1-8yd X 5 WEEK	526.90	537.44	757.38				2.94	129.78		1,427.53		1,415.94	11.59
	C	1-8yd X 6 WEEK	632.28	644.93	908.85				2.94	155.67		1,712.39		1,698.48	13.91
SWC007		2-4yd X 1 WEEK	137.00	139.74	151.48				2.94	29.42		323.58		320.56	3.01
SWC010		2-6yd X 2 WEEK	379.43	387.02	454.44				2.94	84.44		928.84		920.50	8.35
SWC013		2-6yd X 1 WEEK	189.66	193.46	227.22				2.94	42.36		465.98		461.81	4.17
SWC014		2-8yd X 1 WEEK	210.79	215.00	302.96				2.94	52.09		572.99		568.35	4.64
SWC015		1-2ydX 1 WK, 2-4ydX 2 WK	310.83	317.05	340.83				2.94	66.08		726.90		720.06	6.84
SWC016		8ydX3 WK & CC X 1 WK	323.23	329.70	462.88				2.94	79.55		875.07		867.96	7.11
SWC017		1-2yd 1-4yd X 1 WEEK	105.39	107.50	113.61				2.94	22.41		246.46		244.14	2.32
SWC019		2-8yd & 4yd X 1 WEEK	279.28	284.87	378.70				2.94	66.65		733.16		727.02	6.14

Waste Mgt Collection Disposal Rates
Jan 2021

RATE	(R)RE		FY 20 GB	New Rate	GB	YDWS	YDWS	CURB	FP	FP		IND AMT	Last Year	Difference
CODE	(C)CO	DESC	COLL	FY21 2%	DISP	COLL 2%	DISP	RECYC 2%	ADMIN	FF		BILLED	3.90	FY2020
SWC021		2-2yd X 1 WK, 1-2yd X 2 WK	147.56	150.52	151.48				2.94	30.49		335.44	332.18	3.26
SWC023		2-4yd X 2 WEEK	273.94	279.42	302.96				2.94	58.53		643.85	637.82	6.03
SWC024		2-2yd X 2 WEEK	147.55	150.52	151.48				2.94	30.49		335.43	332.17	3.27
SWC025		8yd X 4 WK & CC X 1 wk	428.60	437.18	613.99				2.94	105.41		1,159.52	1,150.09	9.43
SWC026		2yd & 4yd X 2 Week	210.74	214.97	227.22				2.94	44.51		489.64	484.99	4.65
SWC027		8yd X 5 WK & CC X 1WK	533.99	544.67	765.82				2.94	131.34		1,444.77	1,433.02	11.75
SWC028		2-8yd x 2	421.53	429.96	605.92				2.94	103.88		1,142.70	1,133.43	9.27
SWC029		2-2yd X 1 WEEK	73.79	75.26	75.74				2.94	15.39		169.33	167.71	1.62
SWC030		3-2yd X 1 WEEK	110.68	112.89	113.61				2.94	22.94		252.39	249.95	2.43
SWC031		2-4yd 4-RES	165.34	168.65	185.24	7.87	2.68	10.53	2.94	37.79		415.70	411.66	4.04
SWC032		3-8yd X 2 WEEK	632.29	644.94	908.88				2.94	155.68		1,712.43	1,698.52	13.91
SWC033		2-CC X 2 WEEK	16.69	17.02	17.90				2.94	3.79		41.65	41.28	0.37
SWC034		2 yd & 6yd X 1	131.73	134.36	151.48				2.94	28.88		317.66	314.76	2.90
SWC035		6yd X 3 & CC X 1	291.61	297.45	349.28				2.94	64.97		714.63	708.22	6.42
SWC036		6yd X 5 WK & CC X 1 WK	481.31	490.94	576.48				2.94	107.04		1,177.39	1,166.80	10.59
SWR003		RES/STP/MLTP	7.38	7.52	8.44				2.94	1.89		20.79	20.63	0.16

Waste Mgt Collection Disposal Rates

Feb 2016

RATE	(R)RE		GB	GB	YDWS	YDWS	CURB	FP	FP	
CODE	(C)CO	DESC	COLL	DISP	COLL	DISP	RECYC	ADMIN	FF	
SWR001	R	Residential	5.84	3.23	1.78	0.67	2.38	2.94	1.68	
SWC002	C	Commercial curb 1x week	6.55	8.44				2.94	1.79	
SWC001	C	Commercial curb 2x week	7.71	8.95				2.94	1.96	
SWC003	C	1-2y X 1 WEEK	34.08	37.87				2.94	7.49	
SWC004	C	1-2y X 2 WEEK	68.16	75.74				2.94	14.68	
SWC037	C	1-2y X 3 WEEK	102.25	113.60				2.94	21.88	
SWC021	C	1-2y X 4 WEEK	136.31	151.47				2.94	29.07	
		1-2y X 5 WEEK	170.38	189.33				2.94	36.27	
		1-2y X 6 WEEK	204.48	227.20				2.94	43.46	
SWC005	C	1-4yd X 1 WEEK	63.28	75.74				2.94	14.20	
SWC006	C	1-4yd X 2 WEEK	126.54	151.48				2.94	28.10	
SWC020	C	1-4yd X 3 WEEK	189.84	227.21				2.94	42.00	
SWC023	C	1-4yd X 4 WEEK	253.10	302.97				2.94	55.90	
		1-4yd X 5 WEEK	316.38	378.71				2.94	69.80	
		1-4yd X 6 WEEK	379.64	454.45				2.94	83.70	
SWC008	C	1-6yd X 1 WEEK	87.61	113.61				2.94	20.42	
SWC009	C	1-6yd X 2 WEEK	175.26	227.22				2.94	40.54	
SWC022	C	1-6yd X 3 WEEK	262.86	340.84				2.94	60.66	
SWC010	C	1-6yd X 4 WEEK	350.49	454.44				2.94	80.79	
		1-6yd X 5 WEEK	438.11	568.04				2.94	100.91	
		1-6yd X 6 WEEK	525.72	681.65				2.94	121.03	
SWC011	C	1-8yd X 1 WEEK	97.36	151.48				2.94	25.18	
SWC012	C	1-8yd X 2 WEEK	194.72	302.96				2.94	50.06	
SWC018	C	1-8yd X 3 WEEK	292.07	454.44				2.94	74.95	
SWC028	C	1-8yd X 4 WEEK	389.41	605.55				2.94	99.79	
		1-8yd X 5 WEEK	486.77	757.38				2.94	124.71	
SWC032	C	1-8yd X 6 WEEK	584.13	908.85				2.94	149.59	

Waste Mgt Collection Disposal Rates
Feb 2016

IND AMT
BILLED
18.52

19.72
21.56

82.38
161.52
240.67
319.79
398.92
478.08

156.16
309.06
461.99
614.91
767.83
920.73

224.58
445.96
667.30
888.66
1,110.00
1,331.34

276.96
550.68
824.40
1,097.69
1,371.80
1,645.51

Waste Mgt Collection Disposal Rates

Jan 2017

RATE	(R)RE		FY 16 GB	New Rate	GB	YDWS	YDWS	CURB	FP	FP		IND AMT
CODE	(C)CO	DESC	COLL	2%	DISP	COLL 2%	DISP	RECYC	ADMIN	FF		BILLED
SWR001	R	Residential	5.84	5.96	3.23	1.82	0.67	2.43	2.94	1.70		18.75
SWC002	C	Commercial curb 1x week	6.55	6.68	8.44				2.94	1.81		19.87
SWC001	C	Commercial curb 2x week	7.71	7.86	8.95				2.94	1.98		21.73
SWC003	C	1-2y X 1 WEEK	34.08	34.76	37.87				2.94	7.56		83.13
SWC004	C	1-2y X 2 WEEK	68.16	69.52	75.74				2.94	14.82		163.02
SWC037	C	1-2y X 3 WEEK	102.25	104.30	113.60				2.94	22.08		242.92
	C	1-2y X 4 WEEK	136.31	139.04	151.47				2.94	29.34		322.79
		1-2y X 5 WEEK	170.38	173.79	189.33				2.94	36.61		402.66
		1-2y X 6 WEEK	204.48	208.57	227.20				2.94	43.87		482.58
SWC005	C	1-4yd X 1 WEEK	63.28	64.55	75.74				2.94	14.32		157.55
SWC006	C	1-4yd X 2 WEEK	126.54	129.07	151.48				2.94	28.35		311.84
SWC020	C	1-4yd X 3 WEEK	189.84	193.64	227.21				2.94	42.38		466.17
	C	1-4yd X 4 WEEK	253.10	258.16	302.97				2.94	56.41		620.48
		1-4yd X 5 WEEK	316.38	322.71	378.71				2.94	70.44		774.79
		1-4yd X 6 WEEK	379.64	387.23	454.45				2.94	84.46		929.09
SWC008	C	1-6yd X 1 WEEK	87.61	89.36	113.61				2.94	20.59		226.50
SWC009	C	1-6yd X 2 WEEK	175.26	178.77	227.22				2.94	40.89		449.82
SWC022	C	1-6yd X 3 WEEK	262.86	268.12	340.84				2.94	61.19		673.09
	C	1-6yd X 4 WEEK	350.49	357.50	454.44				2.94	81.49		896.37
		1-6yd X 5 WEEK	438.11	446.87	568.04				2.94	101.79		1,119.64
		1-6yd X 6 WEEK	525.72	536.23	681.65				2.94	122.08		1,342.91
SWC011	C	1-8yd X 1 WEEK	97.36	99.31	151.48				2.94	25.37		279.10
SWC012	C	1-8yd X 2 WEEK	194.72	198.61	302.96				2.94	50.45		554.97
SWC018	C	1-8yd X 3 WEEK	292.07	297.91	454.44				2.94	75.53		830.82
	C	1-8yd X 4 WEEK	389.41	397.20	605.55				2.94	100.57		1,106.26
		1-8yd X 5 WEEK	486.77	496.51	757.38				2.94	125.68		1,382.51
	C	1-8yd X 6 WEEK	584.13	595.81	908.85				2.94	150.76		1,658.36

Waste Mgt Collection Disposal Rates

Jan 2018

RATE	(R)RE		FY 17 GB	New Rate	GB	YDWS	YDWS	CURB	FP	FP		IND AMT
CODE	(C)CO	DESC	COLL	FY18 2%	DISP	COLL 2%	DISP	RECYC 2%	ADMIN	FF		BILLED
SWR001	R	Residential	5.96	6.08	3.23	1.85	0.67	2.48	2.94	1.72		18.98
SWC002	C	Commercial curb 1x week	6.68	6.81	8.44				2.94	1.82		20.01
SWC001	C	Commercial curb 2x week	7.86	8.02	8.95				2.94	1.99		21.90
SWC003	C	1-2yd X 1 WEEK	34.76	35.46	37.87				2.94	7.63		83.89
SWC004	C	1-2yd X 2 WEEK	69.52	70.91	75.74				2.94	14.96		164.55
SWC037	C	1-2yd X 3 WEEK	104.30	106.38	113.60				2.94	22.29		245.21
	C	1-2yd X 4 WEEK	139.04	141.82	151.47				2.94	29.62		325.85
		1-2yd X 5 WEEK	173.79	177.27	189.33				2.94	36.95		406.49
		1-2yd X 6 WEEK	208.57	212.74	227.20				2.94	44.29		487.17
SWC005	C	1-4yd X 1 WEEK	64.55	65.84	75.74				2.94	14.45		158.97
SWC006	C	1-4yd X 2 WEEK	129.07	131.65	151.48				2.94	28.61		314.68
SWC020	C	1-4yd X 3 WEEK	193.64	197.51	227.21				2.94	42.77		470.43
	C	1-4yd X 4 WEEK	258.16	263.32	302.97				2.94	56.92		626.16
		1-4yd X 5 WEEK	322.71	329.16	378.71				2.94	71.08		781.89
		1-4yd X 6 WEEK	387.23	394.97	454.45				2.94	85.24		937.60
SWC008	C	1-6yd X 1 WEEK	89.36	91.15	113.61				2.94	20.77		228.47
SWC009	C	1-6yd X 2 WEEK	178.77	182.35	227.22				2.94	41.25		453.76
SWC022	C	1-6yd X 3 WEEK	268.12	273.48	340.84				2.94	61.73		678.99
	C	1-6yd X 4 WEEK	357.50	364.65	454.44				2.94	82.20		904.23
		1-6yd X 5 WEEK	446.87	455.81	568.04				2.94	102.68		1,129.47
		1-6yd X 6 WEEK	536.23	546.95	681.65				2.94	123.15		1,354.70
SWC011	C	1-8yd X 1 WEEK	99.31	101.30	151.48				2.94	25.57		281.29
SWC012	C	1-8yd X 2 WEEK	198.61	202.58	302.96				2.94	50.85		559.33
SWC018	C	1-8yd X 3 WEEK	297.91	303.87	454.44				2.94	76.12		837.37
	C	1-8yd X 4 WEEK	397.20	405.14	605.55				2.94	101.36		1,115.00
		1-8yd X 5 WEEK	496.51	506.44	757.38				2.94	126.68		1,393.43
	C	1-8yd X 6 WEEK	595.81	607.73	908.85				2.94	151.95		1,671.47

Waste Mgt Collection Disposal Rates

Jan 2018

RATE	(R)RE		FY 17 GB	New Rate	GB	YDWS	YDWS	CURB	FP	FP		IND AMT
CODE	(C)CO	DESC	COLL	FY18 2%	DISP	COLL 2%	DISP	RECYC 2%	ADMIN	FF		BILLED
SWC007		2-4yd X 1 WEEK	129.09	131.67	151.48				2.94	28.61		314.70
SWC010		2-6yd X 2 WEEK	357.54	364.69	454.44				2.94	82.21		904.28
SWC013		2-6yd X 1 WEEK	178.72	182.30	227.22				2.94	41.25		453.70
SWC014		2-8yd X 1 WEEK	198.62	202.59	302.96				2.94	50.85		559.34
SWC015		1-2ydX 1 WK, 2-4ydX 2 WK	292.90	298.76	340.83				2.94	64.25		706.78
SWC016		8ydX3 WK & CC X 1 WK	304.59	310.68	462.88				2.94	77.65		854.15
SWC017		1-2yd 1-4yd X 1 WEEK	99.31	101.29	113.61				2.94	21.78		239.63
SWC019		2-8yd & 4yd X 1 WEEK	263.17	268.43	378.70				2.94	65.01		715.08
SWC021		2-2yd X 1 WK, 1-2yd X 2 WK	139.05	141.83	151.48				2.94	29.62		325.87
SWC023		2-4yd X 2 WEEK	258.14	263.30	302.96				2.94	56.92		626.12
SWC024		2-2yd X 2 WEEK	139.05	141.83	151.48				2.94	29.62		325.87
SWC025		8yd X 4 WK & CC X 1 wk	403.88	411.96	613.99				2.94	102.89		1,131.78
SWC026		2yd & 4yd X 2 Week	198.59	202.57	227.22				2.94	43.27		476.00
SWC027		8yd X 5 WK & CC X 1WK	503.19	513.25	765.82				2.94	128.20		1,410.21
SWC028		2-8yd x 2	397.22	405.16	605.92				2.94	101.40		1,115.43
SWC029		2-2yd X 1 WEEK	69.52	70.91	75.74				2.94	14.96		164.55
SWC030		3-2yd X 1 WEEK	104.28	106.37	113.61				2.94	22.29		245.21
SWC031		2-4yd 4-RES	155.82	158.93	185.24	7.41	2.68	9.91	2.94	36.71		403.82
SWC032		3-8yd X 2 WEEK	595.83	607.75	908.88				2.94	151.96		1,671.52
SWC033		2-CC X 2 WEEK	15.73	16.04	17.90				2.94	3.69		40.57
SWC034		2 yd & 6yd X 1	124.12	126.61	151.48				2.94	28.10		309.13
SWC035		6yd X 3 & CC X 1	274.80	280.29	349.28				2.94	63.25		695.77
SWC036		6yd X 5 WK & CC X 1 WK	453.55	462.62	576.48				2.94	104.20		1,146.25
SWR003		RES/STP/MLTP	6.95	7.09	8.44				2.94	1.85		20.32

Waste Mgt Collection Disposal Rates
Jan 2019

RATE	(R)RE		FY 18 GB	New Rate	GB	YDWS	YDWS	CURB	FP	FP		IND AMT	Last Year	Difference	
CODE	(C)CO	DESC	COLL	FY19 2%	DISP	COLL 2%	DISP	RECYC 2%	ADMIN	FF		BILLED	3.90	FY2018	
SWR001	R	Residential	6.08	6.20	3.23	1.89	0.67	2.53	2.94	1.75		19.20	8.09	18.98	0.23
SWC002	C	Commercial curb 1x week	6.81	6.95	8.44				2.94	1.83		20.16		20.01	0.14
SWC001	C	Commercial curb 2x week	8.02	8.18	8.95				2.94	2.01		22.08		21.90	0.17
SWC003	C	1-2yd X 1 WEEK	35.46	36.17	37.87				2.94	7.70		84.68		83.89	0.78
SWC004	C	1-2yd X 2 WEEK	70.91	72.33	75.74				2.94	15.10		166.11		164.55	1.56
SWC037	C	1-2yd X 3 WEEK	106.38	108.51	113.60				2.94	22.50		247.55		245.21	2.34
	C	1-2yd X 4 WEEK	141.82	144.66	151.47				2.94	29.91		328.97		325.85	3.12
		1-2yd X 5 WEEK	177.27	180.82	189.33				2.94	37.31		410.39		406.49	3.90
		1-2yd X 6 WEEK	212.74	216.99	227.20				2.94	44.71		491.85		487.17	4.68
SWC005	C	1-4yd X 1 WEEK	65.84	67.16	75.74				2.94	14.58		160.42		158.97	1.45
SWC006	C	1-4yd X 2 WEEK	131.65	134.28	151.48				2.94	28.87		317.57		314.68	2.89
SWC020	C	1-4yd X 3 WEEK	197.51	201.46	227.21				2.94	43.16		474.77		470.43	4.35
	C	1-4yd X 4 WEEK	263.32	268.59	302.97				2.94	57.45		631.95		626.16	5.79
		1-4yd X 5 WEEK	329.16	335.74	378.71				2.94	71.74		789.13		781.89	7.24
		1-4yd X 6 WEEK	394.97	402.87	454.45				2.94	86.03		946.29		937.60	8.68
SWC008	C	1-6yd X 1 WEEK	91.15	92.97	113.61				2.94	20.95		230.48		228.47	2.01
SWC009	C	1-6yd X 2 WEEK	182.35	186.00	227.22				2.94	41.62		457.77		453.76	4.02
SWC022	C	1-6yd X 3 WEEK	273.48	278.95	340.84				2.94	62.27		685.00		678.99	6.02
	C	1-6yd X 4 WEEK	364.65	371.94	454.44				2.94	82.93		912.26		904.23	8.02
		1-6yd X 5 WEEK	455.81	464.93	568.04				2.94	103.59		1,139.50		1,129.47	10.03
		1-6yd X 6 WEEK	546.95	557.89	681.65				2.94	124.25		1,366.73		1,354.70	12.03
SWC011	C	1-8yd X 1 WEEK	101.30	103.33	151.48				2.94	25.77		283.52		281.29	2.23
SWC012	C	1-8yd X 2 WEEK	202.58	206.63	302.96				2.94	51.25		563.78		559.33	4.45
SWC018	C	1-8yd X 3 WEEK	303.87	309.95	454.44				2.94	76.73		844.06		837.37	6.69
	C	1-8yd X 4 WEEK	405.15	413.25	605.55				2.94	102.17		1,123.92		1,115.00	8.92
		1-8yd X 5 WEEK	506.44	516.57	757.38				2.94	127.69		1,404.58		1,393.43	11.15
	C	1-8yd X 6 WEEK	607.73	619.88	908.85				2.94	153.17		1,684.84		1,671.47	13.37
SWC007		2-4yd X 1 WEEK	131.68	134.31	151.48				2.94	28.87		317.61		314.70	2.90
SWC010		2-6yd X 2 WEEK	364.70	371.99	454.44				2.94	82.94		912.31		904.28	8.03
SWC013		2-6yd X 1 WEEK	182.30	185.95	227.22				2.94	41.61		457.72		453.70	4.01
SWC014		2-8yd X 1 WEEK	202.60	206.65	302.96				2.94	51.26		563.81		559.34	4.47
SWC015		1-2ydX 1 WK, 2-4ydX 2 WK	298.76	304.74	340.83				2.94	64.85		713.36		706.78	6.57
SWC016		8ydX3 WK & CC X 1 WK	310.68	316.89	462.88				2.94	78.27		860.98		854.15	6.83
SWC017		1-2yd 1-4yd X 1 WEEK	101.30	103.33	113.61				2.94	21.99		241.86		239.63	2.24
SWC019		2-8yd & 4yd X 1 WEEK	268.44	273.81	378.70				2.94	65.54		720.99		715.08	5.92

Waste Mgt Collection Disposal Rates
Jan 2019

RATE	(R)RE		FY 18 GB	New Rate	GB	YDWS	YDWS	CURB	FP	FP		IND AMT	Last Year	Difference	
CODE	(C)CO	DESC	COLL	FY19 2%	DISP	COLL 2%	DISP	RECYC 2%	ADMIN	FF		BILLED	3.90	FY2018	
SWC021		2-2yd X 1 WK, 1-2yd X 2 WK	141.83	144.67	151.48				2.94	29.91		329.00		325.87	3.12
SWC023		2-4yd X 2 WEEK	263.30	268.57	302.96				2.94	57.45		631.91		626.12	5.79
SWC024		2-2yd X 2 WEEK	141.82	144.66	151.48				2.94	29.91		328.98		325.87	3.11
SWC025		8yd X 4 WK & CC X 1 wk	411.96	420.20	613.99				2.94	103.71		1,140.84		1,131.78	9.07
SWC026		2yd & 4yd X 2 Week	202.56	206.61	227.22				2.94	43.68		480.45		476.00	4.45
SWC027		8yd X 5 WK & CC X 1WK	513.25	523.52	765.82				2.94	129.23		1,421.50		1,410.21	11.29
SWC028		2-8yd x 2	405.16	413.26	605.92				2.94	102.21		1,124.34		1,115.43	8.91
SWC029		2-2yd X 1 WEEK	70.92	72.34	75.74				2.94	15.10		166.12		164.55	1.57
SWC030		3-2yd X 1 WEEK	106.38	108.51	113.61				2.94	22.51		247.56		245.21	2.35
SWC031		2-4yd 4-RES	158.92	162.10	185.24	7.55	2.68	10.12	2.94	37.06		407.69		403.82	3.86
SWC032		3-8yd X 2 WEEK	607.74	619.89	908.88				2.94	153.17		1,684.89		1,671.52	13.36
SWC033		2-CC X 2 WEEK	16.04	16.36	17.90				2.94	3.72		40.92		40.57	0.35
SWC034		2 yd & 6yd X 1	126.61	129.14	151.48				2.94	28.36		311.92		309.13	2.79
SWC035		6yd X 3 & CC X 1	280.29	285.90	349.28				2.94	63.81		701.93		695.77	6.16
SWC036		6yd X 5 WK & CC X 1 WK	462.62	471.87	576.48				2.94	105.13		1,156.42		1,146.25	10.17
SWR003		RES/STP/MLTP	7.09	7.23	8.44				2.94	1.86		20.47		20.32	0.16

Waste Mgt Collection Disposal Rates
Jan 2020

RATE	(R)RE		FY 19 GB	New Rate	GB	YDWS	YDWS	CURB	FP	FP		IND AMT	Last Year	Difference	
CODE	(C)CO	DESC	COLL	FY20 2%	DISP	COLL 2%	DISP	RECYC 2%	ADMIN	FF		BILLED	3.90	FY2019	
SWR001	R	Residential	6.20	6.33	3.23	1.93	0.67	2.58	2.94	1.77		19.44	8.25	19.21	0.23
SWC002	C	Commercial curb 1x week	6.95	7.09	8.44				2.94	1.85		20.31		20.16	0.15
SWC001	C	Commercial curb 2x week	8.18	8.34	8.95				2.94	2.02		22.26		22.08	0.18
SWC003	C	1-2yd X 1 WEEK	36.17	36.89	37.87				2.94	7.77		85.47		84.68	0.79
SWC004	C	1-2yd X 2 WEEK	72.33	73.77	75.74				2.94	15.25		167.70		166.11	1.59
SWC037	C	1-2yd X 3 WEEK	108.51	110.68	113.60				2.94	22.72		249.94		247.55	2.39
	C	1-2yd X 4 WEEK	144.66	147.55	151.47				2.94	30.20		332.16		328.97	3.19
		1-2yd X 5 WEEK	180.82	184.43	189.33				2.94	37.67		414.37		410.39	3.98
		1-2yd X 6 WEEK	216.99	221.33	227.20				2.94	45.15		496.62		491.85	4.77
SWC005	C	1-4yd X 1 WEEK	67.16	68.50	75.74				2.94	14.72		161.90		160.42	1.48
SWC006	C	1-4yd X 2 WEEK	134.28	136.97	151.48				2.94	29.14		320.53		317.57	2.96
SWC020	C	1-4yd X 3 WEEK	201.46	205.49	227.21				2.94	43.56		479.20		474.77	4.43
	C	1-4yd X 4 WEEK	268.59	273.96	302.97				2.94	57.99		637.85		631.95	5.90
		1-4yd X 5 WEEK	335.74	342.46	378.71				2.94	72.41		796.52		789.13	7.39
		1-4yd X 6 WEEK	402.87	410.93	454.45				2.94	86.83		955.15		946.29	8.86
SWC008	C	1-6yd X 1 WEEK	92.97	94.83	113.61				2.94	21.14		232.52		230.48	2.04
SWC009	C	1-6yd X 2 WEEK	186.00	189.72	227.22				2.94	41.99		461.86		457.77	4.09
SWC022	C	1-6yd X 3 WEEK	278.95	284.53	340.84				2.94	62.83		691.14		685.00	6.14
	C	1-6yd X 4 WEEK	371.94	379.38	454.44				2.94	83.68		920.44		912.26	8.18
		1-6yd X 5 WEEK	464.93	474.22	568.04				2.94	104.52		1,149.73		1,139.50	10.23
		1-6yd X 6 WEEK	557.89	569.05	681.65				2.94	125.36		1,379.00		1,366.73	12.27
SWC011	C	1-8yd X 1 WEEK	103.33	105.39	151.48				2.94	25.98		285.79		283.52	2.27
SWC012	C	1-8yd X 2 WEEK	206.63	210.76	302.96				2.94	51.67		568.33		563.78	4.55
SWC018	C	1-8yd X 3 WEEK	309.95	316.15	454.44				2.94	77.35		850.88		844.06	6.82
	C	1-8yd X 4 WEEK	413.25	421.52	605.55				2.94	103.00		1,133.01		1,123.92	9.09
		1-8yd X 5 WEEK	516.57	526.90	757.38				2.94	128.72		1,415.94		1,404.58	11.36
	C	1-8yd X 6 WEEK	619.88	632.28	908.85				2.94	154.41		1,698.48		1,684.84	13.64

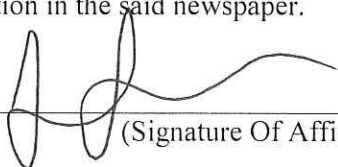
The Villages®
DAILY SUN

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

Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #00972103 in the matter of **NOTICE OF ORDINANCE 2020-011**

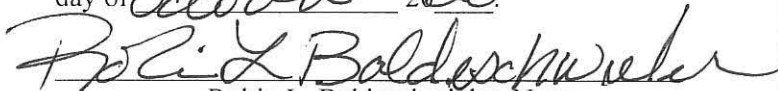
was published in said newspaper in the issues of
OCTOBER 30, 2020

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

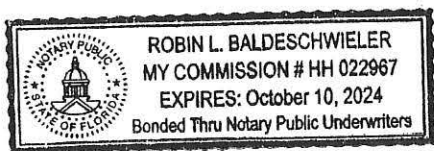


(Signature Of Affiant)

Sworn to and subscribed before me this 30
day of October 2020.


Robin L. Baldeschwieler, Notary

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



Attach Notice Here:

ORDINANCE 2020-011

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AMENDING SECTION 99.40 TO INCREASE THE SOLID WASTE RATES BY 2% WITH RATES EFFECTIVE AS OF JANUARY 1, 2021; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on November 12, 2020.)

This ordinance will be presented for public hearing second reading by the Fruitland Park City Commission at its regular meeting to be held on Thursday, November 12, 2020 at 6:00 p.m. in the commission chambers of city hall, 506 West Berckman Street, Fruitland Park, Florida 34731. This meeting is open to the public and hearings may be continued as determined by the commission from time to time to a time certain. This ordinance may be reviewed or copies of same obtained from the city clerk's office at city hall.

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

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

#972103 October 30, 2020

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 71

ITEM TITLE:	Second Reading and Public Hearing - Ordinance 2020-013 Election
For the Meeting of:	November 12, 2020
Submitted by:	City Attorney
Date Submitted:	October 14, 2020
Funds Required:	None
Account Number:	
Amount Required:	
Balance Remaining:	
Attachments:	Proposed ordinance and affidavit
Item Description:	Ordinance 2020-013 Election. The first reading was held on October 22, 2020.
Action to be Taken:	Approve Ordinance 2020-013
Staff's Recommendation:	Approval
Additional Comments:	None
City Manager Review:	Yes
Mayor Authorization:	Yes

ORDINANCE 2020-013

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES RELATING TO ELECTIONS; REPEALING PROVISIONS NO LONGER APPLICABLE; AMENDING PROVISIONS TO COMPLY WITH FLORIDA LAW; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, provisions within Chapter 34 of the Code of Ordinances entitled Elections are no longer applicable as the Lake County Supervisor of Elections administers City elections and therefore the City desires to amend the code; and

WHEREAS, the Florida Election Code, chapters 97-106, govern the City's elections in the absence of an applicable special act, charter or ordinance provision compliance with the Election Code; and

WHEREAS, the City Commission desires to amend and restate Chapter 34 to repeal inapplicable provisions and amend provisions to comply with state law.

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

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

Section 2. Ch. 34 – Elections. Chapter 34. – Elections of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

CHAPTER 34. - ELECTIONS

~~QUALIFYING AS CANDIDATE FOR MAYOR OR CITY COMMISSIONER~~

Sec. 34.01. - Notice of candidacy, oath required.

Any person who is qualified to be a mayor or member of the city commission in accordance with its Charter and the laws of the state may be a candidate for that office when: a) the office is vacant; b) the incumbent has delivered to the city commission written notice of resignation effective on or before a subsequent election; or c) the office is to be vacated by expiration of an incumbent's term of office and is to be filled by an election, by filing a notice of candidacy and by filing, after taking and subscribing to the oath required by F.S. § 99.021, during normal office hours held by the city clerk beginning at noon on the first Monday after the second Sunday of July and ending at noon on the Friday following the third Sunday of July prior to the city's November election.

Sec. 34.02. - Filing notice of candidacy and oath.

Both the notice of candidacy and the oath prescribed by F.S. § 99.021 shall be filed with the city clerk at the city hall within the prescribed period of time.

Sec. 34.03. - Name on ballot.

The person filing as set forth in this chapter, if otherwise found to be qualified, shall be entitled to have his name printed upon the official ballot at the election.

~~Sec. 34.04. - Form of notice of candidacy.~~

~~The notice of candidacy shall be in the following form:~~

~~NOTICE OF CANDIDACY FOR THE OFFICE OF _____ (Write in "mayor" or "city commissioner")~~

~~FORMERLY HELD BY _____ (State the name of the incumbent or previous person holding the office if the office is vacant)~~

~~I, _____ (Name of Candidate) residing at _____ (Residence Address of Candidate), Fruitland Park, Florida, _____ (Zip Code), do hereby give notice of my candidacy for the office of _____ (mayor or city commissioner) of the City of Fruitland Park, Florida now held or formerly held by _____ (State the name of incumbent or previous person holding the office) in the forthcoming election to be held in said City on _____ (Date of Election).~~

~~_____
(Candidate's Signature)~~

~~Before me, the undersigned authority, this day personally appeared _____ (Name of candidate), who upon first being duly sworn, deposes and says that (s)he is the candidate referred to in the foregoing notice; that (s)he is familiar with the contents of said notice and that the facts and matters therein stated are true; and that (s)he did sign notice for the purpose therein specified.~~

~~_____
(Candidate)~~

~~Sworn to and subscribed before me, this the _____ day of _____, A.D. 19_____.~~

~~_____
Notary Public~~

~~My commission Expires:~~

~~CONDUCT OF ELECTIONS~~

~~Sec. 34.15. - Opening of polls.~~

~~The polls at every municipal election shall be opened and closed in accordance with F.S. § 100.011.~~

~~Sec. 34.16. Grouping of candidates on ballot.~~

~~(A) When the office of two or more commissioners are to be filled in the same election, the names of the candidates shall be placed or printed upon the ballot or voting machine in groups; that is, if two or more members of the commission are to be elected, then the candidates' names shall be placed or printed on the ballot or voting machines in groups.~~

~~(B) The title of the office shall be printed over each numbered group, and each numbered group shall be clearly separated from the next numbered group so as to emphasize the necessity for voting for one candidate in each numbered group.~~

~~(C) The candidates shall appear on the ballot in alphabetical order in accordance with the first letter of their last names. Further, their names shall be grouped in accordance with the name indicated as the incumbent or previous person holding the office, if the office is vacant, on each candidate's notice of candidacy.~~

~~(D) The groups will be assigned consecutive numbers beginning with one and an ascending order of numbers shall be assigned in accordance with the alphabetical order of the first letter of the last name of the incumbent commissioner or previous person holding the office if the office is vacant.~~

~~Sec. 34.17 Sec. 34-04. - Necessary arrangements for holding elections to be made by city commission.~~

~~The city commission shall make all necessary arrangements for holding all city elections which may include contracting with the county supervisor of elections office to conduct municipal elections. , and shall declare the result thereof.~~

~~Sec. 34.18. Appointment of inspectors.~~

~~The city commission shall appoint not less than three inspectors and a clerk to each election board, except that, if the commission shall fail to appoint them at least two days before the date of any election, the mayor may appoint them.~~

~~Sec. 34.19 Sec. 34.05. - Calling for an election; notice to be published.~~

~~The city commission shall adopt a resolution calling any election, stating therein where the same shall be held, and naming the different offices to be filled or questions to be decided. The notice of election shall be published once each week for two consecutive weeks preceding the day of election in a newspaper published in the county, the second publication to be not less than five days prior to that election.~~

~~Sec. 34.20. Canvass of returns.~~

~~The result of the voting at each polling place, when ascertained, shall be certified by return in duplicate, signed by the clerk and majority of the inspectors of election, one copy being delivery by the clerk and inspectors to the major and the other to the city clerk. The city commission and city clerk shall serve as the canvassing board for the city and shall canvass the election returns and declare the results of any city election, regular or special, at a meeting to be held not later than one week following such election. Those declared elected will be inducted into office at that time. The results of the election shall be entered into the minutes of the meeting.~~

~~Sec. 34.21~~ Sec. 34-06. - Early voting opt out provision.

The City of Fruitland Park hereby exercises its right to exempt itself from the provisions of F.S. § 101.657, and shall contract with the Lake County Supervisor of Elections to conduct early voting for the City of Fruitland Park at the Lake County Supervisor of Elections Office.

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

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

Section 5. Conflicts. That all ordinances or parts of ordinances in conflict herewith are hereby repealed. Sections 34.04, 34.15, 34.16, 34.18, and 34.20 in effect prior to adoption of this ordinance are repealed.

Section 6. Effective Date. This ordinance shall become effective as provided for by law.

PASSED and ORDAINED this _____ day of _____, 2020, by the City Commission of the City of Fruitland Park, Florida.

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)

First Reading October 22, 2020

Second Reading _____

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

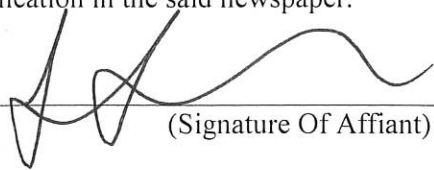
The Villages®
DAILY SUN

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

Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #00972231 in the matter of **NOTICE OF ORDINANCE 2020-013**

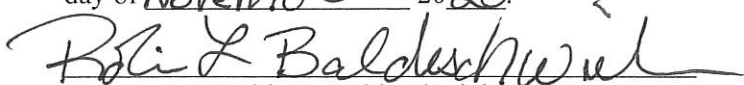
was published in said newspaper in the issues of
OCTOBER 31, 2020

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

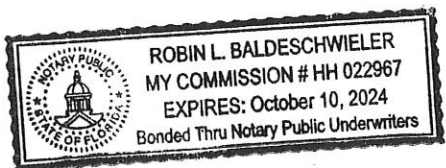


(Signature Of Affiant)

Sworn to and subscribed before me this 2
day of November 2020.


Robin L. Baldeschwieler, Notary

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



Attach Notice Here:

ORDINANCE 2020-013

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES RELATING TO ELECTIONS; REPEALING PROVISIONS NO LONGER APPLICABLE; AMENDING PROVISIONS TO COMPLY WITH FLORIDA LAW; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on November 12, 2020.)

This ordinance will be presented for public hearing second reading by the Fruitland Park City Commission at its regular meeting to be held on Thursday, November 12, 2020 at 6:00 p.m. in the commission chambers of city hall, 506 West Berckman Street, Fruitland Park, Florida 34731. This meeting is open to the public and hearings may be continued as determined by the commission from time to time to a time certain This ordinance may be reviewed or copies of same obtained from the city clerk's office at city hall.

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

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (Florida Statutes 286.0105)
#972231 October 31, 2020

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7m

ITEM TITLE: Second Reading and Public Hearing Ordinance 2020-005 – Annexation 27.74± Acres – CR 466A-W Oliver Lane – Petitioner: Lake County School District

For the Meeting of: November 12, 2020
Submitted by: City Attorney/City Manager/Community Development Director

Date Submitted: November 4, 2020

Funds Required: No.

Attachments: Proposed ordinance, newspaper advertisement affidavit, location map and notice to the Board of Lake County Commission.

Item Description: Proposed Ordinance 2020-005 amending the boundaries of the City of Fruitland Park Florida, to include within the city limits approximately 27.74± acres of land generally located north of CR 466A and west of Oliver Lane. (The first reading was held on October 22, 2020.)

The Planning and Zoning Board held its meeting on October 15, 2020 and recommended approval.

Action to be Taken: Approve Ordinance 2020-005

Staff's Recommendation: Approval

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2020-005

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 27.74 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466A AND WEST OF OLIVER LANE; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER’S ERRORS; SETTING AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by Benchmark Development I, LLC, as Applicant, on behalf of School Board of Lake County, Owner, requesting that approximately 27.74 ± acres of real property generally located north of CR 466A and west of Oliver Lane (the “Property”) be annexed to and made a part of the City of Fruitland Park; and

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

WHEREAS, the Property is contiguous to the City limits and is reasonably compact.

WHEREAS, the City Commission has determined that the area proposed for annexation meets the requirements of §171.044, Florida Statutes; and

WHEREAS, this Ordinance has been advertised as required by law with a copy of said notice sent via certified mail to the Board of County Commissioners of Lake County as provided for by statute; and

WHEREAS, all other procedural and notice requirements mandated by State law and the City’s Code of Ordinances have been followed and satisfied; and

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

Section 1. The following described property consisting of approximately 27.74 acres of land generally located north of CR 466A and west of Oliver Lane, contiguous to the City limits, is hereby incorporated into and made part of the City of Fruitland Park Florida. The property is more particularly described as follows:

LEGAL DESCRIPTION: THOSE PORTIONS OF THE WEST 3/4 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE EAST 1/4 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LYING NORTHERLY AND NORTHEASTERLY OF THE NORTHERLY AND NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A AS IT CURRENTLY EXISTS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 6" X 6" CONCRETE MONUMENT WITH A NAIL AND NO IDENTIFICATION LOCATED AT THE SOUTHWEST CORNER OF THE SW 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE ON A BEARING RELATED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE, RUN N 00°49'58" E, ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 6, A DISTANCE OF 2028.33 FEET FOR A POINT OF BEGINNING, SAID POINT OF BEGINNING BEING A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A AS DESCRIBED IN OFFICIAL RECORDS BOOK 4485, PAGE 481, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. FROM SAID POINT OF BEGINNING, CONTINUE THENCE N 00°49'58" E, ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 6, A DISTANCE OF 625.67 FEET TO AN IRON AXLE LOCATED AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE S 89°06'05" E, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6, A DISTANCE OF 1161.46 FEET TO A 4" X 4" CONCRETE MONUMENT LABELED "LB4709" LOCATED AT THE NORTHEAST CORNER OF THE WEST 3/4 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE S 00°50'23" W, ALONG THE EAST LINE OF THE SAID WEST 3/4 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 1259.66 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A ACCORDING TO THAT CERTAIN PARTIAL RELEASE OF ROAD RESERVATION BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA AS RECORDED IN OFFICIAL RECORDS BOOK 4537, PAGE 1095, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY TO WHICH A RADIAL LINE BEARS S 03°26'08" W; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A AND THE ARC OF CURVE THROUGH A CENTRAL ANGLE OF 11°51'54", AN ARC LENGTH OF 223.92 FEET TO A POINT ON THE NORTH LINE OF THAT CERTAIN RIGHT OF WAY RESERVATION BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA AS RECORDED IN DEED BOOK 237, PAGE 336, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE N 89°07'03" W, ALONG SAID NORTH LINE, A DISTANCE OF 25.87 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 466A, SAID POINT BEING A POINT OF NON-TANGENCY ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1375.39 FEET TO WHICH A RADIAL LINE BEARS S 17°41'16" W; DEPARTING SAID RIGHT OF WAY RESERVATION, THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE AND ARC OF CURVE, THROUGH A CENTRAL ANGLE OF 21°33'10", AN ARC LENGTH OF 517.39 FEET TO THE POINT OF TANGENCY; THENCE N 50°45'41" W, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 585.35 FEET TO THE POINT OF BEGINNING.

Parcel Alternate Key No. 1288088

Section 2. The City Clerk shall forward a certified copy of this Ordinance to the Clerk of the Circuit Court, the County Manager of Lake County, Florida, and the Department of State of Florida within seven (7) days after its passage on second and final reading.

Section 3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

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

Section 5. Upon this Ordinance becoming effective, the property annexed shall be subject to all laws, ordinances, and regulations enforced in the City of Fruitland Park and shall be entitled to the same privileges and benefits as other parts of the City of Fruitland Park upon the effective date of the annexation.

Section 6. Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

Section 7. This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park in accordance with law.

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 _____
Passed Second Reading _____
(SEAL)

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

Annexation, LSCPA And Rezoning

Owner: School Board of Lake County

Applicant: Benchmark Development I, LLC

Project Name: Fruitland Park Commons

General Location: North of CR 466A and East of Oliver Lane

Number of Acres: 27.74 ± acres

Existing Zoning: Agriculture (Lake County)

Proposed Zoning: Commercial PUD

Existing Land Use: Rural (Lake County)

Proposed Land Use: Commercial High Intensity

Date: July 24, 2020

Description of Project

The applicant is seeking annexation, large scale comp plan amendment and rezoning to Commercial PUD. The proposed development plan consists of commercial retail, high turnover sit down restaurant, and hotel with commercial out-parcels.

	Surrounding Zoning	Surrounding Land Use
North	County Agriculture	Rural
South	County Agriculture and PUD	County Rural and City Villages of Fruitland Park DRI
East	County Agriculture and City C-2	Rural and Commercial
West	PUD (The Villages – Sumter County)	Villages DRI

Assessment

Annexation

The subject property is adjacent to the City limits along the eastern and southern boundaries and is eligible for voluntary annexation. The subject site is also within the City's Utility Service Area. The applicant states that the annexation is consistent with the City's Intergovernmental Coordination Policy 1.1.3 Resolution of Transcending Growth Management Issues, subsection 1, annexation of adjacent lands, and FLU Policy 1-4.1 Variety of Commercial Lands. Planning staff concurs with the analysis.

Large Scale Comp Plan Amendment

The applicant is seeking a large scale comp plan amendment from Lake County Rural to City of Fruitland Park Commercial – High Intensity. The applicant submitted justification and analysis of consistency with the adopted comprehensive plan and an urban sprawl analysis. Planning staff concurs with the analysis.

The traffic impact analysis based on the maximum square footages of 135,500 SF of commercial, 4,000 SF of high quality sit down restaurant, and a 120 room hotel indicates that the project does not create a significant and adverse impact on the surrounding transportation network and will operate within the adopted LOS standards. The PUD square footages requested exceed these amounts; however, prior to development an updated traffic analysis will be required. In addition, the LDRs, Chapter 153 ensure that public facilities and services necessary to support development are available concurrent with the impacts.

The environmental assessment indicated the entire site is uplands based on soils and vegetation. The site is not located within a 100 year flood plain. The environmental assessment indicated the presence of gopher tortoise burrows. Prior to development, a relocation permit will need to be secured. The assessment also indicated a portion of the site is within the sand skink consultation area. Prior to development a sand skink survey or exemption will need to be secured. Should sand skinks occupy the site and habitat set aside is not an option, mitigation will be required.

It is highly recommended that a policy specific amendment be processed such as follows:

Policy 1-10.1: Fruitland Park Commons. The City of Fruitland Park will enforce development standards on the Fruitland Park Commons property in order to ensure coordination of public facilities, including transportation demand. Development shall meet the applicable goals, objectives and policies of the Comprehensive Plan; however, the land use and development potential made available by the FLUM Amendment is hereby limited as follows:

- The Amendment parcel shall be developed under the zoning classification of Commercial Planned Unit Development (CPUD) to address maximum intensity standards, site design, setbacks, buffering and access issues.

- Commercial development shall be limited to a maximum of 140,000 square feet
- The maximum number of hotel rooms shall be limited to 130
- Development is required to be served by central potable water and central sanitary sewer facilities.
- The commercial square footage and number of hotel rooms may deviate up to 20% based on a traffic conversion matrix approved by the City of Fruitland Park City Commission.

Rezoning

The applicant has revised the concept plan and it meets the minimum requirements of Chapter 154, Section 154.030.

The applicant is seeking a Commercial PUD for a maximum commercial square footage of 120,000 SF for the in line retail, 20,000 SF for the proposed outparcels (The total commercial square footage requested is 140,000 SF), and a hotel with a maximum of 130 rooms. The types of commercial uses requested are a selected list of C-2 uses. The maximum square footage of a proposed single use anchor building is 50,000 SF. The maximum building height for commercial structures is 35’ except for architectural features. The maximum building height for the hotel is 45’ subject to meeting fire codes.

Please be advised that proposed buffer plantings do not meet minimum code requirements. Are you requesting a waiver from the typical landscape plantings?

Proposed per 100’	Required per 100’
2 canopy trees	4 canopy trees
6 understory trees	2 understory trees
33 Shrubs	15 Shrubs

The plans indicate that the building setbacks are the same as the landscape buffer as follows:

- Front – 25’
- Rear – 25’
- Western Side – 30’ with decorative screen wall
- Eastern Side – 15’

The front setback from CR 466A is 50’. The plans indicate 25’. Are you requesting a waiver?

The rezoning is consistent with FLU Policy 1-3.1: Planned Unit Development, Policy 1-1.2 Density and Intensity Standards, FLU Policy 1-1.12: Commercial – High Intensity, FLU Policy 1-2.3: Coordination with Lake County Future Land Use, Policy 1-3.1: Planned Unit Development

Recommendation

Annexation

The subject site is contiguous to the city boundaries. Staff recommends approval of the annexation.

LSCPA

The subject site is located within a transitioning area within the City's Utility Service Area and should be considered infill development. The requested land use of Commercial-High Intensity is compatible with the adjacent land uses and is a logical extension of those uses. The applicant provided data that the proposed amendment meets the GOPS of the adopted comprehensive plan as follows:

- FLU Policy 1-1.2 Density and Intensity Standards, Table 1.1
- FLU Policy 1-1.12 Commercial High Intensity
- FLU Policy 1-2.1 Promote Orderly, Compact Growth
- FLU Policy 1-2.3 Coordination with Lake County Future Land Use
- FLU Policy 1-4.1 Variety of Commercial Lands
- FLU Policy 1-4.2 Access to Commercial Lands

In addition, the applicant submitted data indicating that the amendment is not considered urban sprawl pursuant to Section 163.3177, F.S. Staff concurs with the analysis and recommends approval of the LSCPA.

Rezoning

The requested zoning to Commercial Planned Unit Development (CPUD) is consistent with the comprehensive plan. Please clarify if a waiver is requested for the front setback and landscape plantings.

The Villages®
DAILY SUN

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

Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #00968319 in the matter of **NOTICE OF PUBLIC HEARINGS ORDINANCE 2020-005**

was published in said newspaper in the issues of **OCTOBER 26, 2020**

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

(Handwritten Signature)

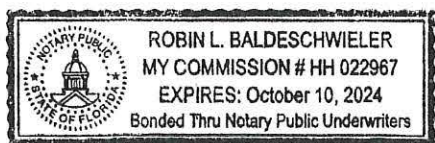
 (Signature Of Affiant)

Sworn to and subscribed before me this 26 day of October 2020.

(Handwritten Signature)

 Robin L. Baldeschwieler, Notary

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



Attach Notice Here:

NOTICE OF PUBLIC HEARINGS
 ORDINANCE 2020-005

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 27.74 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466A AND WEST OF OLIVER LANE; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; SETTING AN EFFECTIVE DATE.

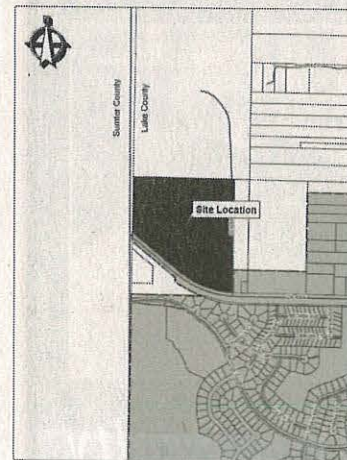
The proposed Ordinance will be considered at the following public meetings:

Fruitland Park Planning & Zoning Board Meeting on October 15, 2020 at 6:00 p.m.
 Fruitland Park City Commission Meeting on October 22, 2020 at 6:00 p.m.

Fruitland Park City Commission Meeting on November 12, 2020 at 6:00 p.m.

The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berkman 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 proposed ordinance and metes and bounds legal description of property may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed ordinance.

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



#968319. October 26, 2020



Sumter County

Lake County

Site Location

OLIVER

EMORY DR

CR 466A

BECKER AVE

CARVER CT

THAYER TER

CHANCE CT

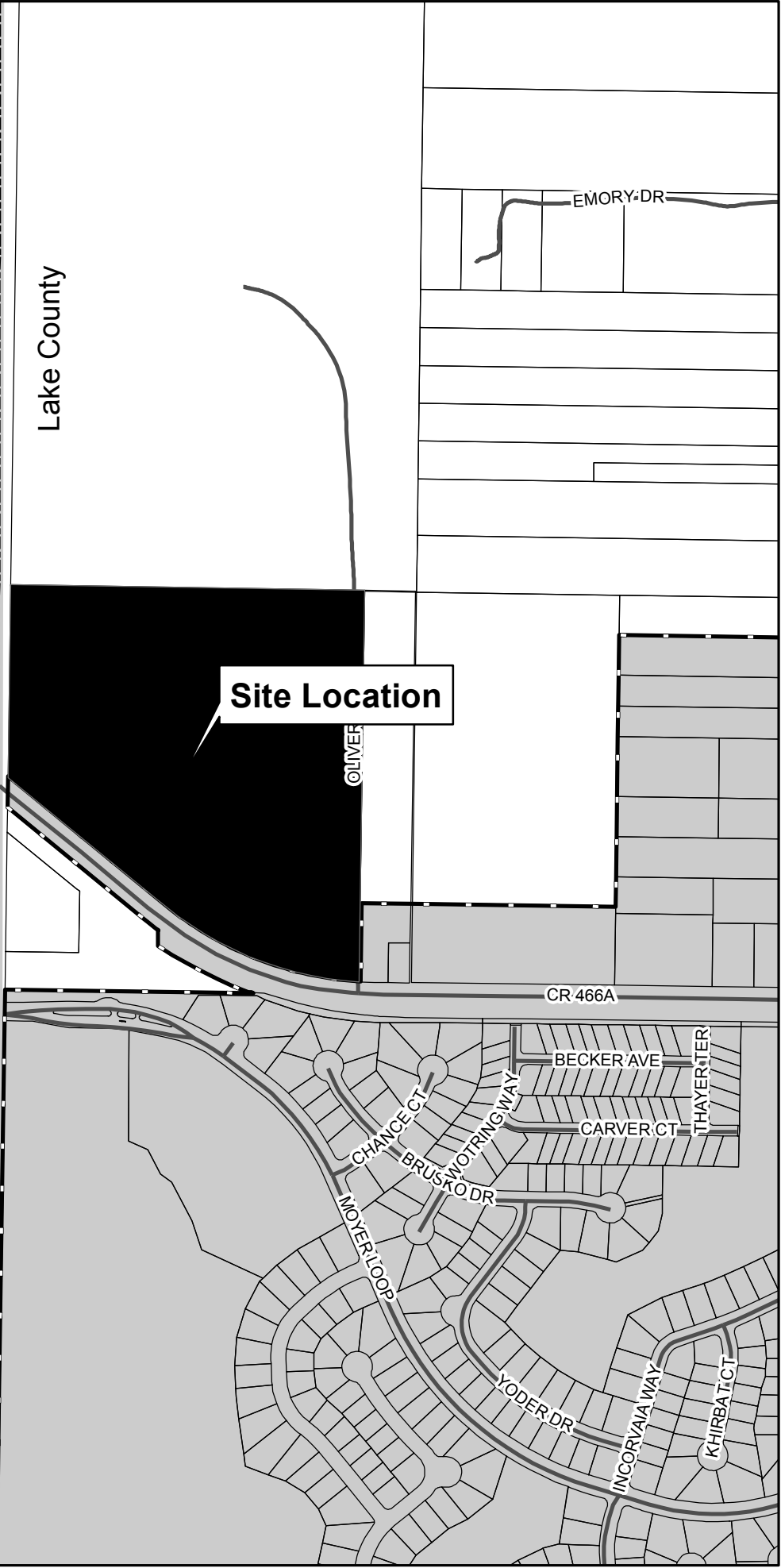
BRUSKO DR

MOYER LOOP

YODER DR

INCORVAIA WAY

KHIRBAT CT

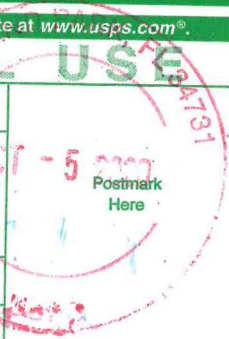


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 Return Receipt (hardcopy) \$ **2.85**
 Return Receipt (electronic) \$ _____
 Certified Mail Restricted Delivery \$ _____
 Adult Signature Required \$ _____
 Adult Signature Restricted Delivery \$ _____
 Postage \$ **.50**
Total Postage and Fees \$ 6.90



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
BOCC ATTORNEY
315 W MAIN ST
TAVARES FL 32778

Barcode: 9590 9402 4599 8278 6111 69
 Article Number (Transfer from service label): **7018 3090 0001 0483 0352**

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION

A. Signature **X**

B. Received by _____

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

Sent To
 Street and Ap
 City, State, Zi
BOCC ATTORNEY
315 W MAIN ST
TAVARES FL 32778

3. Service Type
 Adult Signature
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Registered Mail Restricted Delivery (\$500)
 Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

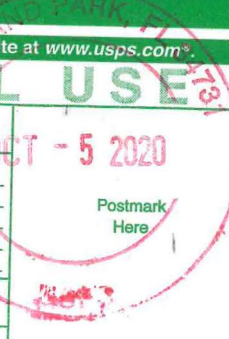
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Certified Mail Fee \$ **3.55**
 Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$ **2.85**
 Return Receipt (electronic) \$ _____
 Certified Mail Restricted Delivery \$ _____
 Adult Signature Required \$ _____
 Adult Signature Restricted Delivery \$ _____
 Postage \$ **.50**
Total Postage and Fees \$ 6.90



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

2. Article Number (Transfer from service label): **7018 3090 0001 0483 0369**

Barcode: 9590 9402 4599 8278 6111 52

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION

A. Signature **X**

B. Received by _____

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

Sent To
 Street and A
 City, State, Zi
BOCC COMMISSION
315 W MAIN ST
TAVARES FL 32778

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Registered Mail Restricted Delivery (\$500)
 Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
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CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7n

ITEM TITLE: First Reading and Public Hearing - Ordinance 2020-006 – LSCPA and Site-Specific Amendment - 27.74 Acres ± - CR 466A-W Oliver Lane – Petitioner: Lake County School District – Petitioner: Lake County School District

For the Meeting of: November 12, 2020

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

Date Submitted: October 13, 2020

Funds Required: No.

Attachments: Proposed ordinance, development application, newspaper affidavit, location map, Exhibit A, legal description, Exhibit B proposed future land use map and staff's report.

Item Description: Proposed Ordinance 2020-006 providing for a Large-Scale Comprehensive Plan Amendment and Site-Specific Amendment by amending the future land use plan designation to commercial high intensity of 27.74± acres of property located north of County Road 466A and west of Oliver Lane. (The first reading was held on October 22, 2020.)

Approved at the Planning and Zoning Board October 15, 2020 meeting with staff's recommendation of approval of the item.

Action to be Taken: Accept the LPA's recommendation of approval on Ordinance 2020-006.

Staff's Recommendation: Approval

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2020-006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT AND SITE SPECIFIC AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO COMMERCIAL HIGH INTENSITY OF 27.74 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF OLIVER LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Benchmark Development I, LLC as applicant, on behalf of School Board of Lake County as Owner, requesting that real property within the city limits of the City of Fruitland Park be assigned a land use designation of "Commercial High Intensity" under the Comprehensive Plan for the City of Fruitland Park; and

WHEREAS, the required notice of the proposed large scale comprehensive plan amendment has been properly published as required by Chapter 163, Florida Statutes; and

WHEREAS, the Planning and Zoning Commission of the City of Fruitland Park and the Local Planning Agency for the City of Fruitland Park have reviewed the proposed amendment to the Comprehensive Plan and have made recommendations to the City Commission of the City of Fruitland Park.

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

Section 1: The following described property consisting of approximately 27.74 ± acres generally located north of CR 466A and west of Oliver Lane as described and depicted as set forth on Exhibit "A" shall be assigned a land use designation of Commercial – High Intensity under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "B" and incorporated herein by reference. The land use plan amendment also includes a text amendment to the Future Land Use Goals, Objectives, and Policies as follows:

Policy 1-10.1: Fruitland Park Commons. The City of Fruitland Park will enforce development standards on the Fruitland Park Commons property in order to ensure coordination of public facilities, including transportation demand. Development shall meet the applicable goals, objectives and policies of the Comprehensive Plan; however, the land use and development potential made available by the FLUM Amendment is hereby limited as follows:

- The Amendment parcel shall be developed under the zoning classification of Commercial Planned Unit Development (CPUD) to address maximum intensity standards, site design, setbacks, buffering and access issues.
- Commercial development shall be limited to a maximum of 140,000 square feet.
- The maximum number of hotel rooms shall be limited to 130.
- Development is required to be served by central potable water and central sanitary sewer facilities.
- The commercial square footage and number of hotel rooms may deviate up to 20% based on a traffic conversion matrix approved by the City of Fruitland Park City Commission.

Section 2: A copy of said Land Use Plan Amendment is filed in the office of the City Manager of the City of Fruitland Park as a matter of permanent record of the City, matters and contents therein are made a part of this ordinance by reference as fully and completely as if set forth herein, and such copy shall remain on file in said office available for public inspection.

Section 3: Transmittal.

After the first public hearing, a copy hereof shall be transmitted to the Department of Economic Opportunity and the East Central Florida Regional Planning Council, the water management district, the Department of Environmental Protection, the Department of State, the Department of Transportation, Lake County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Fruitland Park, Florida.

Section 4: Directions.

The City Manager or his designee, upon the effective date of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Fruitland Park.

Section 5: Severability.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7: Scrivener's Errors.

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

Section 8: This Ordinance shall become effective 31 days after its adoption by the City Commission. If this Ordinance is challenged within 30 days after its adoption, it may not become

effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 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)

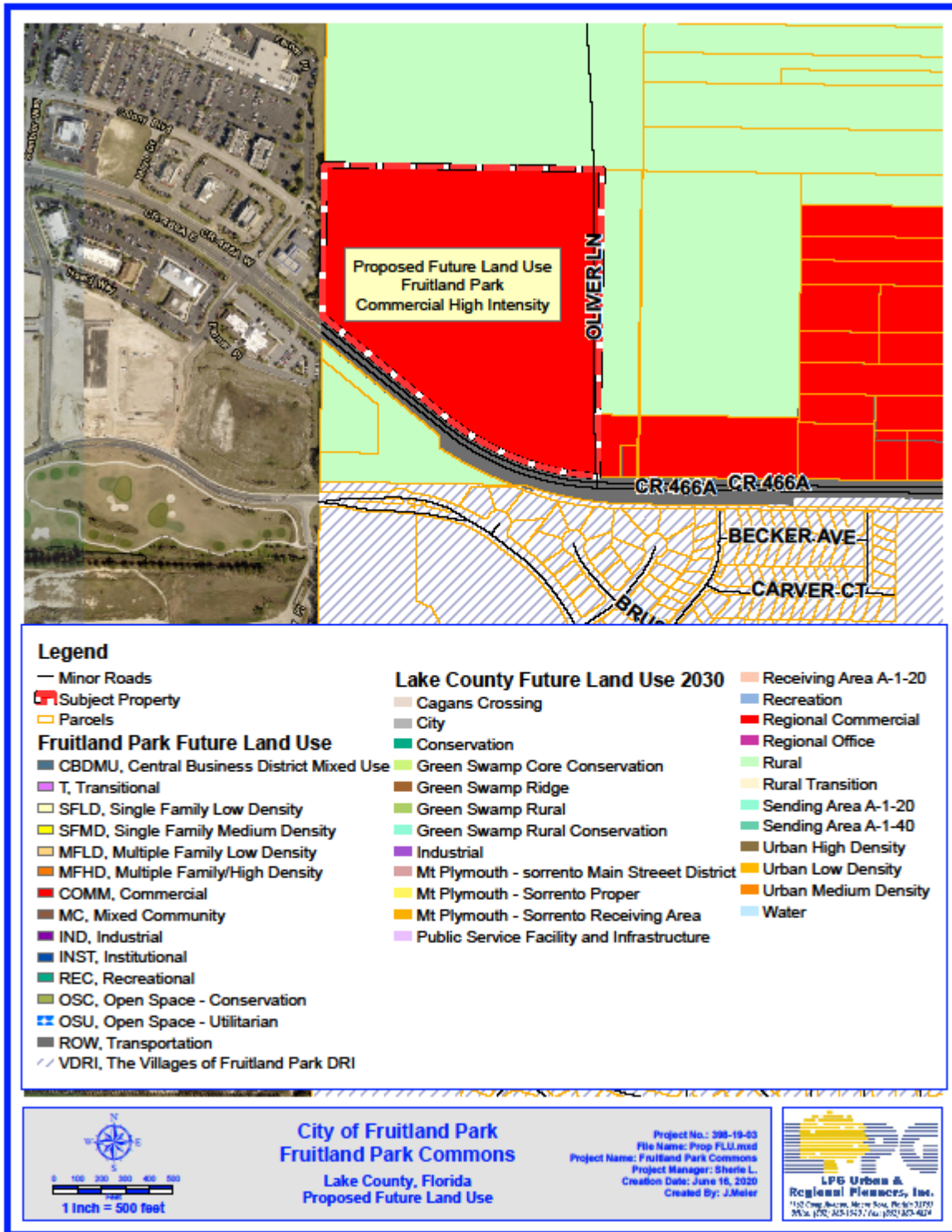
Passed First Reading _____
Passed Second Reading _____
(SEAL)

EXHIBIT A

THOSE PORTIONS OF THE WEST 3/4 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE EAST 1/4 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LYING NORTHERLY AND NORTHEASTERLY OF THE NORTHERLY AND NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A AS IT CURRENTLY EXISTS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 6" X 6" CONCRETE MONUMENT WITH A NAIL AND NO IDENTIFICATION LOCATED AT THE SOUTHWEST CORNER OF THE SW 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE ON A BEARING RELATED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE, RUN N 00°49'58" E, ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 6, A DISTANCE OF 2028.33 FEET FOR A POINT OF BEGINNING, SAID POINT OF BEGINNING BEING A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A AS DESCRIBED IN OFFICIAL RECORDS BOOK 4485, PAGE 481, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. FROM SAID POINT OF BEGINNING, CONTINUE THENCE N 00°49'58" E, ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 6, A DISTANCE OF 625.67 FEET TO AN IRON AXLE LOCATED AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE S 89°06'05" E, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6, A DISTANCE OF 1161.46 FEET TO A 4" X 4" CONCRETE MONUMENT LABELED "LB4709" LOCATED AT THE NORTHEAST CORNER OF THE WEST 3/4 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE S 00°50'23" W, ALONG THE EAST LINE OF THE SAID WEST 3/4 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 1259.66 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A ACCORDING TO THAT CERTAIN PARTIAL RELEASE OF ROAD RESERVATION BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA AS RECORDED IN OFFICIAL RECORDS BOOK 4537, PAGE 1095, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY TO WHICH A RADIAL LINE BEARS S 03°26'08" W; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A AND THE ARC OF CURVE THROUGH A CENTRAL ANGLE OF 11°51'54", AN ARC LENGTH OF 223.92 FEET TO A POINT ON THE NORTH LINE OF THAT CERTAIN RIGHT OF WAY RESERVATION BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA AS RECORDED IN DEED BOOK 237, PAGE 336, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE N 89°07'03" W, ALONG SAID NORTH LINE, A DISTANCE OF 25.87 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 466A, SAID POINT BEING A POINT OF NON-TANGENCY ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1375.39 FEET TO WHICH A RADIAL LINE BEARS S 17°41'16" W; DEPARTING SAID RIGHT OF WAY RESERVATION, THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE AND ARC OF CURVE, THROUGH A CENTRAL ANGLE OF 21°33'10", AN ARC LENGTH OF 517.39 FEET TO THE POINT OF TANGENCY; THENCE N 50°45'41" W, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 585.35 FEET TO THE POINT OF BEGINNING.

EXHIBIT B





Sumter County

Lake County

Site Location

OLIVER

EMORY DR

CR 466A

BECKER AVE

CARVER CT

THAYER TER

CHANCE CT

BRUSKO DR

MOTRING WAY

MOYER LOOP

YODER DR

INCORVAIA WAY

KHIRBAT CT

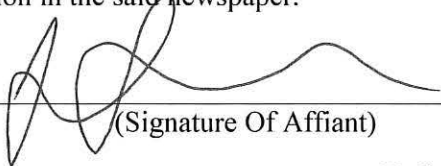
The Villages® DAILY SUN

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

Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #00968380 in the matter of **NOTICE OF PUBLIC HEARINGS ORDINANCE 2020-006**

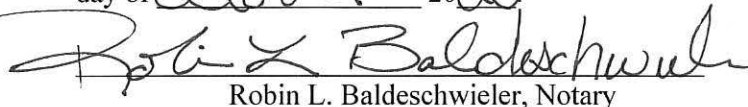
was published in said newspaper in the issues of
OCTOBER 26, 2020

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



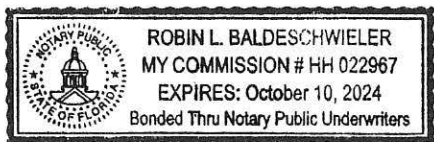
(Signature Of Affiant)

Sworn to and subscribed before me this 26
day of October 2020



Robin L. Baldeschwieler, Notary

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



Attach Notice Here:

NOTICE OF PUBLIC HEARINGS ORDINANCE 2020-006

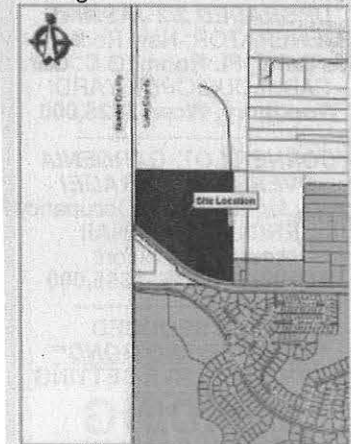
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT AND SITE SPECIFIC AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO COMMERCIAL HIGH INTENSITY OF 27.74 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF OLIVER LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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

Fruitland Park Planning & Zoning Board Meeting on October 15, 2020 at 6:00 p.m.
Fruitland Park City Commission Meeting on October 22, 2020 at 6:00 p.m.
Fruitland Park City Commission Meeting on November 12, 2020 at 6:00 p.m.
Land Planning Agency Meeting on November 12, 2020 at 6:15 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 proposed ordinance and metes and bounds legal description of property may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed ordinance.

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



00968380. October 26, 2020



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

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

Development Application

Contact Information:

Owner Name: School Board of Lake County c/o Kelly Randall
 Address: 201 W Burleigh Blvd., Tavares FL 32778
 Phone: (352) 253-6698 Email: randallk@lake.k12.fl.us

Applicant Name: Benchmark Development I, LLC c/o John Rehak
 Address: 4053 Maple Road, Amherst, NY 14226
 Phone: _____ Email: _____

Engineer Name: Kimley-Horn and Associates, Inc. c/o B. Kelley Klepper, ACIP
 Address: 189 S. Orange Avenue, Suite 1000, Orlando, FL 32801
 Phone: (941) 527-9070 Email: kelley.klepper@kimley-horn.com

Property and Project Information:

PROJECT NAME*: Fruitland Park Commons
 *A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: County Road 466A, Lake County Florida

Parcel Number(s): 06-19-24-0003-000-01900 Section: 06 Township: 19 Range 24

Area of Property: 27.73559913 acres Nearest Intersection: County Road 466A and Micro Racetrack Road

Existing Zoning: Agriculture (Lake County) Existing Future Land Use Designation: Rural (Lake County)

Proposed Zoning: Commercial PUD Proposed Future Land Use Designation: Commercial - High Intensity (COMM)

The property is presently used for: Public School (unfinished structures/agricultural teaching facility)

The property is proposed to be used for: Commercial developent including retail, restaurant and hotel (see attached narrative)

Do you currently have City Utilities? City of Fruitland Park water/wastewater services are avaiable per the City (see attached letter dated 02/11/2020)

Application Type:

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

Please describe your request in detail: Applicant is requesting annexation into the City, large scale comprehensive plan amendment to designate the property Commercial-High Intensity and rezoning to PUD (Commercial).

Required Data, Documents, Forms & Fees

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

Printed Name: John Rehak , VP of Manager

Signature: _____ Date: 6/11/2020

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

OWNER'S AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LAKE

Before me the undersigned authority, personally appeared Diane Kornegay, Superintendent of Lake County Schools

, who being by me first duly sworn on oath deposes and says:

1) That he/she is the fee-simple owner of the property legally described on attached page of this application.

2) That he/she desires a Development Application to allow for Annexation, Comp Plan Amendment
and Rezoning for a Commercial development including retail, restaurant and hotel

3) That he/she has appointed Benchmark Development I, LLC to act as agent on his/her behalf to accomplish the above. The owner is required to complete the Applicant's Affidavit of this application if no agent is appointed to act on his/her behalf.

Diane Kornegay
Affiant (Owner's Signature)

State of Florida

County of Lake

The Foregoing instrument was acknowledged before me this 14 day of February, 2020,
by Diane Kornegay who is personally known to me or has produced
as identification and who did or did not take an oath
(Notary Seal)

Notary Public - State of Florida
Commission No GG 954883
My Commission Expires 6/4/2024

Patricia Jo Painter
Signature
PATRICIA JO PAINTER
Printed Name



APPLICANT AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LAKE

Before me the undersigned authority, personally appeared John Rehak, VP of Manager of Benchmark Development I, LLC

_____, who being by me first duly sworn on oath deposes and says:

- 1) That he/she affirms and certifies that he/she understandings and will comply with all ordinances, regulations, and provisions of the City of Fruitland Park, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further that this application and attachments shall become part of the Official Records of the City of Fruitland Park, Florida, and are not returnable.
- 2) That the submittal requirements for the application have been completed and attached hereto as part of that application.
- 3) That he/she desires a Development Application to allow for Annexation, Comp Plan Amendment and Rezoning for a Commercial development including retail, restaurant and hotel

[Signature]
Affiant (Applicant's Signature)

State of Florida New York
County of Essex

The Foregoing instrument was acknowledged before me this 17th day of February, 20 20,
by John F. Rehak who is personally known to me or has produced
as identification and who did or did not take an oath

(Notary Seal)

Notary Public - State of Florida New York
Commission No 02ME6134700
My Commission Expires 10/3/21

[Signature]
Signature
Tammy L Metzger
Printed Name

TAMMY L. METZGER
NOTARY PUBLIC, STATE OF NEW YORK
No. 01ME6134700
QUALIFIED IN NIAGARA COUNTY
My Commission Expires October 3, 2021

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7o

ITEM TITLE: Second Reading and Quasi-Judicial Public Hearing - Ordinance 2020-007 – Rezoning 27.74± Acres – AG to CPUD and Master Development Agreement Approval - Petitioner: Lake County School Board

For the Meeting of: October 22, 2020

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

Date Submitted: October 13, 2020

Funds Required: No.

Attachments: Quasi-judicial process, proposed ordinance, conceptual plan, development application, and affidavits, , location map and proposed zoning map, master development agreement and LPG staff report.

Item Description: Proposed Ordinance 2020-007 Rezoning 27.74± acres of property from Lake County Agriculture (AG) to City of Fruitland Park Commercial Planned Unit Development (CPUD) within the city limits of Fruitland Park; approving a Master Development Agreement for the property.

The Planning and Zoning Board meeting was held on October 15, 2020 and the LPA recommended approval on October 22, 2020. (The second reading will be held on January 14, 2020.)

Action to be Taken:

Staff’s Recommendation: Approval

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2020-007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 27.74 ± ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO CITY OF FRUITLAND PARK COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by Benchmark Development I, LLC, as Applicant, on behalf of School Board of Lake County, Owner, requesting that approximately 27.74 acres of real property generally located north of CR 466A and west of Oliver Lane (the "Property") be rezoned from Lake County Agriculture (AG) to Commercial Planned Unit Development (CPUD) within the city limits of Fruitland Park; and

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

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

WHEREAS, the City Commission reviewed said petition, the recommendations of the Planning and Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

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

Section 1. The following described property consisting of approximately 27.74 ± acres of land generally located north of CR 466A and west of Oliver Lane shall hereafter be designated as CPUD, Commercial Planned Unit Development, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described and depicted as set forth on Exhibit "A".

Section 2. That the City Manager, or designee, is hereby directed to have amended, altered, and implemented the official zoning maps of the City of Fruitland Park, Florida to include said designation consistent with this Ordinance.

Section 3. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. Scrivener's Errors. Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

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

Section 6. This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

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

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, MMC, City Clerk

Anita Geraci-Carver, City Attorney

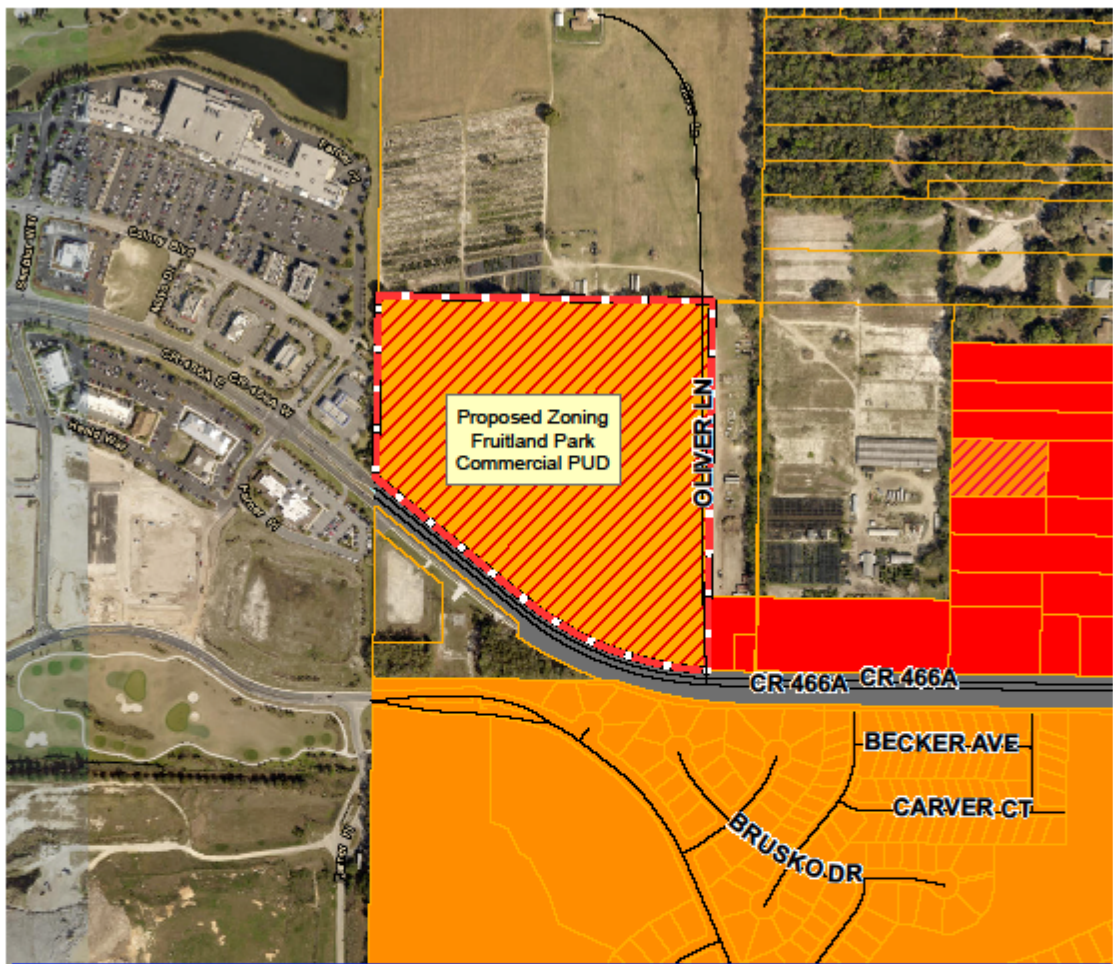
Mayor Cheshire	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Vice-Mayor Gunter	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner DeGrave	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)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

Passed First Reading _____
Passed Second Reading _____
(SEAL)

EXHIBIT "A"
LEGAL DESCRIPTION

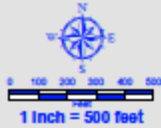
THOSE PORTIONS OF THE WEST 3/4 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE EAST 1/4 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LYING NORTHERLY AND NORTHEASTERLY OF THE NORTHERLY AND NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A AS IT CURRENTLY EXISTS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 6" X 6" CONCRETE MONUMENT WITH A NAIL AND NO IDENTIFICATION LOCATED AT THE SOUTHWEST CORNER OF THE SW 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE ON A BEARING RELATED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE, RUN N 00°49'58" E, ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 6, A DISTANCE OF 2028.33 FEET FOR A POINT OF BEGINNING, SAID POINT OF BEGINNING BEING A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A AS DESCRIBED IN OFFICIAL RECORDS BOOK 4485, PAGE 481, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. FROM SAID POINT OF BEGINNING, CONTINUE THENCE N 00°49'58" E, ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 6, A DISTANCE OF 625.67 FEET TO AN IRON AXLE LOCATED AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE S 89°06'05" E, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6, A DISTANCE OF 1161.46 FEET TO A 4" X 4" CONCRETE MONUMENT LABELED "LB4709" LOCATED AT THE NORTHEAST CORNER OF THE WEST 3/4 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE S 00°50'23" W, ALONG THE EAST LINE OF THE SAID WEST 3/4 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 1259.66 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A ACCORDING TO THAT CERTAIN PARTIAL RELEASE OF ROAD RESERVATION BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA AS RECORDED IN OFFICIAL RECORDS BOOK 4537, PAGE 1095, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY TO WHICH A RADIAL LINE BEARS S 03°26'08" W; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A AND THE ARC OF CURVE THROUGH A CENTRAL ANGLE OF 11°51'54", AN ARC LENGTH OF 223.92 FEET TO A POINT ON THE NORTH LINE OF THAT CERTAIN RIGHT OF WAY RESERVATION BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA AS RECORDED IN DEED BOOK 237, PAGE 336, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE N 89°07'03" W, ALONG SAID NORTH LINE, A DISTANCE OF 25.87 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 466A, SAID POINT BEING A POINT OF NON-TANGENCY ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1375.39 FEET TO WHICH A RADIAL LINE BEARS S 17°41'16" W; DEPARTING SAID RIGHT OF WAY RESERVATION, THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE AND ARC OF CURVE, THROUGH A CENTRAL ANGLE OF 21°33'10", AN ARC LENGTH OF 517.39 FEET TO THE POINT OF TANGENCY; THENCE N 50°45'41" W, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 585.35 FEET TO THE POINT OF BEGINNING.



Legend

- Minor Roads
- ▭ Subject Property
- ▭ Parcels
- FP Zoning**
- ▭ R-2, Residential Single Family Home - Low Density
- ▭ R-4, Residential Single Family Home - Medium Density
- ▭ R-8, Medium Density Residential
- ▭ R-15, Multi-Family Residential - High Density
- ▭ R-10, High Density Residential/Neighborhood Commercial
- ▭ RP, Residential Professional
- ▭ C-1, Neighborhood Commercial
- ▭ C-2, General Commercial
- ▭ IND, Industrial
- ▭ PUD, Planned Unit Development
- ▭ CPUD, Commercial Planned Unit Development District
- ▭ IND-PUD, Industrial PUD
- ▭ MPUD, Mixed Use PUD
- ▭ PFD, Public Facilities District
- ▭ GB, Green Belt District
- ▭ ROW, Right-of-Way



City of Fruitland Park
Fruitland Park Commons
 Lake County, Florida
 Proposed Zoning

Project No.: 398-19-03
 File Name: Prop Zoning.mxd
 Project Name: Fruitland Park Commons
 Project Manager: Sherie L.
 Creation Date: June 16, 2020
 Created By: J.Meier



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

MASTER DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into and made as of the ____th day of _____, 2021, between the **CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation**, (hereinafter referred to as the "City"), and **THE SCHOOL BOARD OF LAKE COUNTY** (hereinafter referred to as the "Owner").

RECITALS

1. The Owner desires to annex and rezone approximately 27.74 ± acres of property within the City of Fruitland Park, described and depicted as set forth on Exhibit "A" attached to and incorporated in this Agreement (hereafter referred to as the "Property").
2. The Property is currently located within Lake County and is currently zoned Lake County "Agriculture" with a future land use designation of "Rural" on the Lake County Future Land Use Map.
3. Owner has filed applications for annexation, large scale comprehensive plan amendment from Lake County "Rural" to City of Fruitland Park "Commercial - High Intensity", and rezoning from Lake County "Agriculture" to City of Fruitland Park "Commercial Planned Unit Development" for the Property.
4. Owner represents that it is the sole legal owner of the Property and that it has the full power and authority to make, deliver, enter into, and perform pursuant to the terms and conditions of this Agreement and has taken all necessary action to authorize the execution, delivery, and performance of the terms and conditions of this Agreement.
5. The City of Fruitland Park has determined that the rezoning of the Property and the proposal for its development presents, among other things, an opportunity for the City to secure quality planning and growth, protection of the environment, and a strengthened and revitalized tax base.
6. Owner will fund certain public improvements and infrastructure to facilitate the development of the Property.
7. The City of Fruitland Park recognizes Owner will not be the developer of the Property; therefore, the obligations of the Owner under this Agreement are contingent on a site plan being submitted to the City of Fruitland Park for approval.
8. The Property is within the City's Chapter 180, Florida Statutes, utility district, and Owner has requested and City desires to provide water and sewer as well as other municipal services to the Property.

ACCORDINGLY, in consideration of the mutual benefits and the public interest and other good and

valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

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

Section 2. Conditions Precedent. Owner has filed an application for a large scale comprehensive plan amendment and rezoning for the Property. It is understood and agreed to by the City and the Owner that this Agreement shall not be binding or enforceable as to any party unless and until: a) the City duly adopts the Agreement, adopts an ordinance amending the comprehensive future land use map and such amendment becomes effective, and adopts an ordinance rezoning the Property and such rezoning becomes effective. The parties hereto understand and acknowledge that the City is in no way bound to amend the future land use map or rezone the Property. The City shall have the full and complete right to approve or deny the application for rezoning and comprehensive plan map amendment. However, if the City denies the application for rezoning or the comprehensive plan map amendment, this Agreement shall be void and shall be of no further force and effect.

Section 3. Land Use/Development. Development of the Property shall be substantially consistent with the "Conceptual Site Plan" prepared by Benchmark Development I, LLC, dated _____, and attached as **Exhibit "B"** (the "Plan"). The project shall be developed as a commercial shopping center. All development shall be consistent with City's "PUD" (Planned Unit Development/Commercial) zoning district and, subject to City approval. As set forth further below, all land use issues addressed herein must be adopted by City through its regular procedures before being effective.

Section 4. Permitted Uses. Permitted Uses shall include:

- a. Appliance/Electronic Repair Shops
- b. Banks.
- c. Business Services.
- d. Commercial/Industrial Equipment and Supplies.
- e. Convenience Store with or without fuel operations.
- f. Day Care Centers.
- g. Fast Food with or without drive thru facilities.
- h. Financial Services.
- i. Furniture and Appliance Stores.
- j. Health/Exercise Clubs.
- k. Hotels/Motels.
- l. Kennels.
- m. Medical Office/Clinic.
- n. Offices.
- o. Personal Services.
- p. Restaurants.
- q. Retail Home Building Materials.
- r. Retail Sales and Services.
- s. Shopping Center.
- t. Veterinary Clinic.
- u. Temporary modular office uses shall be allowed during construction.
- v. Total Commercial Square footage shall not exceed 140,000 square feet which includes the out parcels. The maximum single tenant building shall not exceed 50,000 square feet. The maximum building square footage for the out parcels shall not exceed 20,000 square feet total.

w. Maximum number of hotel rooms shall not exceed 130.

Section 5. Commercial Development Standards. Development Standards shall be as follows:

- a. Minimum Setback requirements for commercial shall be:

Front: CR 466A – Fifty feet (50')

Eastern Side: Fifteen feet (15')

Western Side: Thirty feet (30')

Rear: Twenty-five feet (25')

Accessories Setback: All accessory structures shall be located no closer to the property line than fifteen feet (15').

- b. The maximum impervious surface ratio for the property (which includes building coverage) shall be limited to seventy percent (70%).
- c. The maximum floor area ratio shall not exceed fifty percent (50%).
- d. A minimum of twenty-five (25) percent of the property shall be open space.
- e. Maximum building height along CR 466A shall be limited to two (2) stories (from finished grade). Maximum building height, excluding along CR 466A shall be limited to four (4) stories (from finished grade) provided that adequate fire protection measures are provided as determined by the City Fire Inspector and Building Official. Maximum building height for the hotel is 45' subject to adequate fire protection measures as determined by the City Fire Inspector and Building Official.
- f. Parking: The Owner will be required to meet the parking requirements of the Fruitland Park Land Development Regulations.
- g. Commercial access: Access to the commercial development areas shall be primarily from the entrance boulevard with access to CR 466A. Pedestrian access shall be provided to the commercial area and shall be reviewed during the site plan or subdivision review process.
- h. Pedestrian access shall be provide through sidewalk and/or walkways connecting all buildings within the development. Pedestrian access shall include consideration of sidewalks, recreational trails/paths, etc., to adjoining properties.
- i. Sidewalks shall be installed per City of Fruitland Park codes and specifications.
- j. All pedestrian crossing areas shall be visibly marked with appropriate crossing signage and striping. Intersections shall have street pavers, striping or similar materials approved through the appropriate site plan and/or building permit process, to allow safe crossing points and pedestrian access to all structures.

Section 6. Signage. A master signage plan shall be provided at time of site plan/construction plan. All ground signs for the property shall be monument style signs with design and architectural style consistent with the overall development, and consistent with the requirements of the sign regulations of the Fruitland Park Land Development Regulations. Ground signs may not be permitted on undeveloped property. All wall signage shall be designed and constructed to comply with the standards and requirements of the Fruitland Park Land Development Regulations.

Section 7. Commercial Design Standards. The Owner shall be required to meet the nonresidential design standard requirements of the Fruitland Park Land Development Regulations.

Section 8. Development Phasing. The proposed project may be constructed in phases in accordance with the Planned Unit Development Master Plan (attached as part of these conditions). Changes to the

Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process.

Section 9. Site Access and Transportation Improvements. Vehicular access to the project site shall be provided by a minimum of two access points, one primary access on CR 466A and one access to the east. If only one primary access is from CR 466A it shall be through a divided landscaped boulevard type road. Actual location and design of the boulevard shall be determined during the Site Plan and/or Preliminary Subdivision Plan review process and shall include consideration of sidewalks on both sides of the boulevard. Other potential vehicular and pedestrian accesses will be reviewed during the development review process.

- a. The Permittee shall provide all necessary improvements/signalization within and adjacent to the development as required by Lake County and City of Fruitland Park.
- b. All roads within the development shall be designed and constructed by the Owner to meet the City of Fruitland Park requirements.
- c. The City of Fruitland Park will not be responsible for the maintenance or repair of any of the roads or transportation improvements. The Permittee shall establish an appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements.
- d. A traffic/transportation study shall be submitted prior to site plan or preliminary subdivision approval for review and determination of any necessary access or off-site improvements if required by Florida Department of Transportation, Lake County or the City of Fruitland Park. Said improvements will be the responsibility of the Permittee.

Table A: Land Use Trip Equivalency Matrix included in the Plan allows for a change from one use to another use and the allowable square footage resulting from the exchange in use. The commercial square footage and number of hotel rooms stated in Section 4, subsections v. and w. may increase up to 20% based on Table A. The purpose of Table A is to ensure trip generation is not exceeded beyond that provided in the traffic/transportation study on file with the City as submitted for this project.

- e. At such time that traffic signals are warranted at the proposed project entrance, the Permittee shall pay their pro-rata share of the cost of the signal(s) as determined by City staff.
- f. Transit bus stop. The proposed development lies along and near major transportation routes, a covered transit bus stop, adjacent to the boundary of the property, or located such that it meets the approval standards, codes and requirements of the City of Fruitland Park, and Lake County shall be provided by the Owner if required by Lake County Transit. If required, the transit bus stop shall be constructed prior to the certificate of occupancy for the first commercial building.

Section 10. Lighting. All exterior lighting shall be arranged to reflect light away from adjacent properties to the greatest extent possible while providing lighting adequate to ensure safety on road right of way and parking areas. Lighting shall comply with the nonresidential design requirements of the Fruitland Park Land Development Regulations.

Section 11. Water, Wastewater, and Reuse Water. Subject to the terms herein, Owner and their successors and assigns agree to obtain water, reuse water, irrigation water, and wastewater service (hereafter, "Utilities") exclusively through purchase from City. Owner covenants and warrants to City that it will not engage in the business of providing such Utilities to the Property or within City's F.S. Chapter 180 utility district. Notwithstanding the foregoing, private wells for irrigation purposes will be allowed within the Property so long as such wells are approved and permitted by the St. Johns River Water

Management District (the "District") and comply with the rules and regulations of the District. Owner shall construct, at Owner's expense, all on-site utility facilities (e.g. lift stations and lines) as well as pay for the extension of facilities from City's current point of connection. Owner shall also construct, at Owner's expense, "dry" utility lines for reclaimed water purposes. All such improvements must be constructed to City requirements and transferred to City as a contribution in aid of construction.

Section 12. Impact Fees. Owner shall be required to pay impact fees as established by City from time to time, including water and wastewater impact fees. The amount to be paid shall be the adopted impact fee rate at the time the building permit is issued.

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

Section 13. Easements. Owner shall provide the City such public easements or right of way in form acceptable to the City Attorney, as the City deems necessary for utility services, including but not limited to sewer, water, drainage and reclaimed water services.

Section 14. Landscaping/Buffers. Owner has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner shall install and maintain a twenty-five foot (25') landscape buffer along CR 466A; a twenty-five foot (25') buffer along the northern property boundaries, a thirty foot (30') buffer with a 6' high decorative solid wall constructed of concrete block or similar synthetic material that forms a solid opaque visual buffer, along the western property boundary, and a fifteen foot (15') buffer along the eastern property boundary as shown on the Conceptual Plan. All landscaping and tree protection shall comply with Chapter 164 of the City of Fruitland Park Land Development Regulations. Landscaping shall also be provided around building areas, a minimum of five (5) foot landscape buffer around the building perimeter on all sides visible to the general public. Owner shall maintain such areas.

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

Owner shall design and construct, at its sole expense, the interior landscaped areas and islands within the parking areas of the Property in accordance with all applicable City of Fruitland Park Land Development Regulations. Owner shall maintain such areas.

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

Section 15. Stormwater Management. Owner agrees to provide at Owner's expense a comprehensive stormwater management system consistent with all regulatory requirements of the City and the St. John's River Water Management District. Impacts to flood plains are allowed in accordance with the Water Management District procedures for compensating storage and will be based on the 100-year floodplain established by Lake County.

Section 16. Other Municipal Facilities/Services. The City hereby agrees to provide, either directly or through its franchisees or third party providers, police and fire protection, emergency medical services, and solid waste collection, disposal, and recycling services to the Property under the same terms and conditions and in the same manner as are afforded to all other commercial property owners within the City.

Section 17. Environmental Considerations. The Owner agrees to comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

Section 18. Signage. Owner shall submit a master sign plan as a component of the final site plan (i.e., construction plan) application for the Property. Such plan shall be in compliance with all applicable regulations contained within the City of Fruitland Park Land Development Regulations, unless City grants a waiver or variance pursuant to the City's Land Development Regulations. Alternatively, the Owner, in the Owner's discretion, may apply to amend the PUD to incorporate a Master Signage Plan at the time that the Owner desires to install signage at the development.

Section 19. Title Opinion. Owner shall provide to City, in advance of the City's execution of this Agreement, a title opinion of an attorney licensed in the State of Florida, or a certification by an abstractor or title company authorized to do business in the State of Florida, showing marketable title to the Property to be in the name of the Owner and showing all liens, mortgages, and other encumbrances not satisfied or released of record. Title opinion or certification shall have an effective date of no more than 30 days prior to submittal. A copy of all back up documents referenced in the title opinion or certification must be provided.

Section 20. Compliance with City Laws and Regulations. Except as expressly modified herein, all development of the Property shall be subject to compliance with the City Land Development Regulations and City Code provisions, as amended, as well as regulations of county, state, local, and federal agencies. All improvements and infrastructure shall be constructed to City standards.

Section 21. Due Diligence.

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

Section 22. Enforcement/Effectiveness. A default by either party under this Agreement shall entitle the other party to all remedies available at law. This is a non-statutory development agreement which is not subject to or enacted pursuant to the provisions of Sections 163.3220 - 163.3243, *Florida Statutes*.

Section 23. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Florida and venue for any action hereunder shall be in the Circuit Court of Lake County, Florida.

Section 24. Binding Effect; Assignability. This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their assigns. This Agreement shall be assignable by the Owner to successive owners. Owner shall, however, provide written notice to the City of any and all such assignees. The rights and obligations set forth in this Agreement shall run with the land and be binding on all successors and/or assignees. Owner consents to the placement of a claim of lien on the Property upon default in payment of any obligation herein without precluding any other remedies of City. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

Section 25. Waiver; Remedies. No failure or delay on the part of either party in exercising any right, power, or privilege hereunder will operate as a waiver thereof, nor will any waiver on the part of either party or any right, power, or privilege hereunder operate as a waiver of any other right, power, privilege hereunder, not will any single or partial exercise of any right, power, or privilege hereunder preclude any other further exercise thereof or the exercise of any other right, power, or privilege hereunder.

Section 26. Exhibits. All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

Section 27. Notice. Any notice to be given shall be in writing and shall be sent by certified mail, return receipt requested, to the party being noticed at the following addresses or such other address as the parties shall provide from time to time:

As to City:	City Manager City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone
Copy to:	Chris Cheshire, City Mayor City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone Anita Geraci-Carver Law Office of Anita Geraci-Carver, P.A. 1560 Bloxam Avenue Clermont, Florida 34711 352-243-2801 Telephone 352-243-2768 Facsimile
As to Owner:	School Board of Lake County 201 W. Burleigh Blvd. Tavares, FL 32778
Copy to:	John Rehak Benchmark Development I, LLC 4053 Maple Road Amherst, New York 14226 941-527-9070

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Section 28. Entire Agreement. This Agreement sets forth all of the promises, covenants, agreements, conditions, and understandings between the parties hereto, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, express or implied, oral or written, except as herein contained. However, the failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve Owner from complying with the law governing said permitting requirements, conditions, terms or restrictions.

Section 29. Term of Agreement. The term of this Agreement shall commence on the date this Agreement is executed by both the City and Owner, or the effective date of the annexation of the Property, whichever occurs later, and shall terminate twenty (20) years thereafter; provided, however, that the term of this Agreement may be extended by mutual consent of the City and the Owner, subject to a public hearing.

Section 30. Amendment. Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 31. Severability. If any part of this Developer's Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not effect the other parts of this Developer's Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be effected. To that end, this Developer's Agreement is declared severable.

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

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

LAKE COUNTY SCHOOL BOARD

Witness Signature

By: _____

Print Name

Witness Signature

By: _____

Print Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by [] physical presence or [] online notarization this ____ day of _____ by _____ as _____ and _____ as _____ of Lake County School Board on behalf of the Lake County School Board, who are personally known to me or who have produced _____ as identification.

Notary Public
Notary Public - State of Florida
Commission No _____
My Commission Expires _____

ACCEPTED BY THE CITY OF FRUITLAND PARK

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

By: _____
Chris Cheshire, Mayor

Date: _____

Anita Geraci-Carver
City Attorney

ATTEST: _____
Esther B. Coulson
City Clerk

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by [X] physical present or [] online notarization this ____ day of _____ by Chris Cheshire, Mayor of the City of Fruitland Park, a Florida municipal corporation on behalf of the corporation and Esther B. Coulson, City Clerk of the City of Fruitland Park, Florida, on behalf of the corporation, who are [X] personally known to be me or produced _____ as identification.

Notary Public
Notary Public - State of Florida
Commission No _____
My Commission Expires _____

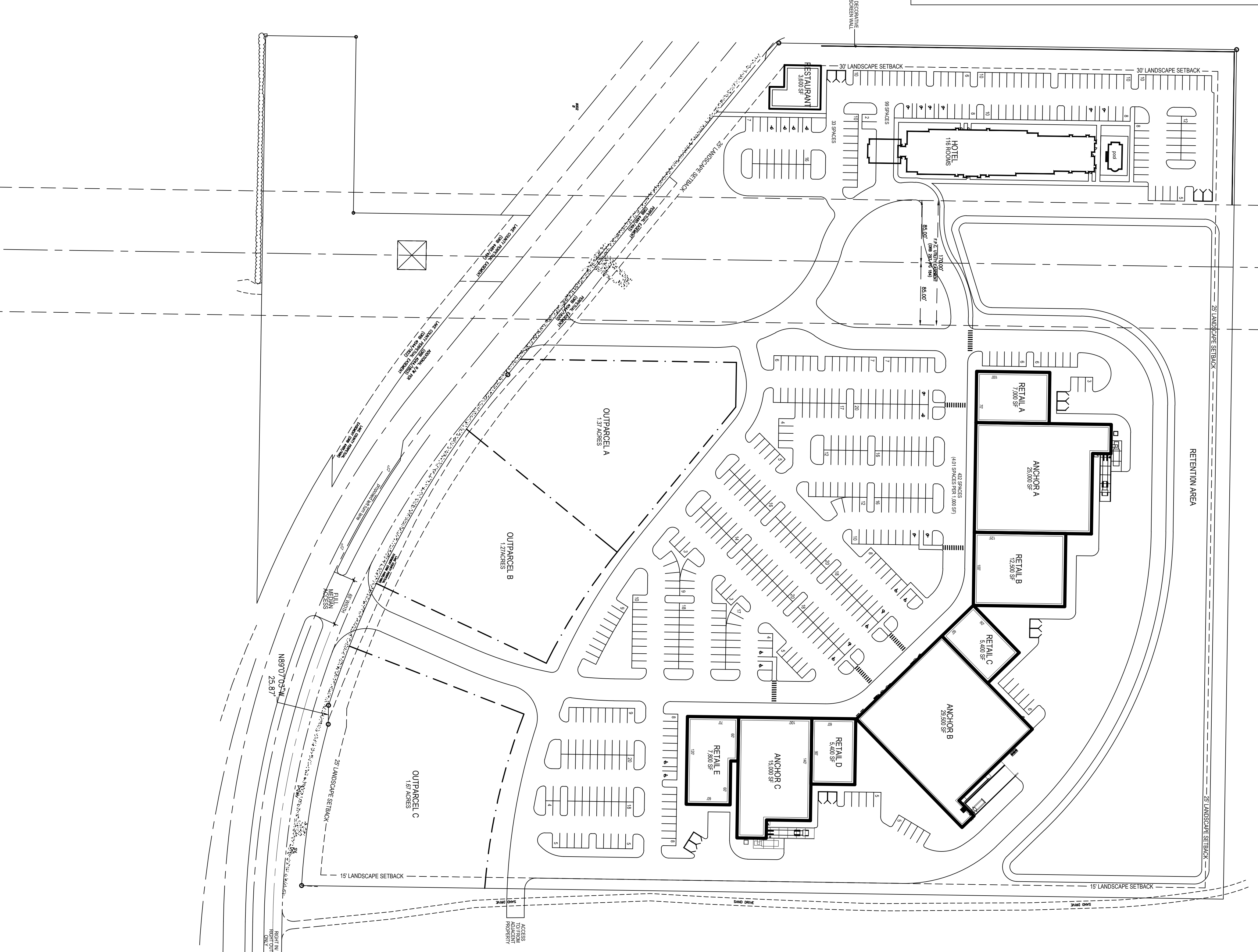
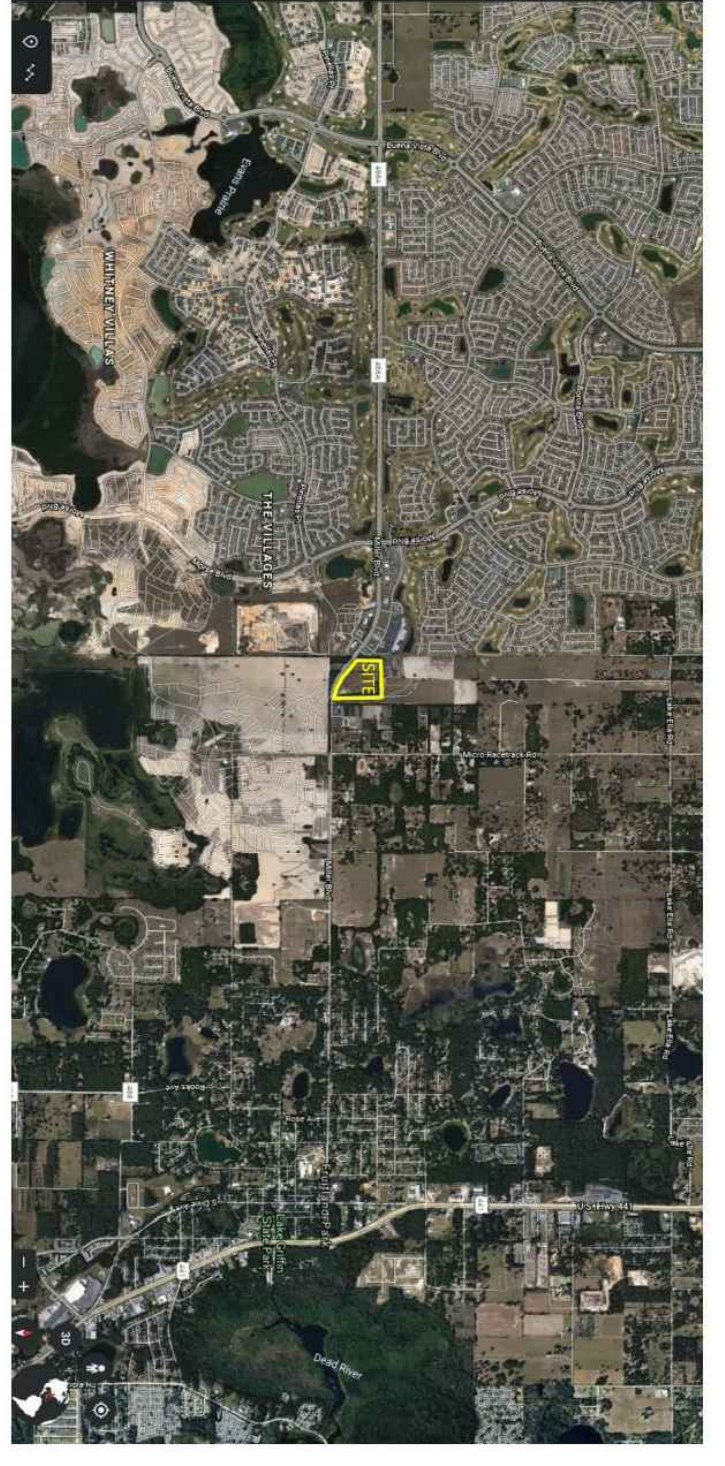
EXHIBIT "A"
LEGAL DESCRIPTION

THOSE PORTIONS OF THE WEST 3/4 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE EAST 1/4 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LYING NORTHERLY AND NORTHEASTERLY OF THE NORTHERLY AND NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A AS IT CURRENTLY EXISTS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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EXHIBIT "B"

THE PLAN

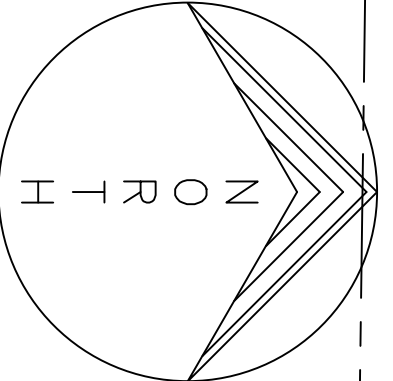


ACCESS EASEMENT:
AN ACCESS EASEMENT SHALL BE PROVIDED TO ALLOW
ADJACENT PROPERTIES TO TRAVEL THROUGH THE PROPERTY TO THE
EAST AT THIS POINT.

DATA:

TOTAL AREA	27.3 ACRES
USE MAXIMUM	0.15%
MAXIMUM STORY	02/02
PARKING SPALL SIZE	02/20
PARKING SPALL SIZE	17' x 19' ADJACENT TO LANDSCAPE
BICYCLE PARKING	564 BICYCLE SPACES
BICYCLE PARKING SPACE	51 PER PARKING SPACE
MAXIMUM PARKING RATIO SF	42,000 SF
MINIMUM PARKING RATIO SF	9,000 SF
MAXIMUM SF FOR LANDSCAPE BUFFER	42,000 SF
MINIMUM SF FOR LANDSCAPE BUFFER	15,000 SF
MAXIMUM SF FOR IN-LINE RETAIL	20,000 SF
MAXIMUM SF FOR OUTPARCELS	20,000 SF
MAXIMUM # OF HOTEL ROOMS	150 ROOMS

- PARKING:** ALL PARKING SHALL BE IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE UNLESS A VARIANCE IS GRANTED.
- ADJACENT ZONING:**
NORTH COUNTY AGRICULTURE
SOUTH COUNTY AGRICULTURE/PLANNED UNIT DEVELOPMENT
EAST COUNTY AGRICULTURE/FRUITLAND PARK C-2
WEST PLANNED UNIT DEVELOPMENT (THE PALMS), SUMMER COUNTY
- BUILDING HEIGHTS:**
COMMERICAL BLDG HEIGHT OF 35' EXCEPT FOR ARCHITECTURAL FEATURES
HOTEL (VARIES) AND THIS SECTORS TO MEET FIRE CODE STRUCTURES)
- SERVICES:** CITY OF FRUITLAND PARK
WATER SEWER
NATURAL GAS
SECO
- PERMITTED USES:**
APPAREL ELECTRONIC RETAIL STORES
BUSINESS SERVICES
COMMERICAL/INDUSTRIAL EQUIPMENT & SUPPLIES
CONVENIENCE STORES WITH OR WITHOUT FUEL OPERATIONS
FAST FOOD WITH OR WITHOUT DRIVE THRU
FINANCIAL SERVICES
FURNITURE AND APPLANCE STORES
HEALTHY EXERCISE CLUBS
KIDNENS
MEDICAL OFFICE/CLINIC
PERSONAL SERVICES
RETAIL HOME BUILDING MATERIALS
RETAIL SALES AND SERVICES
SHOPPING CENTER
VETERINARY CLINIC



SCALE: 1" = 80'

SITE PLAN

DRAWN	JDB
CHECKED	JDB
DATE	7/6/20
SCALE	1" = 80'
JOB NO.	000
SHEET	SP-4

**Fruitland Park Commons
Highway 466A**

The Benchmark Group
4053 Maple Road
Amherst, New York 14226

JAMES D. BROWN, R.U.A.
FLORIDA REG. NO. 22628

WARNING

IF THIS BAR DOES NOT MEASURE THIS COPY OF THIS DOCUMENT IS NOT TO SCALE

KPMFranklin

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ENGINEERS • PLANNERS • SURVEYORS
6300 HAZELTINE NATIONAL DRIVE, STE. 118
ORLANDO, FL 32822 | PHONE (407) 410-8624
CERTIFICATE OF AUTHORIZATION: 32059

REVISIONS	BY

Table A - Land Use Trip Equivalency Matrix

CHANGE FROM	A. LAND USE EQUIVALENCY RATES						
	Hotel (Rooms)	Day Care Center (1,000 SF)	Animal Hospital/Veterinary Clinic (1,000 SF)	General Office Building (1,000 SF)	Medical-Dental Office Building (1,000 SF)	Shopping Center / General Retail (1,000 SF)	Super Convenience Market/Gas Station (VFP)
Hotel (Rooms)	--	0.0480	0.1511	0.4636	0.1541	0.1610	0.0465
Day Care Center (1,000 SF)	20.8508	--	3.1502	9.6654	3.2138	3.3578	0.9687
Animal Hospital/Veterinary Clinic (1,000 SF)	6.6190	0.3174	--	3.0682	1.0202	1.0659	0.3075
General Office Building (1,000 SF)	2.1573	0.1035	0.3259	--	0.3325	0.3474	0.1002
Medical-Dental Office Building (1,000 SF)	6.4879	0.3112	0.9802	3.0075	--	1.0448	0.3014
Shopping Center / General Retail (1,000 SF)	6.2097	0.2978	0.9382	2.8785	0.9571	--	0.2885
Super Convenience Market/Gas Station (VFP)	21.5242	1.0323	3.2519	9.9776	3.3176	3.4662	--

B. EQUIVALENCY EXAMPLES	
EXAMPLE 1: TRADE FROM HOTEL TO SHOPPING CENTER	Trade 65 Rooms of Hotel for 7 (1,000 SF) of Shopping Center = 65 Rooms of Hotel x 0.1610 (1,000 SF) of Shopping Center = 10.465 x (1,000 SF) Shopping Center = 10,465 SF of Shopping Center
EXAMPLE 2: TRADE FROM SHOPPING CENTER TO GENERAL OFFICE BUILDING	Trade 30 KSF of Shopping Center for 7 (1,000 SF) of General Office Building = (30 KSF) Shopping Center x 2.8785 (1,000 SF) of General Office Building = 86,355 x (1,000 SF) of General Office Building = 86,355 SF of General Office Building
EXAMPLE 3: ADD SUPER CONVENIENCE MARKET/GAS STATION FROM SHOPPING CENTER	Add 20 VFP of Super Convenience Market/Gas Station for 7 Shopping Center = 20 VFP of Super Convenience Market/Gas Station / .2885 (1,000 SF) Shopping Center = 69,324 x (1,000) SF Shopping Center = Reduce Shopping Center by 69,324 SF
EXAMPLE 4: ADD MEDICAL-DENTAL OFFICE BUILDING FROM HOTEL	Add 30,000 SF of Medical-Dental Office Building for 7 Rooms of Hotel = (30 KSF) of Medical-Dental Office Building / 0.1541 Rooms of Hotel = 194,678 x Rooms of Hotel = Reduce Hotel by 195 Rooms

C. SOURCE INFORMATION AND DOCUMENTATION FOR EQUIVALENCY RATES				
Land Use	Units	Gross Trip Rate [1]	% New Trips [2]	Trips / Unit
Hotel (ITE 310)	1 (Room)	0.533	93.00%	0.496
Day Care Center (ITE 565)	1 (1,000 SF)	11,120	93.00%	10,342
Animal Hospital/Veterinary Clinic (ITE 640)	1 (1,000 SF)	3,530	93.00%	3,283
General Office Building (ITE 710)	1 (1,000 SF)	1,150	93.00%	1,070
Medical-Dental Office Building (ITE 720)	1 (1,000 SF)	3,460	93.00%	3,218
Shopping Center / General Retail (ITE 820)	1 (1,000 SF)	3,019	61.38%	3,060
Super Convenience Market/Gas Station (ITE 960)	1 (VFP)	22,960	46.50%	10,676

D. FOOTNOTES

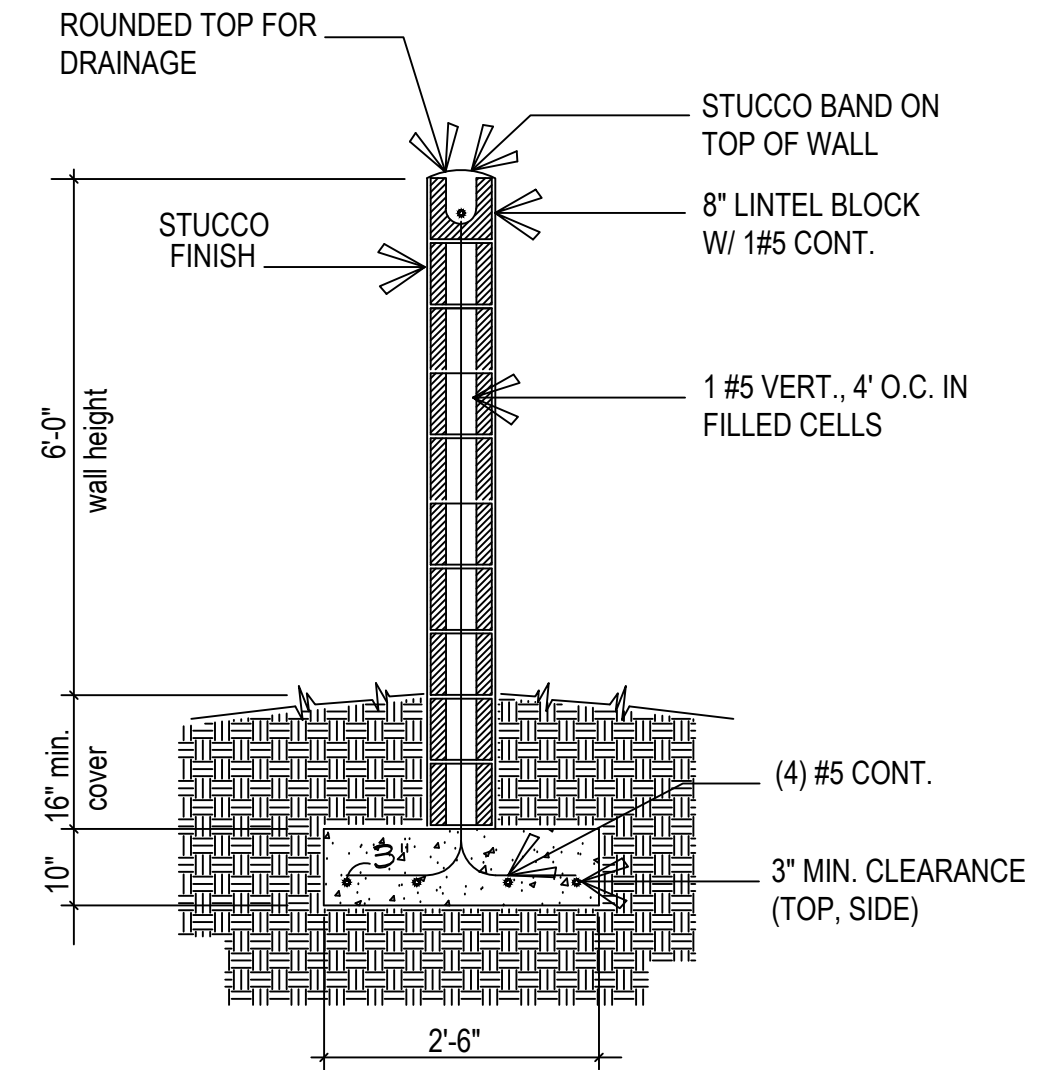
[1]: Trip Rate based upon ITE Trip Generation, 7th Edition, p.m. peak-hour trip generation rates as follows:
 Hotel: Obtained using the Trip Generation equation for ITE LUC 310 and the trip generation for the traffic study.
 Day Care Center: Obtained using the Trip Generation rate for ITE LUC 565.
 Animal Hospital/Veterinary Clinic: Obtained using the Trip Generation rate for ITE LUC 640.
 General Office Building: Obtained using the Trip Generation rate for ITE LUC 710.
 Medical-Dental Office Building: Obtained using the Trip Generation rate for ITE LUC 720.
 Shopping Center / General Retail: Obtained using the Trip Generation equation for ITE LUC 820 and the trip generation for the traffic study.
 Super Convenience Market/Gas Station: Obtained using the Trip Generation rate for ITE LUC 960.

[2]: % New is based upon the Internal Capture and Pass-by-Capture = (1 - IC%) * (1 - PB%). An internal capture of 7% was applied based on the trip generation for the overall site. Pass-by was applied to the shopping center and super convenience market/gas station land uses per the ITE Trip Generation Handbook, 3rd Edition.
 k:\scc\csmr142314004 - fruitland park commons\site\table 2\2020fruitland park trip eq matrix.xlsx\trip eq matrix

LEGAL DESCRIPTION

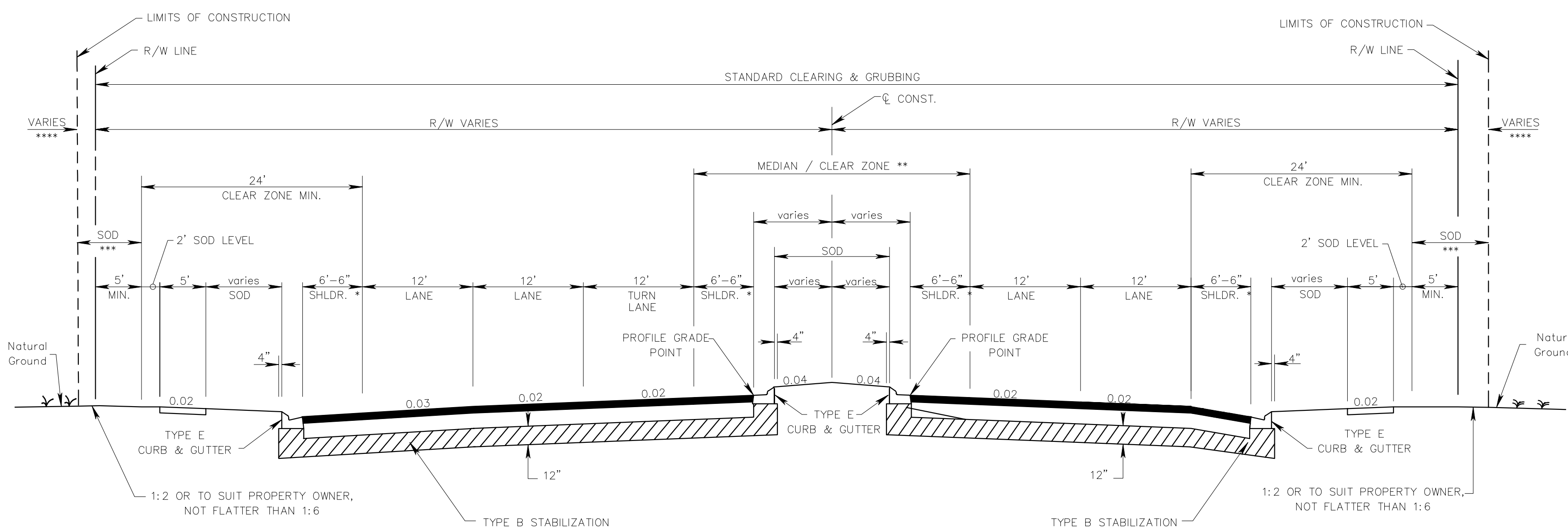
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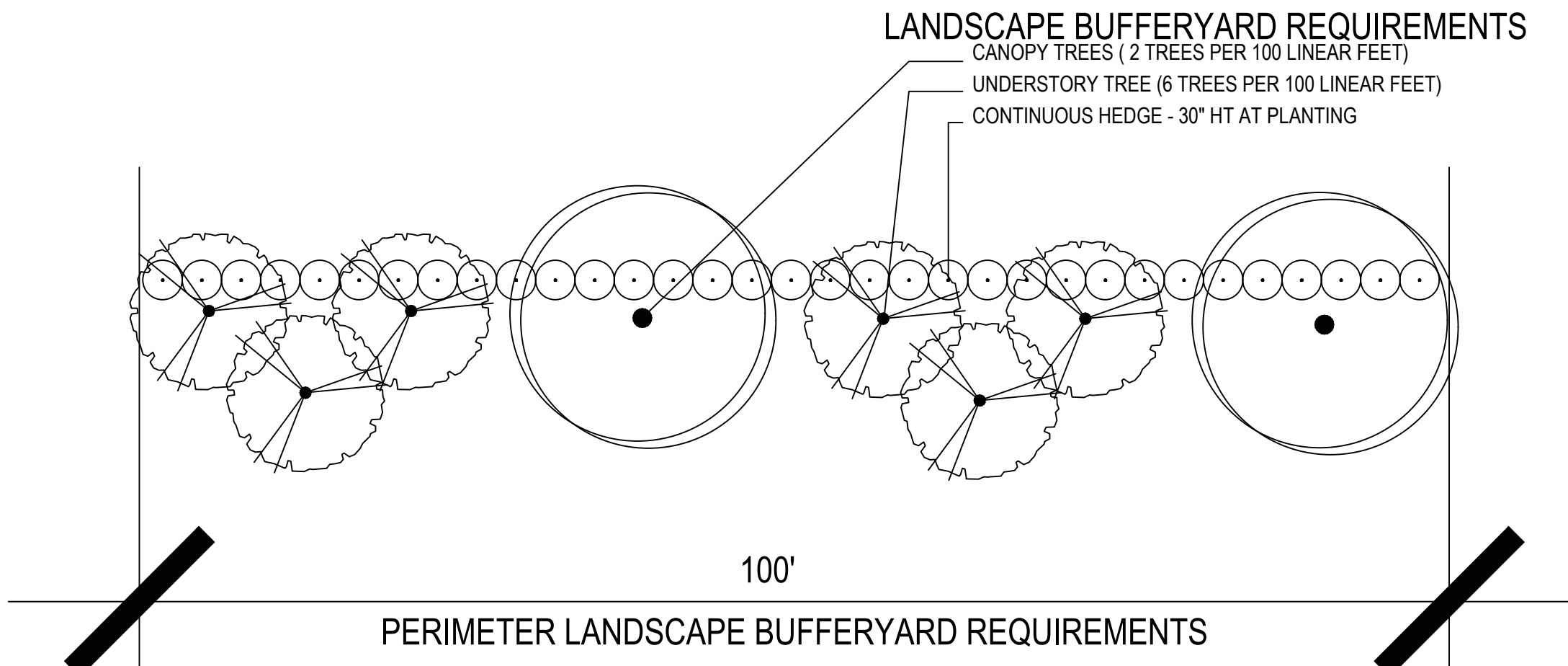
DECORATIVE SCREEN WALL DETAIL

NOTE:
DESIGN TO BE VERIFIED BY A STRUCTURAL ENGINEER



TYPICAL ROAD SECTION

SUBJECT TO CHANGE UPON FINAL DESIGN AND EXISTING CONDITIONS



PERIMETER LANDSCAPE BUFFERYARD REQUIREMENTS

REVISIONS	BY

KPMFranklin
ENGINEERS • PLANNERS • SURVEYORS
6300 HAZELTINE NATIONAL DRIVE, STE. 118
ORLANDO, FL 32822 | PHONE (407) 410-8624
CERTIFICATE OF AUTHORIZATION: 32069

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JAMES D. BROWN, RLA
FLORIDA #001508

**Fruitland Park Commons
Highway 466A**
The Benchmark Group
4053 Maple Road
Amherst, New York, 14226

SITE PLAN

DRAWN: JDB
CHECKED: JDB
DATE: 7/6/20
SCALE: 1" = 80'
JOB No: 000
SHEET:
SP-4



Sumter County

Lake County

Site Location

OLIVER

EMORY DR

CR 466A

BECKER AVE

CARVER CT

THAYER TER

CHANCE CT

BRUSKO DR

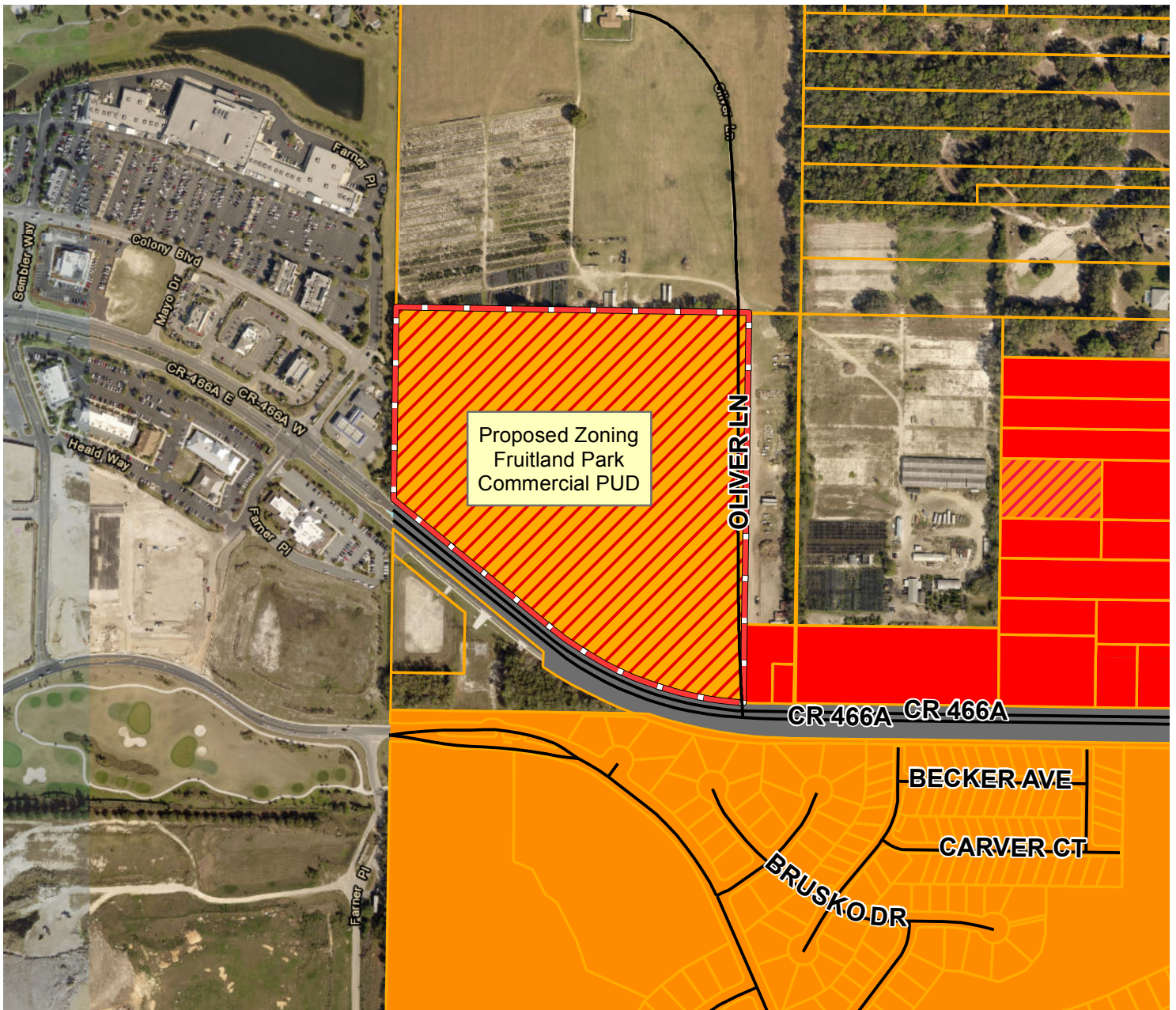
MOTRING WAY

MOYER LOOP

YODER DR

INCORVAIA WAY

KHIRBAT CT



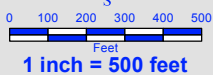
Legend

- Minor Roads
- Subject Property
- Parcels

FP Zoning

- R-2, Residential Single Family Home - Low Density
- R-4, Residential Single Family Home - Medium Density
- R-8, Medium Density Residential
- R-15, Multi-Family Residential - High Density
- R-10, High Density Residential/Neighborhood Commercial
- RP, Residential Professional

- C-1, Neighborhood Commercial
- C-2, General Commercial
- IND, Industrial
- PUD, Planned Unit Development
- CPUD, Commercial Planned Unit Development District
- IND-PUD, Industrial PUD
- MPUD, Mixed Use PUD
- PFD, Public Facilities District
- GB, Green Belt District
- ROW, Right-of-Way



**City of Fruitland Park
Fruitland Park Commons**

Lake County, Florida
Proposed Zoning

Project No.: 398-19-03
File Name: Prop Zoning.mxd
Project Name: Fruitland Park Commons
Project Manager: Sherie L.
Creation Date: June 16, 2020
Created By: J.Meier



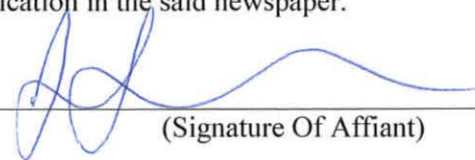
The Villages
DAILY SUN

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

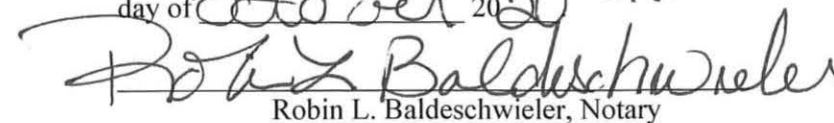
Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #00967589 in the matter of **NOTICE OF ORDINANCE 2020-007**

was published in said newspaper in the issues of **OCTOBER 26, 2020**

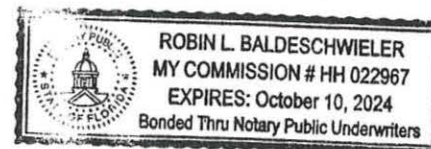
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake,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


(Signature Of Affiant)

Sworn to and subscribed before me this day of October 2020


Robin L. Baldeschwieler, Notary

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



**As it Shuttters
350 Stores
By 2024**

As part of its restructuring, the company said it also plans to close 130 of its Banana Republic stores.

By ANNE D'INNOENZIO
The Associated Press

SAN FRANCISCO
Gap Inc. is moving away from the nation's malls.

The retailer, which was for decades a fixture at shopping malls around the country, said Thursday it will be closing 220 of its namesake Gap stores — or one-third of its store base — by early 2024. That will result in 80% of its remaining Gap stores being in off-mall locations.

As part of its restructuring, Gap Inc. said it also plans to close 130 of its Banana Republic stores in North America in three years.

The announcement made at a Gap Inc. investor meeting detailed a three-year plan that calls for closing what amounts to 30% of the company's Gap and Banana Republic stores in North America and focusing on outlets and e-commerce business.

The moves come as Gap and other clothing retailers are trying to reinvent themselves during the pandemic, which forced many non-essential stores to temporarily close in the spring and early summer. The lockdown of the economy led many shoppers to shift more of their spending to online, which many experts believe will be permanent.

"We've been overly reliant on low-productivity, high-rent stores," said Mark Breitbard, CEO of the Gap brand, which was founded in 1969. "We've used the past six months to address the real estate issues and accelerate our shift to a true omni-model."

But the company plans to add more of its thriving low-priced Old Navy and Athleta stores. Executives said that Old Navy, Gap Inc.'s biggest business with annual sales of \$8 billion in its most-recent

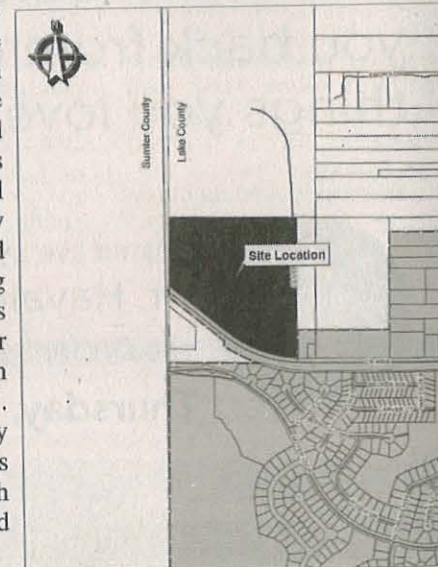
**NOTICE OF PUBLIC
HEARINGS
ORDINANCE 2020-007**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 27.74 ± ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO CITY OF FRUITLAND PARK COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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

- Fruitland Park Planning & Zoning Board Meeting on October 15, 2020 at 6:00 p.m.
- Fruitland Park City Commission Meeting on October 22, 2020 at 6:00 p.m.
- Fruitland Park City Commission Meeting on November 12, 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 proposed ordinance and metes and bounds legal description of property may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed ordinance.



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

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 8a**

ITEM TITLE: City Manager's Report
For the Meeting of: November 12, 2020
Submitted by: City Manager
Date Submitted: November 4, 2020
Funds Required: No
Account Number: N/A
Amount Required: N/A
Balance Remaining: N/A
Attachments: No

Item Description: City Manager's Report

- i. Economic Development Status Update
- ii. COVID-19 Status Update

Action to be Taken: None

Staff's Recommendation: None

Additional Comments: N/A

City Manager Review: Yes

Mayor Authorization: Yes

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 8b**

ITEM TITLE:	CITY ATTORNEY REPORT
For the Meeting of:	November 12, 2020
Submitted by:	City Attorney
Date Submitted:	November 4, 2020
Funds Required:	None
Attachments:	None
Item Description:	City Attorney Report

City of Fruitland Park v. T.D. Burke, Lake County Case No. 2019-CA-001894 (Judge Baxley): A closed session meeting was held October 8, 2020 to discuss litigation strategy and seek direction regarding the pending litigation and the demand made upon the City in the pending case. Communications were had with opposing counsel following the meeting and have been ongoing.

City of Fruitland Park v. State of Florida – Department of Management Services: The hearing scheduled October 26 – 28, 2020 as set by the State of Florida, Division of Administrative Hearings was continued. A new hearing date has not yet been determined.

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. Attorney Thomas on behalf of the City filed a Motion to Dismiss to complaint. 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. On July 15, 2020 Attorney Andrew Dayes filed

an Answer and Affirmative Defenses on behalf of the City. On October 8, 2020 Plaintiff filed a Motion for Clerk's Default. The default was entered the same day. No updates since last meeting.

Action to be Taken: N/A

Staff's Recommendation: N/A

Additional Comments:

City Manager Review: Mayor Authorization:

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 9

ITEM TITLE:	Public Comments
For the Meeting of:	November 12, 2020
Submitted by:	City Clerk
Date Submitted:	November 4, 2020
Funds Required:	None
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	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.

Action to be Taken: **None**

Staff’s Recommendation: N/A

Additional Comments: N/A

City Manager Review: Yes

Mayor Authorization: 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

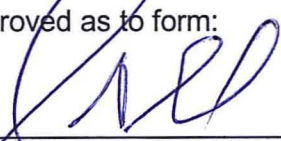
ATTEST:


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

[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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