

**FRUITLAND PARK CITY COMMISSION  
REGULAR MEETING AGENDA**

**December 10, 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 John Stricklen, Countryside Baptist Church

Pledge of Allegiance – Police Chief Erik Luce

**2. ROLL CALL**

**3. SPECIAL PRESENTATIONS**

(a) **Wreaths Across America Proclamation** (city clerk)  
The 8<sup>th</sup> Annual *Wreaths Across America* Proclamation

(b) **FPPD Proclamation** (city clerk)

i. Infinity Fitness

ii. Barbeque for a Cause

(c) **Lien Foreclosure Program Presentation** (city attorney/city manager/community development director)  
Lien foreclosure program presentation.

**4. CONSENT AGENDA**

(a) **Minutes** (city clerk)  
November 12, 2020 regular

(b) **2020 General Election Certified Official Results** (city clerk)  
Accept the November 3, 2020 General Election certified official results for district 4 city commission seat.

**5. REGULAR AGENDA**

(a) **City Commission Meeting Schedule**

i. **Special Meeting** (city attorney/city manager/city clerk)  
Consider holding a Special Meeting on December 17, 2020 to consider proposed MSTU Ordinance 2020-013.

ii. **2021 Commission Meeting Change** (city clerk)  
Consider cancelling the regular meeting on November 11, 2021 due to the conflict with the Veterans' Day

federal holiday and determine rescheduling a special meeting date in November 2021.

**(b) Audit Engagement Letter – McDirmit Davis Auditors** (city treasurer)

Motion to consider the renewal of McDirmit Davis' auditing services with the City of Fruitland Park for the year ending September 30, 2021 and authorize the mayor to execute the engagement letter.

**(c) Administrative Vehicles – Police Department** (city manager/police chief)

Consider the following police department vehicle quotes and accept staff's recommendation:

- 2021 Dodge Durango - Courtesy CJDR, Tampa, Florida - \$24,850 (recommended)
- Garber Chrysler Dodge Inc. Green Cove Springs - \$25,406.00
  - o Lighting and equipment packages:
- HG@ Emergency Lighting Orlando, Florida - \$3,458.00 (recommended)
  - o Dana Safety Supply Orlando Florida - \$3,765.04

Total package for Administrative Vehicle = \$28,308.00

- 2021 Dodge Charger Courtesy CJDR - \$22,800.00 (recommended)
- Garber Chrysler Dodge 2021 Dodge Charger = \$23,946.00
  - o Lighting and equipment Packages:
- Hg2 Emergency Lighting = \$3,458.00 (recommended)
  - o Dana Safety Supply = \$3,765.04

Total Package for Detective Sedan \$26,258.00

**(d) Northwest Lake Community Park - Fence Installation Quotes** (city manager/parks and recreation)

Consider the following fence installation quotes for Northwest Lake Community Park and accept staff's recommendation:

- Materials, labor and installation, Mid Fla Fence & Gate Inc. \$22,218
- White vinyl fence installation, R C Koll Construction LLC \$24,800, and
- White vinyl fencing, Diverse Custom Services LLC \$22,000

- (e) **Resolution 2020-068 Lake County CARES Act – FY 2020-21 Budget Amendment** (city attorney/city treasurer)  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2020/2021 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE LAKE COUNTY CARES ACT REVENUE BUDGET AND THE OTHER GENERAL GOVERNMENT CARES ACT EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.
- (f) **Resolution 2020-069 FEMA Generator Grant - FY 2020-21 Budget Amendment** (city attorney/city treasurer)  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2020/2021 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE LAKE COUNTY CARES ACT REVENUE BUDGET AND THE OTHER GENERAL GOVERNMENT CARES ACT EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.
- (g) **Resolution 2020-070 Fire Protection and Rescue Services ILA–Lake County** (city attorney/city manager)  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT FOR FIRE PROTECTION AND RESCUE SERVICES BETWEEN LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.
- (h) **Resolution 2020-071 Settlement Agreement – T. D. Burke** (city attorney)  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING A SETTLEMENT AGREEMENT BETWEEN CITY OF FRUITLAND PARK, FLORIDA AND T.D. BURKE; PROVIDING FOR AN EFFECTIVE DATE.

**PUBLIC HEARING**

- (i) **First Reading and Public Hearing - Ordinance 2020-014 MSTU** (city attorney)  
AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, REQUESTING AND CONSENTING TO THE

INCLUSION OF A PORTION OF THE INCORPORATED AREA OF THE CITY OF FRUITLAND PARK, KNOWN AS "HISTORIC FRUITLAND PARK" AND AS SET FORTH HEREIN, WITHIN THE 'LAKE COUNTY MUNICIPAL SERVICE TAXING UNIT FOR FIRE PROTECTION' IN ORDER FOR LAKE COUNTY TO PROVIDE FIRE RESCUE SERVICES AND IMPOSE A TAX FOR SAME; EXCLUDING THE VILLAGES OF FRUITLAND PARK FROM THE MSTU; REQUESTING AND CONSENTING TO IMPOSITION AND COLLECTION OF FIRE RESCUE ASSESSMENTS FOR FIRE RESCUE SERVICES BY LAKE COUNTY WITHIN SAID AREA; PROVIDING FOR ANNUAL RENEWAL OF EACH SUCH REQUEST AND CONSENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. (The second reading will be held on December 17, 2020.)

**(j) Second Reading and Public Hearing - Ordinance 2020-012 Fire Prevention-Life Safety Codes** (city attorney/city manager/city clerk/community development director)

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 92 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 first reading was held on November 12, 2020.)

**(k) Public Hearing - Resolution 2020-066 (Liquor) Variance - Petitioner Walmart East Stores LP** (city attorney/city manager/city clerk/community development director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE FROM SECTION 162.060 OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A REDUCTION IN THE PARKING SPACE SIZE FROM 10' X 20' TO 10' X 18' FOR THE ADDITION OF A WALMART LIQUOR STORE ON PROPERTY LOCATED AT 2501 CITRUS BOULEVARD IN THE CITY OF

FRUITLAND PARK, FLORIDA, OWNED BY WAL-MART STORES EAST, LP; PROVIDING FOR AN EXPIRATION DATE; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

- (l) **Public Hearing – Resolution 2020-067 Preliminary and Final Plat - Petitioner: First Baptist Church Village Park Campus** (city attorney/city manager/city clerk/community development director)  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING FINAL PLAT APPROVAL FOR VILLAGE PARK COMMERCIAL SUBDIVISION GENERALLY LOCATED SOUTH OF 466A AND EAST OF MICRO RACETRACK ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.

**END OF PUBLIC HEARING**

6. (a) **City Manager**
- i. **Economic Development Status Update**
  - ii. **COVID-19 Status Update**
  - iii. **FRDAP Grant – Parks and Recreation**
- (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**

7. **UNFINISHED BUSINESS**

8. **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.

**9. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

**(b) Commissioner DeGrave**

**(c) Commissioner Bell**

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

**10. MAYOR'S COMMENTS**

**11. 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.

- December 11, 2020, 2020 LCLC, *FLC Advocacy and FLC and President Ortiz New Initiatives for Legislative Action*, 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 19, 2020, 8<sup>th</sup> Annual Wreaths Across America, Shiloh Cemetery, Fruitland Park, Florida 34731 at 12:00 noon;
- 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;
  
- January 1, 2021, New Year's Eve – City Hall Closed;
- January 14, 2021, City Commission Regular at 6:00 p.m.;
- January 18, 2021, Dr. Martin Luther King Jr., Day- City Hall Closed;
- January 28, 2021, City Commission Regular at 6:00 p.m.;
  
- February 8, 2021, Lake County Office of Parks and Trails Advisory Board, Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;
- February 11, 2021, City Commission Regular at 6:00 p.m.;
- February 24, 2021, Lake~Sumter Metropolitan Planning Organization Governing Board Virtual at 2:00 p.m., and
- February 25, 2021, City Commission Regular at 6:00 p.m.

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

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

**PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE**

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 3a-c**

**ITEM TITLE:** Special Presentations  
**For the Meeting of:** December 10, 2020  
**Submitted by:** City Clerk/City Attorney/City Manager/Community Development Director (see below)  
**Date Submitted:** November 18, 2020  
**Funds Required:** No  
**Account Number:** N/A  
**Amount Required:** N/A  
**Balance Remaining:** N/A  
**Attachments:** Yes, Proclamations and Lien Foreclosure Program

**Item Description: Special Presentations**

- (a) *Wreaths Across America* Proclamation** (city clerk)  
Eighth Annual *Wreaths Across America* proclamation. The ceremony will be held at Shiloh Cemetery in Fruitland Park on Saturday, December 19, 2020 to honor our fallen veterans.
- (b) Fruitland Park Police Department Appreciation Proclamations** (city clerk)
- i. Infinity Fitness**
  - ii. Barbeque for a Cause**
- (c) Lien Foreclosure Program Presentation** (city attorney/city manager/community development director)  
Lien foreclosure program presentation, as directed at the October 10, 2019 regular meeting.

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



# PROCLAMATION

**WHEREAS**, Wreaths Across America™ (WAA) is a national nonprofit organization founded in 2007 to continue and expand the annual wreath-laying ceremony at Arlington National Cemetery begun by Maine businessman Morrill Worcester, in 1992; and

**WHEREAS**, on March 9, 1967, the Town of Fruitland Park Council initially instituted a Memorial Day Program at Shiloh Cemetery honoring veterans and loved ones buried at Shiloh Cemetery; and

**WHEREAS**, nearly 2.2 million remembrance wreaths were placed in 2019; and

**WHEREAS**, 2020 marks the 29<sup>th</sup> year for Wreaths Across America events being held at over 2,158 participating locations across our great country and overseas; and

**WHEREAS**, these events are made possible by the generous commitment in all 50 states of volunteers and those who donate for hundreds of thousands of ceremonial remembrance wreaths to be placed on veterans' graves for this nationwide observance from the Revolutionary War to present day conflicts; and

**WHEREAS**, John Gella Memorial Unit 219 Inc., of the American Legion Auxiliary, in the State of Florida will be continuing the tradition and recognizing its eighth annual Wreaths Across America Ceremony at Shiloh Cemetery in the City of Fruitland Park at 12 noon on Saturday, December 19, 2020; and

**WHEREAS**, due to Coronavirus Disease 2019, The American Legion Family desires to keep everyone safe and healthy and no official ceremony will be held; however, all veterans' gravesites in Shiloh Cemetery will be adorned with remembrance wreaths in a solemn tribute to the courage and sacrifice of those who have guarded and preserved our nation's freedom throughout history.

**NOW, THEREFORE BE IT RESOLVED THAT** I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida, on behalf of the City of Fruitland Park Commission and citizens, do hereby declare Saturday, December 19, 2020 as the official ***Wreaths Across America Day*** in Fruitland Park and acknowledge the mission to *Remember* our fallen veterans, *Honor* those who serve, and *Teach* our children the value of freedom and recognize and commend the American Legion Family of 219 for this patriotic tribute to America's veterans.

Dated this 10<sup>th</sup> day of December 2020.

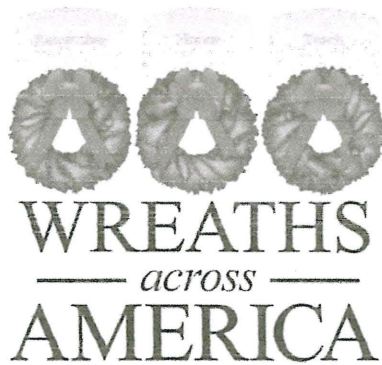
---

Chris Cheshire, Mayor

Attest:

---

Esther Coulson, City Clerk



## YOU ARE INVITED TO ATTEND

### WREATHS ACROSS AMERICA

**December 19, 2020**

**12:00 noon**

**Shiloh Cemetery  
Shiloh Street, Fruitland Park, FL**

The American Legion Family of John Gella Memorial Post 219 located at 194 West Fountain Street in Fruitland Park extends an invitation to you to take part in one of the largest simultaneous events in the country.

2020 marks the 29<sup>th</sup> year for Wreaths Across America events. In 1992 the first 5,000 wreaths were donated by Morrill Worcester and Worcester Wreath Company. Nearly 2.2 million remembrance wreaths were placed in 2019. There were 2,158 participating locations all around the country, in all 50 states, where hundreds of trucking companies and drivers helped deliver the wreaths.

**On December 19<sup>th</sup>, we are continuing the tradition at Shiloh Cemetery.**

**However, please note that due to Covid-19 health issues and our desire to keep everyone safe and healthy, no formal ceremony will be held ... just the laying of remembrance wreaths will be done after an opening prayer.**

Please come to Shiloh Cemetery at noon on December 19<sup>th</sup> and assist the Legion Family in putting a remembrance wreath on each of the veterans' graves.

**“REMEMBER, HONOR, TEACH – DON’T SAY I SHOULD HAVE, SAY I DID!”**

# Proclamation

**WHEREAS**, Infinity Fitness Inc. (formerly Infinity Fitness and Medi Spa) the “hometown” gym in the City of Fruitland Park since 2009, has been raising funds for members of the community; and

**WHEREAS**, as a long-time resident in the City of Leesburg, Albert Cardiello, owner and personal trainer of Infinity Fitness and a former competitor in bodybuilding, has continued to share his passion in fitness with the community; and

**WHEREAS**, Al has hosted health, fitness and wellness fairs and held seminars for the gym members; collaborated with the City of Fruitland Park staff and faith-based leaders to be involved with various community-sponsored events, and initiated innovative and creative methods, along with local businesses, to give back by raising funds to charitable organizations in the area; and

**WHEREAS**, since November 2010, Infinity has annually worked with the city to participate, contribute, and sponsor 5k runs and fitness walks to aid our local schools as well as others in surrounding communities; local faith-based food pantries, and small businesses within the city; and

**WHEREAS**, with the emergence of COVID-19 impacting communities worldwide; law enforcement officials around the globe are encountering unprecedented hardships and responses which they are required to take to keep our communities protected; and

**WHEREAS**, Mr. Cardiello and his staff have discovered unique ways during the pandemic to preoccupy the gym members with their exercise goals and have recently involved the city’s law enforcement officers with various fitness challenges; thus, highlighting their accomplishments; and

**WHEREAS**, Infinity Fitness has engaged with members of the community and staff to come together on November 14, 2020 to “*Rise Up and Raise Up*” (a try-athlon of fun classes with a purpose) and promote *The Fit Blue Line* in honor and with gratitude to the City of Fruitland Park Police Department and acknowledging their hard work through the epidemic;

**NOW, THEREFORE BE IT RESOLVED THAT** I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida, on behalf of the City of Fruitland Park Commission and citizens, do hereby recognize and thank **INFINITY FITNESS INCORPORATED** for their ceaseless commitment and support over the many years in bringing the community together and for encouraging everyone to learn, understand and support our law enforcement personnel who each day work with obstacles during the COVID-19 outbreak where they ensure the safety and security of our community in which they serve.

Dated this 10<sup>th</sup> day of December 2020.

---

Chris Cheshire, Mayor

Attest:

---

Esther Coulson, City Clerk



# Proclamation

**WHEREAS**, prior to 2019, four households in The Villages of Fruitland Park (Pine Ridge) -- part of a social club *Ridge Take 2* -- formed a small group now known as “Barbeque for a Cause” and began the concept of raising and collecting funds for children; and

**WHEREAS**, since 2016 the Fruitland Park Police Department, at its substation located at The Moyer Recreation Center, has been involved with the community policing program at the center which serves as a gathering meeting place for area residents; and

**WHEREAS**, during 2019, Barbeque for a Cause hosted free barbeque events in the Pine Ridge area and continued to support the children in the City of Fruitland Park; and

**WHEREAS**, at the start of 2020 and during the COVID-19 pandemic, Barbeque for a Cause regrouped and promoted its second annual event to include the residents of The Villages of Fruitland Park (Pine Ridge) area with more than \$4,100 in donations; and

**WHEREAS**, on November 14, 2020, the group held take-out barbeques for a cause with the area residents raising approximately \$1,600 in donations towards the *Shop-with-a-Cop Program*, and

**WHEREAS**, *Shop-with-a-Cop Program* is an annual event held by various law enforcement groups throughout the state and counties where uniformed local law enforcement agencies collect and donate gifts directly to children who are the victims of unfortunate circumstances where they are escorted during the shopping event and allowed to spend money on any items they want teaching them that officers are people they can trust and depend on in a time of crisis;

**NOW, THEREFORE BE IT RESOLVED THAT** I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida, on behalf of the City of Fruitland Park Commission and citizens, do hereby express heartfelt gratitude to the households in the Villages of Fruitland Park Pine Ridge **BARBEQUE FOR A CAUSE** for their generosity, devotion and time given to recognize the need within the community and for their commitment in honoring our police department acknowledging *community policing at its best*.

Dated this 10<sup>th</sup> day of December 2020.

---

Chris Cheshire, Mayor

Attest:

---

Esther Coulson, City Clerk

**Date: August 13, 2020**

**To: Tracy Kelley**

**From: Lori Davis**

**Ref: Proposal to Start a Lien Foreclosure Program**

Due to the current recorded liens for neglected and abandoned properties in the city limits, and the possibility of more properties that will be in violation of city ordinances due to the Covid 19 pandemic, I am proposing the City consider a Lien Foreclosure Program.

At this time, the City does not have a plan or process to pursue liens on code enforcement cases. These cases are causing blight and possibly, negative economic growth within our community.

**To start a Lien Foreclosure Program, we would need to:**

1. Examine the City's ordinances and code procedures with expert legal counsel in Lien Foreclosures.

Recommendation: Weider Law, 250 W. Mirror Lake N., St. Petersburg, FL /727-954-8752 / [weidner@mattweidnerlaw.com](mailto:weidner@mattweidnerlaw.com) Currently this firm is associated with the FL Association of Code Enforcement and provides services to municipalities such as this program

2. Develop a Plan and Timeline to pursue the liens and possible foreclosure(s)
3. Use Program for every Recorded Lien

**With a Lien Foreclosure program in place, and with realistic goals the City can:**

1. Target worst cases first
2. Recover taxpayer's money spent to take care of irresponsible property owners' property
3. Make properties available for new development
4. Use foreclosure revenue to generate ***Positive Economic Development***
5. Use foreclosure revenue funds for additional operations

**Note:**

**Approx.** Amounts Owed with current recorded cases;

**CE2017-0032** 401 Acorn Circle - **\$52,944.16** (Abandoned MH note: sold in county auction recently) Still in violation-As of 11/12/20 the City settled with new property owner for legal and admin. Costs = \$1465.00 and for owner to demo and make property compliant.

**CE2018-0043** 19 Grizzard Street - **\$36,560.00** (Junk, Uninhabitable MH) Still in Violation-Includes City cleanup of ROW at \$560.00 and Fines to date.

**CE2019-0062** 32 Grizzard Street - **\$14,394.00** (Demo Expense, city currently maintaining property) plus \$11,100.00 in Fines to date.

Note: Case # 96-11-001 (1996) Previous property in violation at 801 South Dixie Ave. was cited and fined \$75.00 a day. \*\*Order of Fine was left to accumulate for approx. 19 years to the amount of approx. **\$442,800.00** Only until owner passed and family settled estate was it brought to light. City settled to release lien in April of 2015 for \$7,000.00.

FYI state law will only let a lien stay for 20 years.

Thank you,

Lori Davis

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

<b>ITEM TITLE:</b>	<b>Draft Regular Meeting Minutes and 2020 General Election Certified Official Results</b>
<b>For the Meeting of:</b>	December 10, 2020
<b>Submitted by:</b>	City Clerk
<b>Date Submitted:</b>	November 13, 2020
<b>Funds Required:</b>	No
<b>Account Number:</b>	N/A
<b>Amount Required:</b>	N/A
<b>Balance Remaining:</b>	N/A
<b>Attachments:</b>	Draft minutes and certified official election results

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

**a. November 12, 2020 Regular Minutes**

Approve the regular meeting minutes of November 12, 2020 as submitted if there are no corrections.

**b. 2020 General Election Certified Official Results**

Accept the following official certified results for the Fruitland Park Commissioner District 4 votes casted at the 2020 General Election certified by the Lake County Canvassing Board:

John L. Gunter	received 462 votes and
Andrew N. LoFaro	received 239 votes

The unofficial results were disclosed at the November 12, 2020 regular meeting.

<b>Action to be Taken:</b>	<b>Approve the consent agenda.</b>
<b>Staff's Recommendation:</b>	Approval
<b>Additional Comments:</b>	None
<b>City Manager Review:</b>	Yes
<b>Mayor Authorization:</b>	Yes



**FRUITLAND PARK CITY COMMISSION REGULAR  
DRAFT MEETING MINUTES  
November 12, 2020**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, November 12, 2020 at 6:00 p.m.

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

Commissioner Patrick DeGrave entered the meeting room during the meeting as reflected in the minutes.

**Also Present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver; Denise Robbins, Deputy Finance Director; Police Chief Erik Luce; Public Works Director Robb Dicus; Community Development Department Director Tracy Kelley; Code Enforcement Officer Lori Davis; Parks and Recreation Director Michelle Yoder; Interim Fire Chief Don Gilpin; Deputy Fire Chief Tim Yoder; Lieutenant Madison Leary, and Firefighter Christopher Lewis, Fire Department; 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, Pastor Brian Broone, Heritage Community Church, 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**

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

ACTION: 6:03:59 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 7.(o), Ordinance 2020-007 Rezoning and Master Development Agreement to read "first reading"**.

**3. OATH OF OFFICE – SWEARING-IN CITY COMMISSIONERS**

After Mayor Cheshire acknowledged the unofficial results of the November 3, 2020 General Election, he announced that the official certified results would be made available by the December 10, 2020 regular meeting.

Ms. Coulson administered the oath of office to the following elected officials and welcomed them.

- (a) **District 3 Commissioner**  
Chris Cheshire

- (b) **District 4 Commissioner**  
John L. Gunter Jr.
- (c) **District 5 Commissioner**  
Chris Bell

ACTION: 6:04:55 p.m. No action was taken.

**4. ANNUAL ELECTION OF OFFICERS**

- (a) **Mayor**  
Mayor Cheshire recognized the annual election of the position of mayor to be in order.

**ACTION: 6:07:37 p.m. Commissioner Mobilian placed in nomination the name of Chris Cheshire as mayor for 2020-21, the nomination was seconded Vice Mayor Gunter.**

Commissioner Bell referred to the 2014 Charter Review Committee’s review of the redistricting at five-districts with the annual rotation after the election of the mayor position or four commissioners and expressed preference on same.

**There being no further names placed for nomination, by unanimous consent, they were declared closed.**

**Mayor Cheshire called for a roll call vote to appoint Chris Cheshire as mayor for 2020-21 with the city commission members voting as follows:**

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

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

- (b) **Vice Mayor**  
Mayor Cheshire recognized the annual election of the position of vice mayor to be in order.

**ACTION: 6:09:25 p.m. Commissioner Mobilian placed in nomination the name of John L. Gunter Jr., as vice mayor for 2020-21, the nomination was seconded by Commissioner Bell.**

After discussion, **Vice Mayor Gunter placed in nomination the name of Chris Bell as vice mayor for 2020-21.** The nomination died for a lack of a second.

(Commissioner DeGrave entered the meeting room at this time.)

**Mayor Cheshire restated the motion on the floor to nominate John L. Gunter Jr. as Vice Mayor for 2020-21 for consideration and recognized the name of Patrick DeGrave as vice mayor for 2002-21 proffered by Vice Mayor Gunter which was subsequently declined by Commissioner DeGrave.**

**There being no further names placed in nomination and by unanimous consent, the nominations were declared closed.**

**Mayor Cheshire called for a roll call vote to appoint John L. Gunter Jr. for the position of vice mayor for 2020-21 with the city commission members voting as follows:**

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

**The motion was declared carried with a four to one (4-1) vote.** (Commissioner Bell reiterated reasons for the negative vote as reflected earlier on this evening's agenda under Item 4.(a).)

**5. LOCAL PLANNING AGENCY**

As soon as practical at 6:15 p.m., recess to the Local Planning Agency (LPA) meeting.

**ACTION:** 6:12:32 p.m. **By unanimous consent, the city commission recessed its meeting at 6:13 p.m. to the Local Planning Agency and reconvened 6:15 p.m.**

**6. CONSENT AGENDA**

**Approval of Minutes**

**On motion of Commissioner Bell, seconded by Commissioner DeGrave and unanimously carried, the city commission approved the October 22, 2020 minutes as submitted.**

**7. REGULAR AGENDA**

**(a) Resolution 2020-065 Lake County League of Cities Appointments**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2020-065, the substance of which is as follows:

**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.**

At Mayor Cheshire's request, Commissioner Bell accepted the Lake County League of Cities' (LCLC's) appointment as member and referred to the October 30, 2020 letter from Mr. Gary J. Cooney, Lake County Clerk of the Circuit Court and Comptroller, regarding Commissioner Bell's reappointment to the Lake County Parks, Recreation and Trails Advisory Board as the LCLC's Representative; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Vice Mayor Gunter accepted, upon the Mayor's request, the alternate director position on the LCLC.

**ACTION: 6:15:39 p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2020-065 with the reappointments of Commissioner Chris Bell as member and Vice Mayor John L. Gunter Jr., as alternate director.**

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

**(b) Lake County Educational Concurrency Review Committee Appointment**

The city commission considered its action to appoint a member to serve on the Lake County Educational Concurrency Review Committee for one year.

**ACTION: 6:17:45 p.m. After Vice Mayor Gunter accepted, at Mayor Cheshire's request, the position to serve on the Lake County Educational Concurrency Review Committee for one year, and on motion of Commissioner Mobilian, seconded by Commissioner DeGrave and unanimously carried, the city commission approved the aforementioned reappointment.**

**(c) Lake~Sumter MPO Governing Board Appointments**

The city commission considered its action to appoint a member and alternate to serve on the Lake~Sumter Metropolitan Planning Organization (LSMPO) Governing Board.

**ACTION: 6:18:09 p.m. 6:18:33 p.m. At Mayor Cheshire's request, after Commissioner Mobilian accepted the reappointment to serve on the LSMPO, on motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved the reappointment of Commissioner Mobilian to serve on the Lake~Sumter Metropolitan Planning Organization Board.**

After discussion, and **on motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the reappointment of Vice Mayor John L. Gunter Jr. to serve as alternate on the Lake~Sumter Metropolitan Planning Organization.**

(d) **Boards/Committees/Workshops**

**i. Charter Review Discussion**

Mr. La Venia addressed the need to review the city charter which has not been adopted since November 8, 1984.

In response to Mr. La Vena's inquiry as to whether the city commission could serve as the review committee, Ms. Geraci-Carver recognized that it is not addressed in the city's charter, it is not required by Florida Statutes, and it is typically recommended which can be the city commission members. She described the process to ultimately enact an ordinance on the charter revisions for the 2022 ballot and in concurring with Mr. La Venia, a workshop can be scheduled to review the recommendations with a professional attorney.

Ms. Geraci-Carver pointed out her recent communications with the Florida Institute of Government, University of Central Florida; mentioned her previous work with Ms. Marilyn Crotty who has since retired but is currently contracting with UCF, and relayed her preferred timeframe at such workshops. Ms. Geraci-Carver indicated that if it is the city commission's desire to consider other proposals, a copy of the city's charter would be required for review before submittal.

**ACTION: 6:19:00 p.m. By unanimous consent, the city commission agreed to serve as the Charter Review Committee; directed the city attorney to obtain a proposal from Ms. Marilyn Crotty (retained by the Florida Institute of Government, University of Central Florida) and other professionals specializing in charter reviews and report back to the city commission for consideration.**

**ii. Centennial Celebration Event Committee Discussion**

The city commission addressed the centennial celebration event committee.

Mayor Cheshire referred to Library Director Jo-Ann Glendinning's email sent earlier this day regarding the Centennial Celebration and the status update on individuals who are interested to serve; a copy of which is filed with the supplemental papers to the minutes of this meeting.

**ACTION 6:22:56 p.m. Upon Commissioner Gunter's suggestion and by unanimous consent, the city commission agreed that prior to the establishment of the Centennial Celebration Event Committee, that a city elected official be appointed and accepted Commissioner Bell's willingness to serve on said committee.**

(e) **2021 City Commission Meeting Schedule**

The city commission considered its action to approve the 2021 city commission meeting schedule.

**ACTION 6:24:33 p.m. On motion of Commissioner Mobilian, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the 2021 city commission meeting schedule.**

**(f) Resolution 2020-064 Professional Grant Writing Services Contract - Liberty Partners of Tallahassee LLC**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2020-064, the substance of which is as follows:

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 CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION: 6:24:56 p.m. After some discussion, a motion was made by Commissioner Bell and seconded by Commissioner DeGrave that the city commission adopt Resolution 2020-064 as previously cited.**

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

**(g) Abandoned Properties and 401 Acorn Circle – Case CE2017-0032**

The city commission considered its action 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.

Mr. La Venia relayed the property owner's agreement to demolish the property and acceptance of the subject recommendations. He referred to the November 5, 2020 email from Mr. Duane Booth, BESH/Half Associates Inc, engineers, surveyors and land planners retained by the city, regarding the decommission and abandonment of septic tank to be in compliance with the standards for onsite sewage treatment and disposal systems under Rule Chapter 64E-6 of the Florida Administrative Code and the Land Development Code. (A copy of the respective email is filed with the supplemental papers to the minutes of this meeting.)

Before sending the letter to the property owner, Ms. Geraci-Carver addressed the plan to obtain an opinion from Mr. Booth on the ability to continue with the use of the septic tank or connect to the city's water wastewater system, if available.

**ACTION: 6:28:18: p.m. Following extensive discussions, on motion made by Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission:**

- **approved the recommendation to the Special Magistrate on the waiver of the order of fines on Case CE2017-0032, as previously cited;**
- **authorized the charge levied and assessed on the aforementioned order agreeable and payable by the property owner;**
- **accepted the property owner's agreement to demolish the subject property, and**
- **approved the city manager's recommendation to direct the city attorney to write a letter to the property owner outlining the terms after receiving the opinion from BESH Halff Inc. on the decommissioning and abandonment of the septic tank for the subject property.**

**(h) Computers Purchases – Community Development Department**

The city commission considered its action to purchase five desktop and two laptop computers. for the community development department, utilizing account number 01524-60640 for the amount of \$10,325.

**ACTION: 6:36:42: p.m. After discussion, and on motion of Vice Mayor Gunter, seconded by Commissioner DeGrave and unanimously carried, the city commission approved the purchase as previously cited.**

**(i) Fire Protection and Rescue Service Discussion**

The city commission addressed the fire protection and rescue service.

Mr. La Venia referred to the October 9, 2020 email from Mr. John Molenda, Lake County Deputy Manager, regarding concerns on the fire department's continued out of service and lack of response as the closest unit to support the residents to which Interim Deputy Fire Chief Gilpin outlined reasons for the out of service issues.

**ACTION: 6:38:36: p.m. After extensive discussions, and by unanimous consent, the city commission directed the city manager to proceed with expediting a contract with a date certain for fire protection and rescue services with Lake County.**

**PUBLIC HEARING**

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

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2020-012, the substance of which is as follows;

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.)

After Mr. Le Venia anticipated future changes under chapter 92, he suggested that language ought to reflect amending renumerations of the current code.

**ACTION: 6:56:42: p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission approve proposed Ordinance 2020-012 as previously cited.**

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

Upon Mayor Cheshire's suggestion, **the maker and seconder of the motion had no objections to accept the correction in the title of the proposed ordinance removing Chapter 99 and replacing it with Chapter 92 before advertising.**

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

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

**PUBLIC HEARING**

**(k) Second Reading and Public Hearing – Ordinance 2020-011 Solid Waste Rates**

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the title of proposed Ordinance 2020-011 the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:



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.)

**ACTION:** 7:00:07 p.m. **A motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission enact Ordinance 2020-011, as previously cited, to become effective immediately, as provided by law.** (The refuse collect rate adjustments shall be implemented January 1, 2021.)

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.**

**(I) Second Reading and Public Hearing – Ordinance 2020-013 Elections**

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the title of proposed Ordinance 2020-013, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

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:** 7:01:16 p.m. After discussion, **a motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission enact Ordinance 2020-013, as previously cited, to become effective immediately as provided by law.**

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

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

**(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**

Upon the city attorney's suggestion, acceptable by LPG Regional Urban Planners Inc's Executive Director, **the city commission, by unanimous consent, agreed to consider proposed Ordinance 2020-005 on this evening's agenda.**

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the title of proposed Ordinance 2020-005, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING 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.)

Mr. Greg Beliveau, LPG Regional Urban Planners Inc., reported on the November 9, 2020 Lake County School Board's actions at its regular meeting on the approval of the master development agreement -- Leesburg Fruit Company Inc./Holloway Properties Inc. with the city -- and the adoption of a resolution authorizing the release of petroleum and mineral rights for the Leesburg High Ag Farm Property on CR 466A in Fruitland Park (aka *Parcel 19 of the Northwest Vacant Lands*); a copy of which is filed with the supplemental papers to the minutes of this meeting.

**ACTION: 7:02:07 p.m. A motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission enact Ordinance 2020-005, as previously cited, to become effective immediately as provided by law.**

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

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

### **QUASI-JUDICIAL PUBLIC HEARING**

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

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the title of proposed Ordinance 2020-006 the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, 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.)

Later in the meeting and at Mayor Cheshire's request, Ms. Geraci-Carver swore-in Mr. Beliveau who intended to testify on the subject item.

After Mayor Cheshire relayed staff's request to postpone the subject item to the January 14, 2021 regular meeting, Mr. Beliveau accepted Ms. Geraci-Carver's explanation that the subject item be heard at this evening's meeting and that consideration in this regard (October 22, 2020 LPA) was due to an advertising error.

**By unanimous consent, the city commission accepted the requests made earlier by LPG Regional Urban Planners Inc.'s Executive Director under regular agenda item 7.(m) and on the subject item that the testimony submitted at the previous Local Planning Agency meeting be transferred to the item in question under this evening's proceedings.**

Mr. La Venia and Ms. Geraci-Carver confirmed, in response to Commissioner Mobilian's inquiry, that a letter this day was sent to Mr. Steve Johnson, attorney, regarding the city's interest to annex the school board property located southwest of CR 466A bordering the Sumter County line; a copy of which is filed with the supplemental papers to the minutes of this meeting.

**ACTION: 7:04:16 p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission accept the Local Planning Agency's recommendation of approval to approve Ordinance 2020-006 and transmit same to the appropriate agencies.**

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.**

**(o) First Reading and Quasi-Judicial Public Hearing – Ordinance 2020-007 Rezoning and Master Development Agreement – Petitioner: Lake County School District**

It now being the time advertised to hold a public hearing, Ms. Geraci-Carver read into the record the title of proposed Ordinance 2020-007 the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, 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.)

**ACTION: 7:06:23 p.m. and 7:08:18 p.m. By unanimous consent, and upon the city attorney's recommendation and the suggestion by LPG Regional Urban Planners Executive Director, the city commission agreed to reconsider the change to this evening's agenda to reflect "second reading" and not "first reading" and that in accordance to state law, the zoning would not be binding until Ordinance 2020-006, approved under regular agenda item 7.(m), becomes effective by the second reading.**

**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 held earlier be transferred to this evening's agenda.**

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

**A motion was made by Commissioner Bell and seconded by Commissioner Mobilian that the city commission enact Ordinance 2020-007 to become effective as provided by law, subject to the enactment of Ordinance 2020-006 as previously cited.**

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

### **END OF QUASI-JUDICIAL PUBLIC HEARING**

## **8. OFFICERS' REPORTS**

### **(a) City Manager**

#### **i. Economic Development Status Update**

Mr. La Venia had no status update report on economic development at this time.

ACTION: 7:08:52 p.m. No action was taken.

#### **ii. COVID-19 Status Update**

Mr. La Venia gave a report on the check received from Lake County on November 9, 2020 for \$363,592.39 relating to the Coronavirus Aid Relief and Economic Security (CARES) Act; the city's spend plan according to the list of needs, and the statutory regulations under same

ACTION: 7:08:52 p.m. No action was taken.

### **(b) City Attorney**

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

Ms. Geraci-Carver referred to discussions held earlier on this day's agenda under regular agenda item 7.(g), Abandoned Properties and 401 Acorn Circle – Case CE2017-0032. She recognized the decommissioning of the septic system and that compliance with the administrative code to be the final issue left to be resolved on the T. D. Burke case. Ms. Geraci-Carver anticipated that further report for consideration will be made before the city commission at its December 10, 2020 regular meeting.

ACTION: 7:11:29 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 stated that no new dates have been received for the State of Florida Department of Management Services administrative hearings on the subject case.

ACTION: 7:11:57 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: 7:11:57 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 had no updates on the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case.

ACTION: 7:11:57 p.m. No action was taken at this time.

**9. UNFINISHED BUSINESS**

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

ACTION: 7:12:08 p.m. No action was taken.

**10. PUBLIC COMMENTS**

Mr. David Serdar, City of Fruitland Park Unincorporated Area Resident, recognized the veterans; expressed concerns for the children's future, and acknowledged the candidates' who ran for office.

Deputy Fire Chief Yoder thanked the city commission for their expressions of sympathy as a result of his father's recent passing.

Deputy Fire Chief Yoder welcomed the city commission, through Mr. La Venia, to contact him regarding any questions relating to the city's fire service and voiced his willingness to assist with any issues that may arise regardless of the city commission's ultimate decision.

ACTION: 7:12:09 p.m. No action was taken.

**11. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

**i. LSMPO**

Commissioner Mobilian indicated that he will provide more information after the LSMPO holds its meeting on October 28, 2020.

ACTION: 7:16:53 p.m. No action was taken.

**ii. 2020 Holiday Season**

Commissioner Mobilian extended well wishes to everyone for the 2020 holiday season.

ACTION: 7:23:19 p.m. No action was taken.

**(b) Commissioner DeGrave – 2020 Elections**

Commissioner DeGrave congratulated Mayor Cheshire, Vice Mayor Gunter, and Commissioner Bell as a result of the outcome of the recent elections; expressed pleasure in working with the city commission and anticipated continuing same in the next two years.

ACTION: 7:17:05 p.m. No action was taken.

**(c) Commissioner Bell – Parks, Recreation and Trails Advisory Board**

Commissioner Bell gave a report on the county's recent contribution for accessibility features and concrete pads and walkways installation at Northwest Lake Community Park which was addressed at the November 9, 2020 Parks, Recreation and Trails Advisory Board meeting to which Mr. La Venia and Ms. Yoder gave a status update on the work that has commenced in that regard, the successful soccer program and the continuous use of the new skateboard at Gardenia Park.

Commissioner Bell relayed the suggestion by Lake County Office of Parks and Trails Director Roberto "Bobby" Bonilla to submit future funding requests in advance and noted the recent appointment of the district commissioner as a commission liaison member to said board.

ACTION: 7:17:25 p.m. No action was taken.

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

**i. Veterans' Day**

Vice Mayor Gunter reported that he and Ms. Coulson attended the November 11, 2020 Veterans Day event held at John Gella Memorial American Legion Post 219 where the program was favorable.

ACTION: 7:20:53 p.m. No action was taken.

**ii. 2020 Election**

Vice Mayor Gunter expressed his gratitude to the voters in his district who had the confidence in him to serve for another four-year term as well as the assurance received from the commission reelecting him as vice mayor for the forthcoming year. He stated that he is looking forward to the finalization of the CR 466A roadway improvements and other forthcoming projects.

ACTION: 7:21:16 p.m. No action was taken.

**11. MAYOR'S COMMENTS**

**(a) 2020 Election**

In concurring with Vice Mayor Gunter's remarks, Mayor Cheshire thanked the city commission for voting him as mayor for next year and agreed with Commissioner DeGrave's statements on the commission's ongoing and current working relationship.

ACTION: 7:21:56 p.m. No action was taken.

**(b) Dates to Remember**

Mayor Cheshire announced the following events:

- November 16, 2020, LSMPO 2045 Long Range Transportation Plan Report Virtual Workshops at 4:00 p.m. and 6:00 p.m. respectively;
- 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 West 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 West 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
  
- January 1, 2020, New Year's Day – City Hall Closed

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

**12. 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 December 10, 2020 regular meeting.

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

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

\*\*\* 1st Set of Official Results \*\*\*  
**CERTIFICATE OF COUNTY CANVASSING BOARD**  
**LAKE COUNTY**

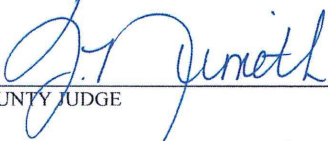
We, the undersigned, JASON NIMETH, County Judge, D. ALAN HAYS, Supervisor of Elections, JENNIFER HILL, BOCC Chair, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Thirteenth day of November, 2020 A.D., and proceeded publicly to canvass the votes given for the several offices and persons herein specified at the **Nonpartisan** held on the Third day of November, 2020 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For **Fruitland Park Commissioner District 4**, the whole number of votes cast was 701 of which

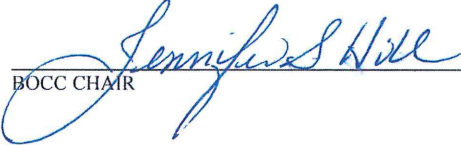
John L. Gunter	received	462 votes
Andrew N. LoFaro	received	239 votes

\*\*\* Official Results \*\*\*  
CERTIFICATE OF COUNTY CANVASSING BOARD  
LAKE COUNTY

We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.

  
\_\_\_\_\_  
COUNTY JUDGE

  
\_\_\_\_\_  
SUPERVISOR OF ELECTIONS

  
\_\_\_\_\_  
BOCC CHAIR

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

**ITEM TITLE:** 2021 City Commission Meeting Schedule  
**For the Meeting of:** December 10, 2020  
**Submitted by:** City Attorney/City Manager/City Clerk  
**Date Submitted:** December 1, 2020  
**Funds Required:** No  
**Account Number:** N/A  
**Amount Required:** N/A  
**Balance Remaining:** N/A  
**Attachments:** 2021 Meeting Schedule

**Item Description: City Commission Meeting Schedule**

- i. **Special Meeting** – First reading of proposed Ordinance 2020-013 is being considered under regular agenda Item 5.(i). The city commission ought to consider holding a Special Meeting on December 17, 2020 for the second reading on proposed MSTU Ordinance 2020-01 at second reading.
  
- ii. **2021 Commission Meeting Schedule** - On November 12, 2020, the city commission approved its 2021 meeting schedule; however, it revealed that a meeting will be held on November 11, 2021 which conflicts with Veteran’s Day. Recognizing that the November 25, 2021 meeting is cancelled due to Thanksgiving, no meetings has been scheduled for that month. The city commission ought to determine a date in November 2021 to hold a special meeting.

**Action to be Taken:** Approve holding special meetings.

**Staff’s Recommendation:** Approval

**Additional Comments:** Yes

**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: 5b**

**ITEM TITLE:** Auditor McDirmit Davis Engagement Letter  
– FY 2020-21

**For the Meeting of:** December 10, 2020

**Submitted by:** City Treasurer

**Date Submitted:** November 19, 2020

**Funds Required:** See below.

**Attachments:** Auditor McDirmit Davis Engagement Letter  
FY 2020-21

**Item Description:** **City of Fruitland Park Auditing Services** – On November 14, 2019, the city commission adopted Resolution 2019-064 approving the auditing services agreement with McDirmit Davis CPA.

There is a new statutory requirement to separate the City of Fruitland Park and CRA portion of the audit. There are now two engagement letters, one for the main financial audit and one for the CRA audit for consideration on the December 17, 2020 Special CRA meeting agenda. The cost has not changed but has been split between the main audit and the CRA audit. The total cost is \$24,500 but is now split \$19,500 for main audit and \$5,000 for the CRA audit. This is budgeted in finance and water and sewer under audit fee 01513-30320 (50%), 40533-30320 (\$25%), and 40535-30320 (25%).

**Action to be Taken:** **Approve the renewal of McDirmit Davis’ auditing services with the City of Fruitland Park for the year ending September 30, 2021 and authorize the mayor to execute the engagement letter.**

**Staff’s Recommendation:** Approval

**Additional Comments:** No

**City Manager Review:** Yes

**Mayor Authorization:** Yes



November 9, 2020

*City of Fruitland Park*  
506 W. Berckman St.  
Fruitland Park, Florida 34731

The following represents our understanding of the services we will provide the *City of Fruitland Park*.

You have requested that we audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the *City of Fruitland Park* as of September 30, 2020 and for the years then ended and the related notes to the financial statements, which collectively comprise the *City of Fruitland Park's* basic financial statements as listed in the table of contents. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audits will be conducted with the objectives of our expressing an opinion on each opinion unit applicable to those basic financial statements.

Accounting principles generally accepted in the United States of America (U.S. GAAP) as promulgated by the Governmental Accounting Standards Board (GASB) require that certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), and analysis be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

- a. Management's Discussion and Analysis
- b. Supplementary Pension Schedules
- c. Supplementary OPEB Schedules

Supplementary information other than RSI will accompany *City of Fruitland Park's* basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

1. Schedule of expenditures of federal and state awards
2. Individual fund statements

Also, the document we submit to you will include the following other additional information that will not be subjected to the auditing procedures applied in our audit of the financial statements:

1. Introductory section of the CAFR
2. Statistical section of the CAFR

### **Auditor Responsibilities**

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS), the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America; and the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. If appropriate, our procedures will therefore include tests of documentary evidence that support the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of cash, investments, and certain other assets and liabilities by correspondence with creditors and financial institutions. As part of our audit process, we will request written representations from your attorneys, and they may bill you for responding. At the conclusion of our audit, we will also request certain written representations from you about the financial statements and other related matters.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements or noncompliance (whether caused by errors, fraudulent financial reporting, misappropriation of assets, detected abuse, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

In making our risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit. Our responsibility as auditors is, of course, limited to the period covered by our audit and does not extend to any other periods.

We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

### **Compliance with Laws and Regulations**

As previously discussed, as part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of City of Fruitland Park's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.



### Management Responsibilities

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance acknowledge and understand that they have responsibility:

- 1 For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
- 2 For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant
- 3 To provide us with:
  - a. Access to all information of which [management] is aware that is relevant to the preparation and fair presentation of the financial statements, and relevant to federal award programs, such as records, documentation, and other matters;
  - b. Additional information that we may request from management for the purpose of the audit; and
  - c. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
- 4 For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole; and
- 5 For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
- 6 For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
- 7 For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in internal control and others where fraud could have a material effect on compliance;
- 8 For the accuracy and completeness of all information provided;
- 9 For taking reasonable measures to safeguard protected personally identifiable and other sensitive information; and
- 10 For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited basic financial statements, or if the supplementary information will not be presented with the audited basic financial statements, to make the audited basic financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management written confirmation concerning representations made to us in connection with the audit.

We will not assume management responsibilities on behalf of City of Fruitland Park. However, we will provide advice and recommendations to assist management of City of Fruitland Park in performing its responsibilities.

With respect to any nonattest services we perform, such as drafting financial statements, calculating depreciation, and proposing adjusting journal entries to be reviewed and approved by management. The City of Fruitland Park's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Our responsibilities and limitations of the engagement are as follows:

- We will perform the services in accordance with applicable professional standards.
- This engagement is limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries.

Government Auditing Standards require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a non-audit service.

### **Reporting**

We will issue a written report upon completion of our audit of the City of Fruitland Park's basic financial statements. Our report will be addressed to the governing body of City of Fruitland Park. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance will not be an objective of the audit and, therefore, no such opinion will be expressed.

As required by Section 163.387(8), Florida Statutes, we will also audit the City of Fruitland Park Community Redevelopment Agency, the terms of which are specified in a separate letter.

We will also issue a written report on the City's compliance with the requirements of Section 218.415, Florida Statutes upon completion of our audit.

### **Other**

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the basic financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

### **Provisions of Engagement Administration, Timing and Fees**

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications. We expect to begin our audits in November 2020 and to issue our reports no later than March 31, 2021.

Tamara Campbell is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising McDermitt Davis, LLC's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fee for these services described in this letter will not exceed \$19,500 for the audit of the financial statements, and \$5,300 each for the federal and state single audits, if required, inclusive of all costs and out-of-pocket expenses, unless the scope of the engagement is changed, the assistance that *City of Fruitland Park* has agreed to furnish is not provided, or unexpected conditions are encountered, in which case we will discuss the situation with you before proceeding. Whenever possible, we will attempt to use The City of Fruitland Park's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

If the City of Fruitland Park exercises the option to renew for the year ending September 30, 2021, the fees will not exceed the following:

<u>Fiscal Year</u>	<u>Financial Audit</u>	<u>Single Audit (If Required)</u>
2021	\$20,000	\$5,300

The timing of our audit for all years will follow the schedule outline in the RFP (detailed below), including presentation of the audit to the City Commission by the 2<sup>nd</sup> meeting in March.

**RFP Schedule:**

<u>Audit Phase</u>	<u>Completion Dates</u>
Planning and interim audit work	November 9
Year-end fieldwork	January 4
Report preparation and CAFR review	March 15

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

We agree to retain our audit documentation or work papers for a period of at least five years<sup>10</sup> from the date of our report.

At the conclusion of our audit engagement, we will communicate to those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of McDirmit Davis, LLC and constitutes confidential information. However, we may be requested to make certain audit documentation available to a federal or state agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities, pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of McDirmit Davis, LLC's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

**ADDENDUM TO PROPOSAL**

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 (352) 360 6790, [ecoulson@fruitlandpark.org](mailto:ecoulson@fruitlandpark.org), 506 West Berckman Street, Fruitland Park, FL 34731.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Sincerely,

*McDiernit Davis*

RESPONSE:

This letter correctly sets forth the understanding of the City of Fruitland Park.

---

By

---

Title

# CITY OF FRUITLAND PARK AGENDA ITEM SUMMARY SHEET

## Item Number: 5c

**ITEM TITLE:** Administrative Vehicles – Police Department  
**For the Meeting of:** December 10, 2020  
**Submitted by:** City Manager/Police Chief  
**Date Submitted:** November 18, 2020  
**Funds Required:** Yes  
**Account number:** 60649  
**Amount Budgeted:** \$80,000.00  
**Amount Required:** \$54,566.00  
**Balance Remaining:** \$25,434.00  
**Attachments:** Quotes for two administrative vehicles and light packages

**Item Description:** Administrative Vehicles – Police Department

- i. Police Department Administrative 2021 Dodge Durango for new lieutenant position:
  - o Courtesy Chrysler Jeep Dodge Ram, Tampa, Florida \$24,850 (recommended)
  - o Garber Chrysler Dodge Inc. Green Cove Springs, Florida \$25,406.00
    - Lighting and equipment packages:
      - HG@ Emergency Lighting Orlando Florida \$ 3,458.00 (recommended)
      - Dana Safety Supply Orlando Florida \$ 3,765.04
  - Total package for Administrative Vehicle \$28,308.00
  - Total Budgeted for Vehicle \$40,000.00
  
- ii. Police Department Administrative Sedan for new detective position:
  - o Courtesy Chrysler Jeep Dodge Ram, Tampa, Florida  
2021 Dodge Charger \$22,800.00 (recommended)
  - o Garber Chrysler Dodge 2021 Dodge Charger \$23,946.00
    - Lighting and equipment packages:
      - Hg2 Emergency Lighting \$ 3,458.00 (recommended)
      - Dana Safety Supply \$ 3,765.04
  - Total Package for Detective Sedan \$26,258.00
  - Total Budgeted for Vehicle \$40,000.00

**Action to be Taken:** City Commission discretion  
**Staff's Recommendation:** (See recommendations cited above)  
**Additional Comments:** None  
**City Manager Review:** Yes  
**Mayor Authorization:** Yes

Recommended



Chrysler Jeep  
Dodge

**QUOTE**

Vendor: Courtesy CJDR  
Address: 9207 E Adamo Dr  
Tampa, FL 33619

Requester: CHIEF LUCE  
Date: 11/2/2020  
Agency: FRUITLAND PARK POLICE

Off # 407-234-5116

From: [Eric Jore](#)

Email: [ejore@cogginauto.com](mailto:ejore@cogginauto.com)

FEID: 59-3512666

Contact #

E-Mail

**PER FSA20-VEL28.0 BID**

Spec#	Commodity	Description	Quantity	Unit Price	Extended Total
285		2021 DODG DURANGO STX RWD WDDL75 3.6 V-6 ENGINE 8 SPEED AUTO TRANS POWER WINDOWS AND LOCKS CRUISE CONTROL TILT STEERING WHEEL REMOTE KEYLESS 2 KEYS WITH REMOTES  <p style="text-align: center;">Durango</p> DELIVERY 90-120 DAYS ARO TERMS NET 30	1		\$24,850.00
<p>Color: PDN - Destroyer Gray Unless color is specified, the vehicle will be ordered White</p>					
<b>TOTAL</b>					<b>\$24,850.00</b>



**Fruitland Park Police Department**

Specification #	285
Unit Description	WDDL75

Prepared for:	Prepared by:
<b>10/27/2020</b> Fruitland Park Police Department Attn: Chief Erik Luce <a href="mailto:eluce@fruitlandpark.org">eluce@fruitlandpark.org</a> (352) 360-6655	<b>Garber Chrysler Dodge Truck</b> Ryan Davis (904) 264-2442 ext.2350 FAX: (904) 284-0054 3408 Hwy 17 Green Cove Springs, FL 32043 <a href="mailto:rdavis@garberautomall.com">rdavis@garberautomall.com</a>

**Florida Sheriffs Association**

Prices are published by the Florida Sheriffs Association. ([https://www.flsheriffs.org/our\\_program/purchasing\\_programs/cooperative-fleet-bid-awards/](https://www.flsheriffs.org/our_program/purchasing_programs/cooperative-fleet-bid-awards/)). Purchasing contract number is FSA20-VEL 28.0, expiring September 30th, 2021 for – Police Rated Vehicles/Motorcycles, Sedans & Light Trucks. If you have any questions regarding this quote please call!

		Base Price	
WDDL75	<b>2021 Dodge Durango SXT RWD</b>	\$25,406.00	
Codes	Optional Equipment	Unit Price	Net Price
2BA	Quick Order Package 2BA SXT	Included	\$0.00
ERC	Engine: 3.6L V6 24V VVT UPG I w/ESS	Included	\$0.00
DFT	Transmission: 8-Speed Automatic (850RE)	Included	\$0.00
PW7	Bright White Clearcoat (Or Standard Paint Color)	Included	\$0.00
CSX9	Black, Cloth Bucket Seats w/Shift Insert	Included	\$0.00
STD	Full Carpet Floor Covering -inc: Carpet Front And Rear Floor Mats	Included	\$0.00
DEL	Delivery	Included	\$0.00
	<b>Standard Paint Colors:</b>		
	PAU Granite Clearcoat		
	PBF Reactor Blue Pearlcoat		
	PDN Destroyer Gray Clearcoat		
	PHR In-Violet Clearcoat		
	PRV Octane Red Pearlcoat		
	PSC Billet Clearcoat		
	PXJ DB Black Clearcoat		
<b>TOTAL PURCHASE AMOUNT PER VEHICLE</b>			<b>\$ 25,406.00</b>










**Fruitland Park Police Department**

Specification #	7
Unit Description	LDDM48

Prepared for: \_\_\_\_\_ Prepared by: \_\_\_\_\_

**10/27/2020**  
 Fruitland Park Police Department  
 Attn: Chief Erik Luce  
[eluce@fruitlandpark.org](mailto:eluce@fruitlandpark.org)  
 (352) 360-6655

**Garber Chrysler Dodge Truck**  
 Ryan Davis  
 (904) 264-2442 ext.2350 FAX: (904) 284-0054  
 3408 Hwy 17 Green Cove Springs, FL 32043  
[rdavis@garberautomall.com](mailto:rdavis@garberautomall.com)



**Florida Sheriffs Association**

Prices are published by the Florida Sheriffs Association.  
 (https://www.flsheriffs.org/our\_program/purchasing\_programs/cooperative-fleet-bid-awards/). Purchasing contract number is FSA20-VEL 28.0, expiring September 30th, 2021 for – Police Rated Vehicles/Motorcycles, Sedans & Light Trucks. If you have any questions regarding this quote please call!

		Base Price	
LDDM48	<b>2021 Dodge Charger SXT RWD</b>	\$23,946.00	
Codes	Optional Equipment	Unit Price	Net Price
2EG	Quick Order Package 2EG	Included	\$0.00
ERB	Engine: 3.6L V6 24V VVT	Included	\$0.00
DFW	Transmission: 8-Speed Automatic	Included	\$0.00
PW7	Bright White Clearcoat (Or Standard Paint Color)	Included	\$0.00
BFX9	Black, Cloth Sport Seat	Included	\$0.00
STD	Full Carpet Floor Covering -inc: Carpet Front And Rear Floor Mats	Included	\$0.00
DEL	Delivery	Included	\$0.00
<b>Standard Paint Colors:</b>			
	PAE Smoke Show		
	PAU Granite Pearlcoat		
	PBM Indigo Blue		
	PCA Frostbite		
	PCD Hellraisin		
	PEC Sinamon Stick		
	PFQ F8 Green		
	PR3 Torred Clearcoat		
	PRV Octane Red Pearlcoat		
	PSE Triple Nickel Clearcoat		
	PVP Go Mango		
	PX8 Pitch Black Clearcoat		
<b>TOTAL PURCHASE AMOUNT PER VEHICLE</b>			\$ 23,946.00

# Estimate



HG2 Emergency Lighting  
 477 N Semoran Blvd  
 Orlando, FL 32807

Date	Estimate No.
10/28/20	2947

407-426-7700  
 sales@hg2lighting.com

407-426-7700  
 www.hg2lighting.com

Name/Address
Fruitland Park Police Dept 506 W Berckman St Fruitland Park, FL 34731

Ship To
Fruitland Park Police Dept Chief Eric Luce 506 W Berckman St Fruitland Park, FL 34731

Project	P.O. No.	Terms	Due Date	REP
		Due on receipt	10/28/20	AB

Item	Description	Quantity	Cost	Total
HG2-EUMP	FSA HG2 Economic Unmarked Lighting Packaged	1	2,600.00	2,600.00T
Front Visor	Front Visor	1	0.00	0.00T
Rear Visor	Rear Visor	1	0.00	0.00T
HG2STB	4 Corner Strobe Lights Blue/Red	1	0.00	0.00T
HHS2200	Whelen HHS2200 Hand Held Siren	1	0.00	0.00T
SA315P	Whelen 100 Watt Speaker	1	0.00	0.00T
SAK1	Whelen Universal Speaker Bracket	1	0.00	0.00T
Labor	Labor/Installation	1	850.00	850.00T
HG22PC62BR	Blue/Red 60" 2 Piece Side Runner Kit	1	599.00	599.00T
Misc	Blue/Red Side Door Lights	1	359.00	359.00
Discount	Discount		-950.00	-950.00
	Sales Tax		0.00%	0.00
			<b>Total</b>	<b>\$3,458.00</b>

*Per vehicle*

# Sales Quote

DANA SAFETY SUPPLY, INC  
 4809 KOGER BLVD  
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	363156
Customer No.	FRUIT

**Bill To**

CITY OF FRUITLAND PARK  
 ATTN: A/P  
 506 WEST BERCKMAN STREET  
 FRUITLAND PARK, FLORIDA 34731  
 USA

**Ship To**

DSS ORLANDO  
 4832 N. OBT  
 ORLANDO, FL 32810  
 USA

Contact: CHIEF ERIK D. LUCE  
 Telephone:  
 E-mail:

Contact: INSTALL SHOP  
 Telephone:  
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
10/28/20	Ground	PPAY & ADD TO INVOICE	CHARGER	net30
Entered By		Salesperson	Ordered By	Resale Number
JEFF BOEBINGER		JEFF BOEBINGER-Orlando	CHEIF ERIK LUCE	

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	IX35UFZ-RB WEC INNER EDGE XLP 10-LT CHARGER RB Warehouse: ORLAN Vin #: WHELEN LIST PRICE \$1057.00	570.7800	570.78
2	2	Y	WEC-ION WEC ION LED w/UNIVERSAL MOUNT Blue-Red Warehouse: ORLAN Vin #: WHELEN LIST PRICE \$140.00	75.6000	151.20
1	1	Y	MOUNTED IN FRONT GRILL SPRAYED WITH VHT WEC-HHS3200 WEC SIREN AMP W/ HAND-HELD CONTROL Warehouse: ORLAN Vin #: WHELEN LIST PRICE \$599.00	304.0000	304.00
1	1	Y	SA315P Whelen 100W Compact Black Composite 122DB Speaker Warehouse: ORLAN Vin #: MOUNTING BRACKET SOLD SEPERATELY- *****	142.0000	142.00
1	1	Y	WHELEN LIST PRICE \$328.00 SAK37 WEC SA315 BRACKET FOR 2011+ CHARGER Warehouse: ORLAN Vin #:	0.0000	0.00

Print Date	10/28/20
Print Time	07:26:27 PM
Page No.	1

Printed By: JEFF BOEBINGER

Continued on Next Page

# Sales Quote

DANA SAFETY SUPPLY, INC  
 4809 KOGER BLVD  
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	363156
Customer No.	FRUIT

**Bill To**

CITY OF FRUITLAND PARK  
 ATTN: A/P  
 506 WEST BERCKMAN STREET  
 FRUITLAND PARK, FLORIDA 34731  
 USA

**Ship To**

DSS ORLANDO  
 4832 N. OBT  
 ORLANDO, FL 32810  
 USA

Contact: CHIEF ERIK D. LUCE  
 Telephone:  
 E-mail:

Contact: INSTALL SHOP  
 Telephone:  
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
10/28/20	Ground	PPAY & ADD TO INVOICE	CHARGER	net30	
Entered By		Salesperson	Ordered By	Resale Number	
JEFF BOEBINGER		JEFF BOEBINGER-Orlando	CHEIF ERIK LUCE		
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	C3RNRDC-60L-BWRW CODE 3 60" RUNNING BOARD,LEFT WIRE EXIT,DC,BWRW Warehouse: ORLAN Vin #:	288.0000	288.00
1	1	Y	C3RNRDC-60R-BWRW CODE 3 60" RUNNING BOARD,RIGHT WIRE EXIT,DC,BWRW Warehouse: ORLAN Vin #:	288.0000	288.00
1	1	Y	WEC-ITRAYL8 WEC INNER EDGE RST LC 8-LT TRAY, SPECIFY COLOR Warehouse: ORLAN Vin #: ADDITIONAL COST FOR DUO OR TRIO MODULES--- SEE ATTACHED WIZARD--- *****	550.2600	550.26
1	1	Y	WHELEN LIST PRICE \$1019.00 IS358 WEC LOWER REAR HSNG FOR 8 OR 10 MODULES - 201 Warehouse: ORLAN Vin #: NO CHARGE WHEN ORDERED WITH TRAY --- *****	0.0000	0.00

Print Date	10/28/20
Print Time	07:26:27 PM
Page No.	2

Printed By: JEFF BOEBINGER

Continued on Next Page

# Sales Quote

DANA SAFETY SUPPLY, INC  
 4809 KOGER BLVD  
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	363156
Customer No.	FRUIT

**Bill To**

CITY OF FRUITLAND PARK  
 ATTN: A/P  
 506 WEST BERCKMAN STREET  
 FRUITLAND PARK, FLORIDA 34731  
 USA

**Ship To**

DSS ORLANDO  
 4832 N. OBT  
 ORLANDO, FL 32810  
 USA

Contact: CHIEF ERIK D. LUCE  
 Telephone:  
 E-mail:

Contact: INSTALL SHOP  
 Telephone:  
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
10/28/20	Ground	PPAY & ADD TO INVOICE	CHARGER	net30
Entered By		Salesperson	Ordered By	Resale Number
JEFF BOEBINGER		JEFF BOEBINGER-Orlando	CHEIF ERIK LUCE	

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
2	2	Y	TLIJ WEC R/B SPLIT ION T-SERIES LINEAR SURFACE MOUNT LIGHT Warehouse: ORLAN Vin #: WHELEN LIST PRICE \$135.00	72.9000	145.80
1	1	Y	ONE MOUNTED ON EACH SIDE OF LICENSE PLATE, SPRAYED WITH VHT INSTALL KIT MISC INSTALLATION SUPPLIES I.E. Warehouse: ORLAN Vin #: LOOM, WIRE, HARDWARE, CONNECTORS, ETC *****	125.0000	125.00
1	1	N	INSTALL DSS INSTALLATION OF EQUIPMENT Warehouse: ORLAN Vin #: 5 YEAR WARRANTY PRODUCT AND LABOR.	1,200.0000	1,200.00

Approved By: \_\_\_\_\_  
 Approve All Items & Quantities

**Quote Good for 30 Days**

Print Date	10/28/20
Print Time	07:26:27 PM
Page No.	3

Subtotal	3,765.04
Freight	0.00
<b>Order Total</b>	<b>3,765.04</b>

Printed By: JEFF BOEBINGER

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

**ITEM TITLE:** Northwest Lake Community Park Fence Quotes  
**For the Meeting of:** December 10, 2020  
**Submitted by:** City Manager/Parks and Recreation Director  
**Date Submitted:** December 2, 2020  
**Funds Required:** No, see comments below  
**Account Number:**  
**Amount Required:**  
**Balance Remaining:**  
**Attachments:** Fence Proposals  
**Item Description:** Northwest Lake Community Park (formerly known as Cales Memorial Complex) Multi-Purpose Soccer Field fence quotes:

- Materials, labor and installation, Mid Fla Fence & Gate Inc. \$22,218
- White vinyl fence installation, R C Koll Construction LLC \$24,800,  
and
- White vinyl fencing, Diverse Custom Services LLC \$22,000

Staff recommends selecting Mid Fla Fence & Gate Inc. as the most responsive and responsible bidder and their work performance experienced in the past has been excellent.

**Action to be Taken:** City commission's discretion.

**Staff's Recommendation:** Accept staff's recommendation.

**Additional Comments:** The city was awarded with a \$545,00 contribution from Lake County's fourth interlocal agreement amendment (Resolution 2020-055) which includes fencing installation.

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**Mid Fla Fence & Gate Inc.**

3007 Marion County Rd.  
Weirsdale, Fl 32195

**Estimate**

Date	Estimate #
11/15/2020	white pvc

Phone #	3524278886
800 #	1-866-540-1703
Fax #	3527539084

Name / Address
City of Fruitland Park

P.O. No.	Terms	Due Date	Rep	Project
	Due on receipt	11/15/2020		

Description	Qty	Cost	Total
Materials and labor to install 1058 ft. of 6ft. tall white PVC fencing around soccer fields	1,058	21.00	22,218.00

<b>Subtotal</b>	\$22,218.00
<b>Sales Tax (6.5%)</b>	\$0.00
<b>Total</b>	\$22,218.00

Signature \_\_\_\_\_



# **RC Koll Construction LLC**

## **Construction Estimate/Contract**

Michelle Yoder

506 w Berckman St

Fruitland Park, FL

White Vinyl Fence install

1058 LF of white vinyl fence (6' x 8') with a single 6' gate, all concrete, hardware and labor included.

Total

24,800.00

If you would like to move forward with this, the terms and conditions are 60% down 40% at time of completion.

If you have any questions, please don't hesitate to call.

Sincerely

Robert Koller

# Proposal

**D**IVERSE  
**C**USTOM  
**S**ERVICES, LLC

407-453-5068  
SPECIALIZING IN  
ALL TYPES OF  
FENCE RAILS

DIVERSECUSTOMSERVICES@GMAIL.COM

RESIDENTIAL  
&  
COMMERCIAL

FREE ESTIMATES

LICENSED  
&  
INSURED

PROPOSAL SUBMITTED TO:	DATE
Name: City of Fruitland Park	JOB NAME: Parks and recreation Fence
Street: 198 Gardenia ave	Street:
City: Fruitland park	City: Fruitland Park State: FL
State: FL	Phone: 352-360-6734
	E-mail: ccopen@fruitlandpark.org

All Labor and materials provided by Diverse Custom Services, LLC, We hereby submit specifications and estimate for:

### Preliminary Bid:

1058' of 6' high white vinyl fencing

1- 6' wide walk gate (including v brace and aluminum I beam stiffener)

### Specs:

6' wide panels (center post center post 6')

5" post set in 60 pounds of concrete +/-

We hereby propose to furnish Labor- complete in accordance with the above specification for the sum of :

**Twenty Two Thousand Dollars**

**\$22,000.00**

### Payment Schedule: 50% due upon signed contract, remainder due upon completion

Any alteration or deviation from above specification involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. This proposal subject to acceptance within 30 days and it is void thereafter at the option of the undersigned.

Authorized Signature: *Ruddy Alvarez*

### ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are hereby accepted. You authorize to do the work as specified.

Accepted

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**"Thank you for this opportunity to earn your business"**

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

**ITEM TITLE:** Resolution 2020-068 and Budget Amendment BT2021-001 Lake County CARES Act

**For the Meeting of:** December 10, 2020

**Submitted by:** City Treasurer

**Date Submitted:** November 17, 2020

**Funds Required:** Yes (see below)

**Attachments:** Proposed resolution and budget amendment

**Item Description:** Budget Amendment BT2021-001 adds \$363,592 to the Lake County Coronavirus Aid Relief and Economic Security (CARES) Act revenue (01001-33778) and increases other general government Cares Act expense (01519-60625 ) by \$363,592. The CARES Act payment was approved by the county on September 29, 2020 and received on Agenda November 9, 2020. This budget amendment will increase the FY 2020-21 budget by \$363,592.

**Action to be Taken:** Adopt Resolution 2020-068.

**Staff's Recommendation:** Approval.

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

RESOLUTION 2020-068

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2020/2021 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE LAKE COUNTY CARES ACT REVENUE BUDGET AND THE OTHER GENERAL GOVERNMENT CARES ACT EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fiscal Year 2020-2021 budget of the City of Fruitland Park was adopted on September 24, 2020; and

WHEREAS, Lake County approved a Cares Act payment of \$363,592 for City of Fruitland Park on September 29, 2020; and;

WHEREAS, it is necessary to increase revenues in the General Fund by \$363,592 for Cares Act funds awarded from Lake County; and:

WHEREAS, the City Commission desires to amend the 2020-2021 Fiscal Year budget to increase the Other General Government Cares Act Expense Budget by \$363,592.

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

Section 1. The 2020/2021 budget adopted on September 24, 2020 is amended as set forth in Exhibit "A" attached hereto.

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

PASSED AND RESOLVED this 10<sup>th</sup> day of December 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

CITY OF FRUITLAND PARK

Interfund Budget Amendment: #

BT2021-001

To: CITY MANAGER

Date: 17-Nov-2020

Prepared by: Finance Director  
Department Head

Approved: City Manager

REVENUES:

Object name & # 01001-33778 Lake County Cares Act Revenue Amount: 363,592 Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

EXPENDITURES:

Object name & # 01519-60625 Cares Act Purchase Amount: 363,592 Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Explanation: Create budget for Cares Act Purchases

Approved by Commission: 10-Dec  
Date

City Clerk

City Finance Director

Mayor

2021 02 127  
POSTED  
BT21-01  
✍ 1117

VENDOR NUMBER	VENDOR NAME	CHECK NUMBER	CHECK DATE	CHECK AMOUNT
1460	CITY OF FRUITLAND PARK	756449	11/06/2020	\$363,592.39

INVOICE DATE	INVOICE NUMBER	DESCRIPTION	INVOICE AMOUNT
11/06/2020	497840	CARES ACT ELIGIBLE PROJECTS	\$363,592.39

01001- 33778 Lake Co. Care Act  
 01519- 60625 Care Act Purchase

BA

 <p><b>LAKE COUNTY, FL</b></p>	<b>Board of County Commissioners</b> Lake County, Florida 315 W. Main St. Tavares, FL 32778	BRANCH BANKING & TRUST TAVARES, FL 32778 63-9138/2631	Vendor Number <b>1460</b>	Check Number <b>756449</b>	Check Date <b>11/06/2020</b>	
	VOID AFTER 90 DAYS					
*** Three Hundred Sixty Three Thousand Five Hundred Ninety Two Dollars And Thirty Nine Cents ***					<b>\$363,592.39</b>	
Pay To The Order Of	1460 CITY OF FRUITLAND PARK 506 W BERCKMAN ST FRUITLAND PARK, FL 34731-0000	 Chairman MP			 Clerk and Comptroller MP	

THIS CHECK PRINTS ON MICR LINE AND ARTIFICIAL WATERMARK ON THE BACK

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

**ITEM TITLE:** Resolution 2020-069 and Budget Amendment BT2021-00 FEMA Generator Grant

**For the Meeting of:** December 10, 2020

**Submitted by:** City Treasurer

**Date Submitted:** November 11, 2020

**Funds Required:** Yes (see below)

**Attachments:** Proposed resolution, budget amendment and supporting documents

**Item Description:** **FEMA Generator Grant Budget Amendment BT2021-002** adds \$48,840 to FEMA Federal Grant revenue (01001-33110); increases OGG equipment expense (01519-60640) by \$48,840, and transfers \$16,280 into OGG Equipment expense. The FEMA Generator Grant funds is 75% of the cost of the generator and City of Fruitland Park funds, 25%. This grant was adopted by Resolution 2019-063 on November 14, 2019. This budget amendment will increase the FY 2020-21 budget by \$48,840.

**Action to be Taken:** **Adopt Resolution 2020-069.**

**Staff's Recommendation:** Approval

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes



**RESOLUTION 2020-069**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2020/2021 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE FEMA FEDERAL GRANT REVENUE BUDGET AND THE OTHER GENERAL GOVERNMENT EQUIPMENT EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Fiscal Year 2020-2021 budget of the City of Fruitland Park was adopted on September 24, 2020; and

WHEREAS, the Florida Division of Emergency Management approved the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant for City of Fruitland Park; and

WHEREAS, the FEMA Hazard Mitigation Grant provides seventy-five percent (75%) funding while the City must contribute twenty-five percent (25%) funding of the emergency generator purchase; and

WHEREAS, it is necessary to increase revenues in the General Fund by \$48,840 seventy-five percent (75%) of generator cost for FEMA funds awarded to City of Fruitland Park; and

WHEREAS, the City Commission desires to amend the 2020-2021 Fiscal Year budget to increase the Other General Government Equipment Expense Budget by \$65,120 consisting of \$48,840 seventy-five percent (75%) FEMA funds and funds in the amount of \$16,280 twenty-five percent (25%) City Contribution transferred from OGG Goodwill and OGG Contractual to OGG Equipment.

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

Section 1. The 2020/2021 budget adopted on September 24, 2020 is amended as set forth in Exhibit "A" attached hereto.

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

PASSED AND RESOLVED this 10th day of December, 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

# CITY OF FRUITLAND PARK

Interfund Budget Amendment: #

BT2021-002

To: CITY MANAGER

Date: \_\_\_\_\_

Prepared by: Finance Director  
Department Head

Approved: \_\_\_\_\_  
City Manager

**REVENUES:**

Object name & #	<u>01001-33110 FEMA Federal Grant</u>	Amount: <u>48,840</u>	<u>Inc/Dec</u>
Object name & #	_____	Amount: _____	Inc/Dec
Object name & #	_____	Amount: _____	Inc/Dec
Object name & #	_____	Amount: _____	Inc/Dec
Object name & #	_____	Amount: _____	Inc/Dec
Object name & #	_____	Amount: _____	Inc/Dec

**EXPENDITURES:**

Object name & #	<u>01519-30481 OGG Goodwill (Xmas Party)</u>	Amount: <u>9,000</u>	<u>Inc/Dec</u>
Object name & #	<u>01519-30340 OGG Contractual (CH 50k)</u>	Amount: <u>7,280</u>	<u>Inc/Dec</u>
Object name & #	<u>01519-60640 OGG Equipment</u>	Amount: <u>65,120</u>	<u>Inc/Dec</u>
Object name & #	_____	Amount: _____	Inc/Dec
Object name & #	_____	Amount: _____	Inc/Dec
Object name & #	_____	Amount: _____	Inc/Dec

Explanation: Purchase Emergency Generator for City Hall, 75% FEMA & 25% Fruitland Park

Approved by Commission: 10-Dec  
Date

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Finance Director

\_\_\_\_\_  
Mayor

Agreement Number: H0275  
Project Number: 4337-187-R

**FEDERALLY-FUNDED SUBAWARD AND GRANT AGREEMENT**

2 C.F.R. §200.92 states that a "subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract."

As defined by 2 C.F.R. §200.74, "pass-through entity" means "a non-Federal entity that provides a subaward to a Sub-Recipient to carry out part of a Federal program."

As defined by 2 C.F.R. §200.93, "Sub-Recipient" means "a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program."

As defined by 2 C.F.R. §200.38, "Federal award" means "Federal financial assistance that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity."

As defined by 2 C.F.R. §200.92, "subaward" means "an award provided by a pass-through entity to a Sub-Recipient for the Sub-Recipient to carry out part of a Federal award received by the pass-through entity."

The following information is provided pursuant to 2 C.F.R. §200.331(a)(1):

Sub-Recipient's name:	<u>CITY OF FRUITLAND PARK</u>
Sub-Recipient's unique entity identifier:	<u>59-6031169</u>
Federal Award Identification Number (FAIN):	<u>FEMA-DR-4337-FL</u>
Federal Award Date:	<u>July 5, 2019</u>
Subaward Period of Performance Start and End Date:	<u>Upon Execution thru August 31, 2021</u>
Amount of Federal Funds Obligated by this Agreement:	<u>\$57,261.00</u>
Total Amount of Federal Funds Obligated to the Sub-Recipient by the pass-through entity to include this Agreement:	<u>\$57,261.00</u>
Total Amount of the Federal Award committed to the Sub-Recipient by the pass-through entity	<u>\$57,261.00</u>
Federal award project description (see FFATA):	<u>Generator Project</u>
Name of Federal awarding agency:	<u>Federal Emergency Management Agency</u>
Name of pass-through entity:	<u>FL Division of Emergency Management</u>
Contact information for the pass-through entity:	<u>Douglas.gaivan@em.myflorida.com</u>
Catalog of Federal Domestic Assistance (CFDA) Number and Name:	<u>97.039 Hazard Mitigation Grant Program</u>
Whether the award is R&D:	<u>N/A</u>
Indirect cost rate for the Federal award:	<u>N/A</u>

**SCHEDULE OF WORK**

State and Local Contracting:	3 Months
Design / Permitting:	3 Months
Bidding and Contracting:	3 Months
Construction / Installation:	12 Months
State and Local Inspection:	2 Months
Closeout:	1 Month
<b>Total Period of Performance:</b>	<b>24 Months</b>

**BUDGET**

**Line Item Budget\***

	Project Cost	Federal Share	Non-Federal Share
Materials:	\$43,898.00	\$32,923.50	\$10,974.50
Labor:	\$32,450.00	\$24,337.50	\$8,112.50
Fees:	\$0.00	\$0.00	\$0.00
<hr/>			
<b>Initial Agreement Amount:</b>	<b>\$76,348.00</b>	<b>\$57,261.00</b>	<b>\$19,087.00</b>
***Contingency Funds:	\$0.00	\$0.00	\$0.00
<b>Project Total:</b>	<b>\$76,348.00</b>	<b>\$57,261.00</b>	<b>\$19,087.00</b>

\*Any line item amount in this Budget may be increased or decreased 10% or less without an amendment to this Agreement being required, so long as the overall amount of the funds obligated under this Agreement is not increased.

\*\*\* This project has an estimated \$0.00 in contingency funds. Per FEMA Hazard Mitigation Assistance Guidance Part VI, D.3.4 – Contingency funds are not automatically available for use. Prior to their release, contingency funds must be re-budgeted to another direct cost category and identified. Post-award changes to the budget require prior written approval from the Division (FDEM). The written request should demonstrate what unforeseen condition related to the project arose that required the use of contingency funds.

Project Management costs are included for this project in the amount of \$0.00

**Funding Summary**

Federal Share:	\$57,261.00	(75%)
Non-Federal Share:	\$19,087.00	(25%)
<b>Total Project Cost:</b>	<b>\$76,348.00</b>	<b>(100%)</b>



# **PRIME**

## **ELECTRIC, LLC**

EC13003896  
MBE Certified

1229 West Main Street  
Leesburg, FL 34748  
352-728-5966 Phone  
352-728-5921 Fax

May 19, 2020

Project: **City of Fruitland Park Generator**  
**Fruitland Park, Florida**  
**Bid Package #16000-ELECTRICAL**

Prime Electric, LLC. is pleased to offer the following proposal for the above referenced project. Prime Electric will supply all material, equipment, and labor necessary for the following scope:

**Included in scope of work:**

- 1) Provide labor and materials for concrete pad.
- 2) Provide labor and materials to connect Owner provided transfer switch and MDP.
- 3) Provide and install new circuits from control panel to genset and transfer switch.
- 4) Conduit and controls are considered existing. If any modification of either existing system is needed it is not part of this proposal.
- 5) Crane to unload and set the generator in final position.
- 6) Permit fees included.

**Not included in scope of work:**

Generator, transfer switch, Fuel, Fuel piping, starters and pumps, signage, power company charges for new service, power company fees, surveying, energy consumption costs required for construction and temporary power, field painting of electrical equipment, electrical equipment not shown on drawings listed above.

**Qualifications:**

1. Prime Electric, LLC shall make no changes in design without the written approval of the Project Electrical Engineer. Changes in design shall be interpreted as a change which affects the capacity, reliability, cost, operation, location, or safety of the building systems, or any parts thereof, including changes which may be required to conform to National, State or Local regulations and/or codes.
2. Pursuant to chapter 21-H of the Florida Administrative Code and Chapter 471 of the Florida Statutes, all work shall comply with national and local code requirements as designed by the Project Electrical Engineer and as indicated on the electrical drawings. Any applicable code

items that may be required by local authorities and have not been shown on the project documents are not included in the base quote (inclusive of any items left to interpretation by local Building Authorities). Prime Electric, LLC will not assume the liability nor accept any responsibility for the design, or re-design, or engineer issued drawings to achieve code compliance without amended documents issued by the Project Architect and/or Electrical Engineer.

3. Overtime and premium time labor costs bid amount based on normal forty-hour workweek as required to maintain project schedule and as established by the bid documents.
4. Grounding certification will comply with the requirements of NFPA 70 (NEC) 2017 edition. Article 250.26.

**BASE BID .....\$24,500.00**

Proposal is valid for (30) days. All applicable permit, sales tax, and freight costs have been included. Thank you for giving Prime Electric, LLC an opportunity to participate with you on this project. Please call if you have any questions or if I can further assist you in any way.

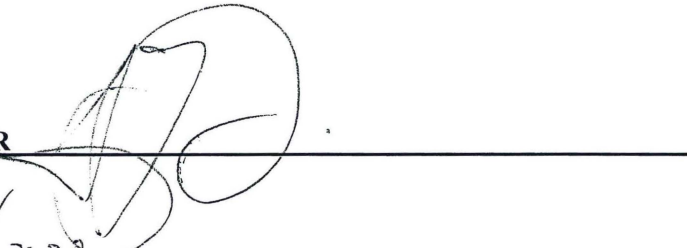
Respectfully,

Wylie Hamilton  
President

**ACCEPTANCE BY OWNER**

**DATE**

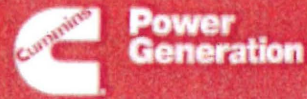
09/09/2020

A large, stylized handwritten signature in black ink, appearing to be 'Wylie Hamilton', is written over a horizontal line that spans across the 'ACCEPTANCE BY OWNER' and 'DATE' fields.





Our energy working for you.™



## Quotation

Cummins Inc.  
321 SW 52 Avenue  
Ocala FL 34474 United States  
Direct: 407-908-2493  
April 23, 2020

Project Name: Fruitland Park City Hall 100kW

Quotation: 3726000000135198

Thank you for your inquiry. We are pleased to quote as follows:

USD

Item	Description	Qty
	<b>Diesel Genset: 60Hz-100kW</b>	
US-Stat	U.S. EPA, Stationary Emergency Application	1
<b>C100 D6C</b>	<b>Genset-Diesel, 60Hz, 100kW-Standby Rating</b>	<b>1</b>
A331-2	Duty Rating-Standby Power	1
L090-2	Listing-UL 2200	1
L193-2	NFPA 110 Type 10 Level 1 Capable	1
L169-2	Emissions Certification, EPA, Tier 3, NSPS CI Stationary Emergency	1
F231-2	Enclosure-Alum, Sound Attenuating	1
<b>R098-2</b>	<b>Voltage-120/208,3 Phase,Wye,4 Wire</b>	<b>1</b>
<b>BB93-2</b>	<b>Alternator-60Hz,12L,208/120V,105C,40C amb, IMS</b>	<b>1</b>
H703-2	Generator Set Control-PowerCommand 2.3	1
<b>B184-2</b>	<b>Exciter/Regulator-Permanent Magnet, 3 Phase Sensor</b>	<b>1</b>
A366-2	Engine Governor-Electronic, Isochronous Only	1
H720-2	Amp Sentry TM Protective Relay	1
H012-2	Gauge-Oil Pressure	1
H606-2	Meters-AC Output ,Analog	1
K796-2	Stop Switch-Emergency	1
H609-2	Control Mounting-Left Facing	1
A292-2	Heater-Alternator, 120 Volt AC	1
<b>KX51-2</b>	<b>Circuit Breaker, Loc A,125A-400A,3P,LSI,600VAC,80%,UL</b>	<b>1</b>
<b>KV83-2</b>	<b>Circuit Breaker, Loc B,30A,3P,600VAC,80%,UL</b>	<b>1</b>
<b>P178-2</b>	<b>Enclosure Color-Sandstone, Aluminum Enclosure</b>	<b>1</b>
<b>F252-2</b>	<b>Enclosure - Wind Load 180MPH, ASCE7-10</b>	<b>1</b>
<b>C303-2</b>	<b>Fuel Tank-Regional, 2 Wall, Sub Base, 48Hr (400-gallon)</b>	<b>1</b>
C127-2	Separator-Fuel/Water	1
C310-2	Switch-Low, 40% Fuel	1

C312-2	Mechanical Fuel Gauge	1
C318-2	Switch-Fuel Tank, Rupture Basin, Installed	1
A422-2	Engine Starter - 12 VDC Motor	1
A333-2	Battery Charging Alternator-Normal Output	1
BB89-2	Battery Charger - 6 Amp, Regulated	1
E125-2	Engine Cooling-High Ambient Air Temperature	1
H389-2	Shutdown-Low Coolant Level	1
E089-2	Extension-Engine Coolant Drain	1
H669-2	Engine Coolant-50% Antifreeze, 50% Water Mixture	1
E153-2	Coolant Heater, Cold Ambient	1
D041-2	Engine Air Cleaner-Normal Duty	1
H706-2	Engine Oil	1
L026-2	Test Record-Certified	1
<b>L028-2</b>	<b>Genset Warranty- Base 2 years</b>	<b>1</b>
F253-2	Rack, Larger Battery	1
H268-2	Extension-Oil Drain	1
A045J201	Annunciator-RS485, Panel Mount w/ Enclosure	1
<b>CSS</b>	<b>Startup/Testing</b>	<b>1</b>
<b>Delivery</b>	<b>Delivery (unloading by others)</b>	<b>1</b>
<b>Service Entrance Transfer Switch-Electronic Control:800A</b>		
OTECSE800	SrvcEntrTransferSwitch,PwrCmd,800 Amp	1
A028-7	Poles-3	1
S043-7	Listing-UL 1008	1
A044-7	Frequency-60 Hertz	1
A042-7	System-3 Phase,3 Wire Or 4 Wire	1
<b>R021-7</b>	<b>Voltage-208 VAC</b>	<b>1</b>
B002-7	Cabinet-Type 3R	1
M033-7	Genset Starting Battery-12VDC	1
J030-7	Clock-Exercise, External	1
M032-7	Relay-Elevator Signal	1
<b>G004-7</b>	<b>Transfer Switch Warranty-2 Year Comprehensive</b>	<b>1</b>

<b>100kW Grand Total</b>	<b>\$44,800.00</b>
<b>80kW Grand Total</b>	<b>\$40,620.00</b>

- Please Note:**
- Cummins Nema3R Service Entrance Transfer Switch is included.  
To Add a Nema4X 305 Stainless Steel enclosure .....Add \$7,228.00
  - Generator includes a 30-amp circuit breaker to feed power zone step down transformer.  
Power Zone step down transformer is not included.
  - This proposal includes equipment and commissioning services only; Installation is by others.

(check appropriate action):

RELEASE  Hold for Approval \_\_\_\_\_  
Approval and terms acceptance

Robb Dicus  
Customer Signature

10-8-20  
Date

Robb Dicus (Public Works Director)  
Customer Name (printed)

City of Fruitland Park  
Company Name

CUMMINS Sales & Service  
POWER GENERATION

The following are the "Terms of Acceptance of Orders and Conditions of Sale." These terms also appear on the Acknowledgment of Sale form and are reproduced here. CUMMINS Sales & Service, sales are limited to and made exclusively on these terms and CUMMINS Sales & Service, acceptance of any order is limited to the terms of the Seller and rejects any additional terms contained in any document that may be proposed by the Buyer

1. This Quotation is valid for 60 days \* of the date quotation, Price shall remain firm provided our submittal drawings are approved and returned within 60 days after submission, and the ship date of the equipment is not extended by you or your customer beyond our published lead times . Delays or extension of the above lead times may necessitate escalation charges, on some or all equipment ordered.
2. Delivery is F.O.B. Factory. Freight is prepaid and allowed to the first destination within the continental United States. Generators (smaller than 601 kW) are shipped in an enclosed truck. Open trucking deliveries are available at an additional cost. Larger units are shipped via flatbed truck.
3. Prices for generators, transfer switches, switchgear and loose accessories as required, will be invoiced at the time of shipment, or when ready for shipment. Should the buyer delay, defer or refuse delivery, additional handling and storage charges may be assessed in lieu of the above stated escalation charges.
4. The equipment supplied by this manufacturer is custom fabricated to order and is subject to cancellation charges.

Switchgear, Generators and all build to order equipment are subject to the following minimum charges assessed for cancellation of any order: 25% of total order price if cancellation is received in our office between the date of order entry and the date we receive written submittal drawing approval. 50% of total order price if cancellation is received in our office after we receive submittal drawing approval. 75% of total order price if cancellation is received in our office 60 or fewer days before the scheduled shipping date of the order. 85% of total order price if cancellation is received in our office after the equipment is assembled. The exact dollar value of the cancellation charge will be determined after our costs due to the cancellation are determined. A written notice of cancellation is required. The Standard generator cancellation charges are 25% of the total order price after release of order from our factory.

5. Payment terms are net 30 days from date of invoice, subject to approval of our credit department at the time of the order. Non domestic orders (final delivery locations outside the U.S.) are subject to a deposit of 25% at the time of order. Balance shall be paid prior to shipment. Export order (delivery outside the US) may require a letter of credit drawn on a U.S. bank. Retainage shall be limited to 10%. Payment of retainage is due at completion of start up or payable no later than 90 days from the original invoice.
6. Cummins Sales & Service is not responsible for delays in delivery due to fire, strikes, accidents, Acts of Nature, war, explosion, flood, accidents or other causes beyond our control. Quoted shipping schedules are not guaranteed and subject to change without notice. In no case is Cummins Sales & Service responsible for incidental or consequential damages. Cummins Sales & Service does not accept liquidated damages as a part of third party contracts.

7. Each product offered in this quotation is accompanied by an expressed written manufacturer's warranty and is the only warranty offered.

8. An order for the equipment covered by this quotation will be accepted on a hold for release basis. Your order will not be released and scheduled for production until written approval to proceed is received in our office.

9. The quotation offered here in is limited to the plans and specification sections listed on our quotation. No other sections shall apply. Additional requirements for administrative items may require additional cost.

10. Unless otherwise stated on our quotation, O&M manuals are limited to one set. Additional sets of O&M manuals are available at an additional cost. The manufacturer's standard format shall apply. Custom O&M manuals will be available at an additional charge.

11. Start up services, load bank testing, and owner training are not provided unless stated on our quotation. Start up services will not proceed until the buyer's account is current and in good standing.

12. Our standard quotation does not include off unit wiring, off unit plumbing, off-loading, rigging, installation, exhaust insulation or fuel.

13. Notice to Florida Customers. Responsibility for testing of fuel tank(s) provided by any party, as required under FDEP ( Florida Department of Environmental Protection) Chapters 62-761 and 62-762, is the responsibility of the installing Contractor and Generator Permit Applicant. Cummins Sales & Service is not responsible for damages or costs incurred by any party, when a fuel tank is filled before field testing required under FDEP or testing mandated by a Local Inspector of Authority under FBC, is performed.

14. Taxes unless otherwise stated are not included in our price.

15. All CUMMINS work will be performed with high regard to safety and in compliance with all local and federal safety / environmental requirements. Safe access must be provided and maintained by the equipment owner to all equipment being started up by our personnel.

16. Cummins takes exception to any NETA testing. This testing shall be conducted by a certified third party company provided by others. Cummins recommends coordinating the testing process with our project management and service group to avoid any procedures that can potentially damage the generators. In addition, Cummins does not recommend repeated hi-pot testing of generator windings. Upon customer's request, Cummins can provide a list of the tests that are done during the manufacturing of the generator.

17. Exclusion for AHJ Requirements of Field Testing on Diesel Fuel Tanks.

The local AHJ may require the Generator Permit holder (Owner, Contractor / Installer or CM ) to perform one or more field tests on fuel tanks holding combustible liquids. A detailed explanation of the field testing requirements for diesel fuel tanks is outlined in FDEP and NFPA-30, 2013. The purchaser, installer and owner should contact the local AHJ in regard to meeting all local requirements for field testing, before ordering diesel fuel storage equipment. Be advised, that Cummins is acting only as a supplier (Vendor) in the transaction represented by this Quotation, and does NOT make any allowances for coordinating the execution of field testing or, make allowances for payment of the same in the price as Quoted. By acceptance of this Quotation, the Purchaser hereby acknowledges this Exclusion.

**Submitted by**

---

**Marc Myers**  
**marc.myers@cummins.com**  
**Mobile: 407-908-2493**

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

**ITEM TITLE:** Resolution 2020-070 Fire Protection and Rescue Services Lake County Interlocal Agreement

**For the Meeting of:** December 10, 2020

**Submitted by:** City Treasurer

**Date Submitted:** December 1, 2020

**Funds Required:** Yes (see attached)

**Attachments:** Proposed resolution, ILA and supporting exhibits.

**Item Description:** Resolution 2020-070 Fire Protection and Rescue Services Interlocal Agreement with Lake County. As directed at the November 12, 2020 regular meeting.

**Action to be Taken:** Adopt Resolution 2020-070.

**Staff's Recommendation:** Approval

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**RESOLUTION 2020-070**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT FOR FIRE PROTECTION AND RESCUE SERVICES BETWEEN LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Fruitland Park desires to contract with Lake County for the provision of fire protection and rescue services within the City of Fruitland Park, less the property located within The Villages of Fruitland Park; and

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

**WHEREAS**, the City Commission of the City of Fruitland Park, Florida desires to enter into the Interlocal Agreement between Lake County, Florida and the City of Fruitland Park, Florida for Fire Protection and Rescue Services.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Interlocal Agreement for Fire Protection and Rescue Services between Lake County, Florida and the City of Fruitland Park, Florida, a copy of which is attached hereto, is approved.

Section 2. The Commission authorizes the Mayor to execute the Interlocal 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 \_\_\_\_\_, 2020, by the City Commission of the City of Fruitland Park, Florida.

CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

---

CHRIS CHESHIRE, MAYOR

SEAL

ATTEST:

---

ESTHER COULSON, CITY CLERK, MMC

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

Approved as to form:

---

Anita Geraci-Carver, City Attorney



**INTERLOCAL AGREEMENT FOR  
FIRE PROTECTION AND RESCUE SERVICES**

**THIS IS AN INTERLOCAL AGREEMENT** between Lake County, a political subdivision of the State of Florida, (hereinafter the “County”) and the City of Fruitland Park, a municipal corporation organized under the laws of the State of Florida, (hereinafter the “City”) for fire protection and rescue services.

**WITNESSETH**

**WHEREAS**, Section 163.01, Florida Statutes, provides that local governments may enter into interlocal agreements to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage; and

**WHEREAS**, the City is served by a volunteer Fire and Rescue Department but is interested in having the County assume responsibility for the delivery of fire protection and rescue services within the City’s limits; and

**WHEREAS**, Lake County Fire Rescue (hereinafter “LCFR”), is capable of providing these services and is willing to partner with the City; and

**WHEREAS**, Lake County Ordinance 1998-63, as amended by 2003-99, provides the method for the County to impose and collect an annual Fire Rescue Assessment; and

**WHEREAS**, Section 125.01(1)(q), Florida Statutes, and Section 10.5-33, Lake County Code, authorizes the County to impose fire rescue assessments in all or a portion of the County including incorporated areas within a municipality through the creation of a municipal service taxing or benefit unit; and

**WHEREAS**, City of Fruitland Park Ordinance 2006-004 authorizes the collection by the City of a Fire Rescue Impact Fee; and

**WHEREAS**, Section 10.5-54, Lake County Code, requires a municipality to request and consent to the provision of fire rescue services, facilities and programs by the County in the municipal area by way of an ordinance; and

**WHEREAS**, the parties have determined that it is in the best interests of the residents of the City and the County to enter into this Interlocal Agreement.

**THEREFORE**, the parties hereby agree as follows:

**Section 1.**     **Recitals.** The foregoing recitals are incorporated herein by reference.

**Section 2. Scope of Services.** The County agrees to provide fire protection and rescue services within the City's limits in accordance with the terms specified herein and **Exhibit A** attached hereto. The parties acknowledge that this agreement and **Exhibit A** set forth the minimum service requirements and the County Manager and City Manager are authorized, upon written mutual agreement, to modify the plan specified within **Exhibit A** as needed or required.

**Section 3. City Obligations.** The City pursuant to this agreement, agrees to pay to the County the following amounts:

A. **Payment for Service Prior to January 1, 2021.** The parties hereby agree that if the City requests in writing that the County provide the services as outlined herein prior to January 1, 2021, then City shall reimburse the County for its actual costs to provide such services through September 30, 2021. The County will provide monthly invoices to the City and the City shall pay the invoices within thirty (30) days of receipt of such invoice. On January 1, 2021, the City will begin making payments in accordance with Section 3(B).

B. **Payment for Portion of FY 2020/21 Service.** The services identified in this agreement shall commence on January 1, 2021, unless the City requests that County begin service in advance of January 1, 2021. The parties hereby agree that for the remainder of FY 2020/21, ending September 30, 2021, City will pay the County \$645,246.00 for the services identified herein. Payments will be made by City to County in equal monthly payments of \$71,694.00 on or before the fifteenth (15<sup>th</sup>) of each month for the following month of service.

C. **County Collection for Service Following FY 2021/22.** Beginning with FY 2021/22, and continuing thereafter, the County will collect payment for services described herein via (1) County's Fire Assessment referenced within Section 3(E); and (2) the County's Fire Municipal Service Taxing Unit (MSTU) referenced in Section 3(E).

D. **Impact Fees.**

1) Throughout the duration of this agreement, the City will continue to impose and collect the City's Fire Rescue Impact Fees. The City may retain any Fire Rescue Impact Fees imposed and collected prior to January 1, 2021. Beginning January 1, 2021, and for each year thereafter so long as this agreement remains in effect, the City will impose and collect its Fire Rescue Impact Fees and remit those fees to the County. The City shall remit the collected funds monthly to the County, with payment being made to the County by the

fifteenth (15<sup>th</sup>) day of the following month. County will use impact fees remitted by the City for improvements to the fire system in response to growth in the City limits.

2) The City agrees to submit with the monthly payment written documentation, containing the following information for each building permit or development order issued:

- a. The name and location of the development, including the alternate key, number, lot number and property control number;
- b. The name of the applicant;
- c. The name of the property owner;
- d. The address for which the building permit or final development order is being sought;
- e. The square footage of living space for residential development, and of usable space for commercial development;
- f. The land use for nonresidential buildings;
- g. The benefit district for each impact fee; and
- h. The City building permit number.

The above reporting requirement may be changed by the County Manager or designee by giving at least fifteen (15) days' written notice to the City.

E. Assessments.

1) Beginning in FY 2021/22 and every year thereafter, the City agrees that County may impose against and collect from properties within the incorporated areas of the City a Fire Rescue Assessment fee and the County's Fire MSTU. The City agrees to provide evidence of consent to both the Fire Rescue Assessment and MSTU by way of an ordinance to be adopted by the City on or before January 1, 2021. The parties agree that by execution of this agreement the properties to be assessed will receive a special benefit from the County's provision of fire rescue services, facilities and programs. The City shall not be permitted to retain any portion of the County's Fire Rescue Assessment.

2) The City agrees to start imposing an Interim Fire Rescue Assessment Fee for any certificate of occupancy (or building permit as determined by the County) issued after October 1, 2021, and every year thereafter, for any properties not included in the adopted assessment roll. If not collected by the County, the City shall remit the collected funds monthly to the County, with payment being made to the County by the fifteenth (15<sup>th</sup>) day of

the following month simultaneous with the remittance of the Fire Rescue Impact Fees. The City shall not be entitled to receive any portion of the Interim Fire Assessment fee. The payment shall be accompanied by written documentation that provides the same information as required under paragraph 3(D)(2) above.

F. Facilities.

1) The City owns certain real property located at 506 W. Berckman Street, Fruitland Park, Florida, known as “Fire Station 56”, including improvements and fixtures located within and thereon. During the term of this Agreement, including any renewals, the City shall allow the County to use and occupy Fire Station 56 at no cost to the County, for fire and emergency medical services’ vehicles and personnel. Lake County EMS will be permitted to continue occupying Fire Station 56.

2) During the term of this agreement, the City, at its expense, shall be responsible for the following concerning Fire Station 56:

- a. Maintain, replace, and repair, as necessary and to their current levels, the exterior, structure, roofing, electrical systems, parking area/lot, sidewalks, plumbing, mechanical, HVAC systems including maintenance and repairs, pest control, lawn/landscaping, and fire protection system maintenance and inspection;
- b. Provide and maintain property insurance; and
- c. Take all immediate steps necessary to cure the building of any air quality or environmental issues that may arise.

G. Equipment. Prior to execution of this agreement, the City has prepared a list of capital firefighting and rescue operations apparatus and equipment in its possession. The County has reviewed the items and negotiated a purchase price with the City for those useable items, a copy of which is attached hereto as **Exhibit B**. Upon the effective date of this agreement and prior to title transfer, the City agrees to allow the County to use the apparatus and equipment listed in **Exhibit B** in addition to ancillary equipment. Payment for equipment will be spread over two (2) years by way of annual payments. First payment due within sixty (60) days of the start of service and annually thereafter. The City shall cooperate with the County in executing any title(s), bill of sale(s), record(s) or other documentation necessary for such transfer. Thereafter the County shall have full ownership, operation and responsibility for such apparatus and equipment.

H. Hold Harmless. The City agrees, to the extent permitted by Florida law, to hold the County harmless should any legal action be brought to contest the validity of the Fire Rescue Impact Fees.

I. Support. The City shall provide its full cooperation and staff support to the County throughout the term of this agreement to resolve any issues that may arise in the transition of the services and any other issues which arise within the City limits.

**Section 4. County Obligations.**

A. Service Delivery. The County agrees to assume responsibility for the delivery of fire protection and rescue in accordance with the following requirements and **Exhibit A** on January 1, 2021; provided, however, that services may be provided sooner under the provisions of Section 3(A) above. Nothing in this agreement shall prohibit the County from providing fire protection and rescue services to another jurisdiction or incorporated area. County shall provide fire suppression, rescue, and emergency medical services to City at County established service levels. Fire and EMS protection will encompass all those duties and functions of the type coming within the jurisdiction of, and customarily rendered by Lake County Fire Rescue (LCFR) in accordance with the ordinances, resolutions of County and policies and procedures of LCFR, and applicable laws of the State of Florida, to include without limitation the following:

1) **Fire Suppression Services:** County shall maintain fire suppression services and provide these services to City residents through the use of fire engines, aerial devices as needed, hazardous material response units as needed, and other fire suppression units as needed.

2) **Emergency Medical Services:** County shall maintain emergency medical services and provide these services to City residents in accordance with Chapter 64-J1, Florida Administrative Code, and Chapter 401, Florida Statutes (2020), as may be amended from time to time. The emergency medical services unit shall provide a level of service equal to Advanced Life Support (ALS) as defined in Section 401.23(1), Florida Statutes (2020), as this statute may be amended from time to time, and any successor documents and accordance with County Medical Director's, or his/her successor's protocols. As part of the required emergency medical services, County shall also provide emergency medical transport services within the City.

3) **Required Reporting:** County agrees to maintain statistical information at all times and provide City upon request, with data regarding response times, number of calls, fire property dollar loss, sprinkler system activations, ISO rating information, and false alarm response information related to services provided under this agreement. County shall track and be capable of producing statistical data reports consisting of incidents that occurred only within City.

4) In addition to those duties and responsibilities described above and within Exhibit “A,” County hereby agrees to provide City at all times during the term of this agreement, the following expertise and services, as may be required from time to time:

- a. **Hazardous Materials Response Team.** County shall provide hazardous materials team responses to City residents as is to the unincorporated area of Lake County.
- b. **Fire Arson Investigations.** County shall cooperate fully with City and the State Fire Marshal’s Office for the purpose of ensuring notification and ancillary scene support for fire arson investigations.
- c. **Related Services.** County shall provide City residents with fire, rescue, and EMS planning information as needed.

**B. Assessments.** Upon adoption of an ordinance by City opting into the County’s Fire Assessment fees and MSTU, the County will acknowledge the request and consent to inclusion of the City in the Fire Assessment and MSTU programs beginning FY 2022. The County may collect the assessments by any method which is authorized by law and/or under any collection method authorized by the County, at its discretion.

**C. Hold Harmless.** The County agrees, to the extent permitted by Florida law, to hold the City harmless should any legal action be brought to contest the validity of the Fire Rescue Assessment fees. The County agrees to provide legal defense necessary at no cost to the City in regard to any such validity challenge. Should any court order a refund of any assessment or should any refund be agreed to by County, said refunds shall be paid solely by County.

**D. Facility.** The County agrees that it will use reasonable care in its use of Fire Station 56. During the term of this agreement, the County, at its expense, shall be responsible for costs of all utilities, including electric, gas, water, sewer, solid waste removal, cable, janitorial services, telephone and internet/data connection concerning the existing Fire Station 56, until such time as the

new Fire Station 56 to be constructed by City has received a certificate of occupancy, and then County's responsibility for costs of all utilities, including electric, gas, water, sewer, solid waste removal, cable, janitorial services, telephone and internet/data connection will shift from the existing Fire Station 56 to the new Fire Station 56. The County agrees to insure County's trucks, furnishings and other firefighting equipment housed at the Station. The County acknowledges and agrees that as part of City constructing a public safety complex inclusive of a new Fire Station 56 it may be necessary for the County to temporarily relocate from the existing Fire Station 56 to a County fire station. It is the parties intent that the temporary relocation be for the least amount of time as is necessary.

**Section 5. Term and Termination.** This Agreement shall become effective January 1, 2021 ("Effective Date") and shall remain in effect for a period of twenty (20) years. Thereafter, this agreement will automatically renew, until terminated by either party. Either party may terminate this agreement by providing at least one (1) year prior written notice to the other party. The City agrees that notification of a withdrawal of its request and consent shall be by an adoption of an ordinance with a certified copy of such ordinance being provided to the County prior to January 1<sup>st</sup> preceding the fiscal year for which such request and consent is being withdrawn.

**Section 6. Default.** If either party fails to keep, observe, or perform any provision of this agreement, the breaching party shall be deemed in default. If such default continues for a period of six (6) months after notice thereof by the non-breaching party to the other party, then the non-breaching party shall be entitled to terminate this agreement. The parties agree that prior to termination the County Manger and City Manager will attempt to resolve any dispute that arises under this agreement in good faith. If unsuccessful in resolving the dispute the Florida Governmental Conflict Resolution Act, as amended, shall be utilized.

**Section 7. Modifications.** Unless otherwise specified herein, no modification, amendment, or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed by the parties hereto, with the same formality and of equal dignity herewith. This agreement may not be subcontracted or assigned without the prior written consent of all parties.

**Section 8. Notices.** All notices, demands, or other writings required to be given or made or sent in this Agreement, or which may be given or made or sent, by either party to the

other, shall be deemed to have been fully given or made or sent when in writing and addressed as follows:

COUNTY

County Manager

P.O. Box 7800

Tavares, Florida 32778

CITY

City Manager

506 W. Berckman Street.

Fruitland Park, FL 34731

All notices required, or which may be given hereunder, shall be considered properly given if (1) personally delivered, (2) sent by certified United States mail, return receipt requested, or (3) sent by Federal Express or other equivalent overnight letter delivery company. The effective date of such notices shall be the date personally delivered, or if sent by certified mail, the date the notice was signed for, or if sent by overnight letter delivery company, the date the notice was delivered by the overnight letter delivery company. Parties may designate other parties or addresses to which notice shall be sent by notifying, in writing, the other party in a manner designated for the filing of notice hereunder.

**Section 9. Entire Agreement.** This document embodies the entire agreement between the parties. It may not be modified or terminated except as provided herein.

**Section 10. Severability.** If any provision of this agreement is found by a court of competent jurisdiction to be invalid, it shall be considered deleted here from, and shall not invalidate the remaining provisions.

**Section 11. Other Agreements.**

A. Emergency Medical Services MSTU. Upon the date that County begins providing service to City under this agreement, the separate agreement entitled *Interlocal Agreement Between Lake Emergency Medical Services, Inc. and City of Fruitland Park, Florida Pertaining to Basic Life Support Services* (“BLS Agreement”) dated March 26, 2013, requiring payment to the City of a portion of the EMS MSTU funds for provision of first responder basic life support services shall terminate, and no further payments will be made to the City thereunder. The parties also agree to waive the sixty (60) day notice requirement set forth in Section 4(B) of the BLS Agreement.

B. Agreement Relating to Fire Station 56. Upon the date that County begins providing service to the City under this agreement, the separate agreement entitled *Assignment of the Agreements Between Lake Emergency Medical Services, Inc. and City of Fruitland Park* dated on or about September 2018 will terminate.



Interlocal Agreement Between Lake County and the City of Fruitland Park for Fire Protection Services

C. Mutual Aid Agreement for Fire Protection. Upon the date that County begins providing service to City under this agreement, the separate agreement entitled *Mutual Aid Agreement between Lake County and City of Fruitland Park* dated June 7, 2016, will terminate. The parties also agree to waive the ninety (90) day notice requirement set forth in Section 15.

D. Agreement between Lake Emergency Medical Services, Inc. and City of Fruitland Park for Dispatch Services, entered into on September 27, 2011. Upon the date that County begins providing service to City under this agreement, the separate agreement entitled *Agreement between Lake Emergency Medical Services, Inc. and City of Fruitland Park for Dispatch Services*, entered into on September 27, 2011, will terminate. The parties also agree to waive the sixty (60) day notice requirement set forth in Section 3.

**IN WITNESS WHEREOF**, the parties have signed this Interlocal Agreement on the respective dates under each signature: Lake County, through its Board of County Commissioners, signing by and through its Chairman and by the City of Fruitland Park, Florida, through its City Commission, signing by its duly authorized representative.

ATTEST:

**LAKE COUNTY, FLORIDA through its  
BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Gary J. Cooney, Clerk  
Board of County  
Commissioners of Lake  
County, Florida

\_\_\_\_\_  
Chairman  
This \_\_\_\_ of \_\_\_\_\_, 2020.

Approved as to form and legality:

\_\_\_\_\_  
Melanie Marsh  
County Attorney

**CITY OF FRUITLAND PARK, FLORIDA**

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

This \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

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

Approved as to form and legality:

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

**EXHIBIT A: ADDITIONAL SERVICE PROVISIONS TO FRUITLAND PARK**

All Firefighter EMTs/Paramedics will be trained to Florida State Statute 633 to the Firefighter II level and other associated training certifications and contact training hours (fire and medical).

Fire Station 56 will become an Advanced Life Support (ALS) services station.

Annual testing for ladders, hose, pumps, Self-Contained Breathing Apparatus (SCBA) and hydraulic extrication tools will be continued to ensure that safe and functioning equipment is maintained.

Existing Fire Rescue community outreach programs, public events, local programs, etc. will be supported. Examples include HOA presentations, life safety programs, parades, city events and many others.

A training and education center will be continually maintained within the county.

Fire inspection service responsibilities will remain with the City.

A Public Information Officer and media relations (specific to Fire Rescue events) will be provided working through the City Manager's Office and in conjunction with Fruitland Park Law Enforcement.

County will work diligently to maintain and/or improve the present County Insurance Services Office (ISO) rating.

The Deputy County Manager or designee will meet with the City Manager on an agreed upon basis to discuss operations and will be available to meet, as necessary.

Decals will be placed on Fire Rescue vehicles serving within the City recognizing the partnership between the City and the County, "In partnership with the City of Fruitland Park."

**EXHIBIT B: APPARATUS AND EQUIPMENT LIST**

<b>Equipment</b>	<b>Year Purchased</b>	<b>Acquisition Cost</b>
2005 Pierce Contender (E56) <i>Includes listed items and ancillary mounted and loose equipment such as but not limited to: axes, pike poles, MDT, miscellaneous appliances, nozzles, medical equipment, PPV, chainsaw, portable lighting, additional hose, etc.</i>	2005	\$ 40,000
400 ft of Preconnected 1.75" Hose	2015	incl. in above
1,100 ft of 4" supply Hose	2011	incl. in above
300 ft of 3" Rubber Hose	2011	incl. in above
Piercing Nozzle	2007	incl. in above
E-Hydraulic Spreader (HURST)	2015	incl. in above
E-Hydraulic Cutter (HURST)	2015	incl. in above
E-Hydraulic Ram (Hurst)	2015	incl. in above
Streamlight Portable Light	2014	incl. in above
Rescue 42 Strut System	2011	incl. in above
Rhyno Windshield Cutter System	2015	incl. in above
K12 Circular Saw	2012	incl. in above
20 inch Husqrvana Chain Saw	2016	incl. in above
Portable Master Stream	2010	incl. in above
16 inch SuperVac Fan	2008	incl. in above
MSA Thermal Imaging Camera	2014	incl. in above
4-Gas Monitor	2017	incl. in above
2000 ALF Freightliner (E561) <i>Includes listed items and ancillary mounted and loose equipment such as but not limited to: axes, pike poles, miscellaneous appliances, nozzles, medical equipment, PPV, chainsaw, portable lighting, additional hose, etc.</i>	2000	\$ 2,150
400 ft of Preconnected 1.75" Hose	2015	incl. in above
1100 ft of 4" Supply Hose	2012	incl. in above
300 ft of 3" Rubber Hose	2008	incl. in above
16" SuperVac Fan	2007	incl. in above
1997 Ford F-350 Brush Truck (B56) <i>Includes ancillary mounted and loose equipment such as but not limited to: axes, miscellaneous appliances, nozzles, medical equipment, chainsaw, portable lighting, additional hose, etc.</i>	1997	\$ 5,000
Halmatro Power Unit with Combi Tool	2005	incl. in above
2020 Chevy Tahoe (IC56) <i>Includes listed items and ancillary mounted and loose equipment such as but not limited to: small tools, lights, command board, MDT, medical equipment, etc.</i>	2019	\$ 37,000
PC Mount	2010	incl. in above
Panasonic Toughbook	2015	incl. in above
Mako Air Compressor/Cascade	2011	\$ 7,500
Personal Protective Equipment	unknown	\$ 10,000
<b>Total</b>		<b>\$ 101,650</b>
<b>Annual Cost over 2 Years</b>		<b>\$ 50,825</b>
<i>Conditional offer pending visual and operational inspection of items by Lake County</i>		
Additionally, Lake County will take possession of portable/mobile/base station radios listed below and release Fruitland Park from remaining seven years of reimbursement schedule:		
5 Public Safety APX 6500 Remote Mount O5 w/ AES		
13 Fire Rescue APX 6000XE M2.5 Bright Green w/ AES		
1 Public Safety APX 4500 7/800MHz Control Station w/ AES		
1 Fire Rescue APX 4500 P25 Conventional VHF Control Station		

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

<b>ITEM TITLE:</b>	<b>Resolution 2020-071 Settlement Agreement – T. D. Burke</b>
<b>For the Meeting of:</b>	December 10, 2020
<b>Submitted by:</b>	City Attorney/City Manager
<b>Date Submitted:</b>	December 1, 2020
<b>Funds Required:</b>	No
<b>Attachments:</b>	Settlement agreement executed by T. D. Burke

**Item Description:** **Resolution 2020-071 Settlement Agreement: T. D. Burke, Lake County Case No. 2019-CA-001894.** The settlement agreement requires, within 30 days of effective date of agreement for T.D. Burke to:

- decommission of the septic tank in accordance with Ch.64-E-6.011(2) Florida Administrative Code,
- disconnect former restaurant building from private well(s) at the location closest to the well(s)/property line,
- pay \$8,000.00 to the City to be used by City for any purpose (these funds are not a credit in favor of the owner or property).

Re-occupation or use of the property triggers connection to city utilities and obligation to install a fire hydrant.

Upon completion of the first three tasks, the city will file a dismissal of the lawsuit, and funds will be disbursed from City Attorney trust account to the City.

The City and Burke release each other from all matters arising out of or relating to the lawsuit, except with respect to the terms of the Settlement Agreement.

Burke releases City for any liability relating to fire protection.

<b>Action to be Taken:</b>	<b>Approve the settlement agreement with the addition of the word “against” in paragraph 4.b. sixth line, between “equity,” and “City”.</b>
----------------------------	---

<b>Staff’s Recommendation:</b>	Approval.
--------------------------------	-----------

<b>Additional Comments:</b>	Mr. Burke will initial the changes if the agreement is approved.
-----------------------------	--

<b>City Manager Review:</b>	Yes
-----------------------------	-----

<b>Mayor Authorization:</b>	Yes
-----------------------------	-----

**RESOLUTION 2020-071**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING A SETTLEMENT AGREEMENT BETWEEN CITY OF FRUITLAND PARK, FLORIDA AND T.D. BURKE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City brought suit against T.D. Burke in Lake County Case No. 2019-CA-001894, and a settlement agreement has been reached by the parties; and

**WHEREAS**, the City Commission desires to formally approve and enter into the Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Settlement Agreement, **a copy of which is attached hereto**, is approved.

Section 2. The Commission authorizes the Mayor to execute the Settlement 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 \_\_\_\_\_, 2020, by the City Commission of the City of Fruitland Park, Florida.

CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

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

ATTEST:

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

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

Approved as to form:

---

Anita Geraci-Carver, City Attorney

## SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (“Agreement”) is made and entered into as of the Effective Date (defined herein, infra), by and between the City of Fruitland Park, a Florida municipality (“City”), and T. D. Burke, individually (“Burke”). Hereinafter, the City and Burke may be referred to collectively as the “Parties” or individually as a “Party”.

### RECITALS:

WHEREAS, the Parties are involved in on-going litigation currently pending in the Fifth Judicial Circuit Court of Lake County, Florida at Case No. 2019-CA-001894 (the “Lawsuit”);

WHEREAS, City filed its Verified First Amended Complaint on or about December 20, 2019;

WHEREAS, Burke filed his Answer and Affirmative Defenses to the Amended Complaint on or about January 16, 2020;

WHEREAS, Burke intended to amend his Answer to bring a counterclaim against the City for damages; and

WHEREAS, the Parties desire to enter into this Agreement for the purposes of resolving issues related to the Lawsuit and are motivated by a desire to avoid the costs, time, and uncertainty associated with litigation and to arrive at a fair and reasonable agreement to resolve their disputes.

NOW, THEREFORE, in consideration of the terms and mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties, intending to be legally bound, agree as follows:

1. **Recitals**. The above-referenced recitals are true and correct and are hereby incorporated into this Agreement for all purposes.

2. **Terms of Agreement**. In connection with the Parties’ mutual execution of this Agreement and the covenants and terms herein, the Parties agree as follows:

- A. Within thirty (30) days of the Effective Date, Burke shall decommission the septic tank(s) utilized by the former and now unoccupied restaurant building located on Burke’s property at 305 C. R. 466A, Fruitland Park, FL 34731 (the “Property”). The decommission of the septic tank(s) must be in

\_\_\_\_\_  
City Initials

  
\_\_\_\_\_  
Burke Initials



accordance with CH64E-6.011(2) FAC to include permitting and inspection by the health department.

- B. Within thirty (30) days of the Effective Date, Burke shall disconnect the former restaurant building from the private well(s). Disconnection shall be made at a location closest to the well(s)/property line.
- C. Fire Hydrant Funds. Within thirty (30) days of the Effective Date, Burke shall pay to the City an agreed amount of \$8,000.00 (the "Funds"). The Funds may be utilized by the City for any purpose in its sole discretion and will not be credited to Burke or any future owner(s) or tenant of the Property toward any obligation herein. The Funds shall be by cashier's check made payable to "City of Fruitland Park" and delivered to the office of Anita Geraci-Carver, 1560 Bloxam Ave., Clermont, FL 34711. The Funds shall be held in trust by counsel for the City and shall not be released to the City until the dismissal of the Lawsuit is filed by the City.
- D. The Parties hereby agree that any re-occupation or use of the Property whether by owner, tenant, or invitee, triggers connection to the City's water system, sewer system and the obligation to install a fire hydrant.
- E. Upon notification by Burke's counsel to counsel for the City of Burke's completion of items 2(A)-2(C), herein, the City, within five (5) days, shall execute and file in the Lawsuit a Notice of Voluntary Dismissal with Prejudice.

3. **Non-admission of liability.** It is understood and agreed that this Agreement is the compromise of disputed claims, and that any agreement made hereunder is not to be construed as an admission of liability, fault or responsibility as to any claims or allegations on the part of any Party, which liability is and has been expressly denied.

4. **Mutual Releases.**

- a. City, including its officers, council, employees, agents, and staff, hereby waives and releases, acquits, satisfies, and forever discharges Burke, individually and Burke, Burke and Burke, Inc. (d/b/a Burke's BBQ); including their legal representatives, managers, officers, directors, employees, agents, insurance carriers, successors, heirs, and assigns thereof (collectively, the "Defendant's Related Parties"), from any and all claims, counterclaims, defenses, actions, causes of action, suits, controversies, agreements, promises, and demands whatsoever which City ever had or now has, in law or in equity, against Burke and/or Burke's BBQ, or against Defendant's Related Parties arising out of or relating to the Lawsuit. The release set forth in this provision does not apply to any rights granted by this Agreement.

\_\_\_\_\_  
City Initials

  
\_\_\_\_\_  
Burke Initials

- b. Burke hereby waives and releases, acquits, satisfies, and forever discharges City, including its officers, council, employees, agents, staff, and assigns thereof (collectively, the "Plaintiff's Related Parties"), from any and all claims, counterclaims, defenses, actions, causes of action, suits, controversies, agreements, promises, and demands whatsoever which Burke ever had or now has, in law or in equity, City or against Plaintiff's Related Parties arising out of or relating to the Lawsuit. The release set forth in this provision does not apply to any rights granted by this Agreement.
- c. Burke hereby further releases the City for any liability relating to fire protection of the Property and any structures thereon.
- d. The foregoing releases shall be of no force and effect should this Agreement terminate or become null and void for any reason.

5. **Authority.** Each Party represents and warrants, with respect to itself, that the execution and delivery of this Agreement has been authorized by all necessary action of each Party, and that this Agreement constitutes the legal, valid, and binding agreement of each Party, enforceable in accordance with its terms.

6. **Governing Law; Venue.** This Agreement shall be construed, interpreted, enforced, and governed in accordance with the laws of the State of Florida. The exclusive venue for any action arising out of or related to this Agreement shall be in Lake County, Florida.

7. **Binding Effect.** This Agreement shall be binding upon and shall inure to the benefit of the respective successors, heirs, assigns, agents, trustees, and representatives of the Parties.

8. **Non-Waiver.** Failure by the Parties to insist upon the strict performance of any of the terms, conditions, or provisions, and any Party, notwithstanding such failure, shall have the right hereafter to insist upon the strict performance of any or all such terms and conditions of this Agreement as set forth herein.

9. **Construction; Headings.** The Parties acknowledge that they participated in the negotiation and drafting of the terms of the Agreement and acknowledge that no provision shall be strictly construed against one party or the other based solely on draftsmanship. The Parties have entered into this Agreement without duress, coercion, or under undue influence of any kind, and are motivated by a desire to avoid the costs, time, and uncertainty associated with litigation, including the Lawsuit, and to arrive at a fair and reasonable agreement with regard to the Parties' dispute. The Parties acknowledge that they entered into this Agreement freely and voluntarily. All sections and descriptive headings in this Agreement are inserted for convenience only, and shall neither affect the construction or interpretation hereof, nor add or subtract from the meaning of the contents of each section.

10. **Interpretation.** This Agreement shall be read and interpreted in such a manner as to give all provisions their ordinary and customary meaning, and all words, terms, and phrases not

---

City Initials

  
Burke Initials

otherwise specifically defined by a capitalized term or otherwise shall have the same meaning and interpretation as customarily used among lay persons. In construing this Agreement, the singular shall be held to include the plural, the plural shall include the singular, and the use of any gender shall include every other and all genders.

11. **Entire Agreement; Amendments.** This Agreement represents the entire understanding and agreement between the Parties with respect to the subject matter hereof. No representations have been made, either express or implied by the Parties, other than those expressly set forth in this Agreement. This Agreement or any part hereof may not be changed, amended, waived, discharged, or terminated except by an instrument in writing, executed by all Parties.

12. **Severability.** If any part of this Agreement is found invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect the other parts of this Agreement if the rights and obligations of the parties contained therein are not materially prejudiced and if the intentions of the parties can continue to be effectuated. To that end, this Agreement is declared severable.

13. **Attorneys' Fees and Costs.** The Parties will be solely responsible for their respective attorneys' fees and costs incurred in connection with this Agreement and the Lawsuit.

14. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original and need not be signed by more than one of the Parties hereto and all of which shall constitute one and the same agreement. The Parties hereto further agree that each Party shall execute and deliver all other appropriate supplemental agreements and other instruments, and take any other action necessary to make this Agreement fully and legally effective, binding, and enforceable as between them and as against third parties.

15. **Effective Date.** This Agreement shall become effective upon the date of execution by the last of the Parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in a manner sufficient to bind them on the day and year identified above.


Signed, sealed, and delivered before me:

*As to Plaintiff:*

*As to Defendant:*

CITY OF FRUITLAND PARK, FL

\_\_\_\_\_  
By: Chris Cheshire, Mayor  
Dated: \_\_\_\_\_

  
\_\_\_\_\_  
T. D. Burke, individually  
Dated: 11/20/2020

\_\_\_\_\_  
City Initials

  
\_\_\_\_\_  
Burke Initials

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

**ITEM TITLE:** First Reading and Public Hearing - Ordinance  
2020-014 MSTU

**For the Meeting of:** December 10, 2020

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

**Date Submitted:** December 1, 2020

**Funds Required:** \$91.16

**Account Number:** 01514 30492

**Amount Required:**

**Balance Remaining:**

**Attachments:** Proposed ordinance, rates, advertisement receipt  
and proof of advertisement affidavit

**Item Description:** Proposed Ordinance 2020-014 MSTU. (The second  
reading will be held on December 17, 2020.)

**Action to be Taken:** Approve proposed Ordinance 2020-014

**Staff's Recommendation:** Approval

**Additional Comments:**

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**ORDINANCE 2020-014**

**AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF A PORTION OF THE INCORPORATED AREA OF THE CITY OF FRUITLAND PARK, KNOWN AS “HISTORIC FRUITLAND PARK” AND AS SET FORTH HEREIN, WITHIN THE ‘LAKE COUNTY MUNICIPAL SERVICE TAXING UNIT FOR FIRE PROTECTION’ IN ORDER FOR LAKE COUNTY TO PROVIDE FIRE RESCUE SERVICES AND IMPOSE A TAX FOR SAME; EXCLUDING THE VILLAGES OF FRUITLAND PARK FROM THE MSTU; REQUESTING AND CONSENTING TO IMPOSITION AND COLLECTION OF FIRE RESCUE ASSESSMENTS FOR FIRE RESCUE SERVICES BY LAKE COUNTY WITHIN SAID AREA; PROVIDING FOR ANNUAL RENEWAL OF EACH SUCH REQUEST AND CONSENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of the County (the “County”) has enacted ordinances authorizing the County to create or identify a municipal service taxing unit within which the County imposes and collects ad valorem taxes for fire rescue services within incorporated and unincorporated areas of the County; and

**WHEREAS**, the County has accordingly established the ‘Lake County Municipal Service Taxing Unit for Fire Protection’; and

**WHEREAS**, the City Commission of the City of Fruitland Park has determined that the inclusion of the incorporated area of Fruitland Park within such municipal service taxing unit by the County for the purpose of providing fire rescue service is in the best interest of the owners of property within the incorporated area of Fruitland Park; and

**WHEREAS**, the Council adopted ordinances authorizing the County to impose and collect fire rescue assessments for fire rescue service within incorporated and unincorporated areas of the County; and

**WHEREAS**, the County has imposed a fire rescue assessment program within the geographic area of the County, coterminous with the boundaries of the Lake County Municipal Service Taxing Unit for Fire Protection; and

**WHEREAS**, the City Commission of the City of Fruitland Park has determined that the County’s imposition and collection of fire rescue assessments pursuant to the procedures provided by Lake County Ordinance 1998-63, as amended, is in the best interest of the owners of property within the incorporated area of Fruitland Park known as “Historic Fruitland Park” and that the properties to be assessed will receive a special benefit from the County’s provision of fire rescue services, facilities and programs.

**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 and are hereby adopted by the City Commission as the legislative findings and intent pertaining to this Ordinance.

**Section 2.** Article II in Chapter 92 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby created to read as follows:

**Article II. INCLUSION IN MSTU, FIRE RESCUE ASSESSMENTS.**

**Section 92.15. – Lake County Municipal Service Taxing Unit – Fire Rescue Services, Facilities and Programs.**

- (1) The City Commission requests and consents to the inclusion of a portion of the incorporated area of the City of Fruitland Park, known as Historic Fruitland Park, within the ‘Lake County Municipal Service Taxing Unit for Fire Protection’ to provide fire rescue services, facilities, and programs and to the imposition of a tax by Lake County to fund such fire rescue services, facilities, and programs. The City Commission finds that the provision of fire rescue services is an essential municipal purpose. For purposes of this ordinance, Historic Fruitland Park includes all incorporated areas within Fruitland Park excluding The Villages of Fruitland Park. The Villages of Fruitland Park consists of properties within the following plats: P.B. 66, Pg 42, P.B. 66, Pg 45, P.B. 66, Pg 47, P.B. 66, Pg 54, P.B. 66, Pg 56, P.B. 66, Pg 59, P.B. 66, Pg 64, P.B. 66, Pg 69, P.B. 66, Pg 71, P.B. 66, Pg 74, P.B. 67, Pg 5, P.B. 67, Pg 34, P.B. 67, Pg 41, P.B. 67, Pg 46, P.B. 67, Pg 53-56, P.B. 67, Pg 70, P.B. 67, Pg74, P.B. 67, Pg 79, all recorded in the Public Records of Lake County, Florida.
- (2) Request and consent of the City Commission given to Lake County by Ordinance 2020-014 shall be deemed given in advance for each fiscal year hereafter and shall be automatically renewed for each succeeding fiscal year unless such request and consent is subsequently withdrawn as provided herein. Request and consent shall be irrevocable for any fiscal year in which the subject fire rescue services taxes are levied by Lake County within the incorporated area of Fruitland Park. Fruitland Park may only withdraw such consent for any subsequent fiscal year by adopting an ordinance abandoning its consent and providing a certified copy of such ordinance to Lake County prior to May 1 preceding the fiscal year for which consent is being withdrawn.

**Section 92-16. – Lake County Provision of Fire Rescue Services, Facilities, and Programs – Fire Rescue Assessment.**

- (1) The City Commission requests and consents to the imposition of fire rescue assessments by Lake County, pursuant to the procedures provided by Lake County Ordinance 1998-63, as amended, within a portion of the incorporated are of the City of Fruitland Park, known as Historic Fruitland Park (located in the ‘Lake County Municipal Service Taxing Unit for Fire Protection’) in order

to fund fire rescue services, facilities, and programs provided by Lake County. Such consent shall become effective upon adoption of this ordinance for the upcoming fiscal year. The City Commission finds that the provision of fire rescue service is an essential municipal purpose and that the properties to be assessed will receive a special benefit from Lake County's provision of fire rescue services, facilities, and programs.

- (2) Request and consent of the City Commission given to Lake County by Ordinance 2020-014 shall be deemed given in advance for each fiscal year hereafter and shall be automatically renewed for each succeeding fiscal year unless such request and consent is subsequently withdrawn as provided herein. Request and consent shall be irrevocable for any fiscal year in which the subject fire rescue assessments are levied by Lake County within the incorporated area of Fruitland Park. Fruitland Park may only withdraw such consent for any subsequent fiscal year by adopting an ordinance abandoning its consent and providing a certified copy of such ordinance to the county prior to May 1 preceding the fiscal year for which consent is being withdrawn.

**Section 3. Conflicts.** In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of the City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the peoples shall prevail.

**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. 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 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 \_\_\_\_\_

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

Approved as to form and legality:

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



1992-03

---

**LAKE COUNTY, FLORIDA**

=====

**FIRE RESCUE ASSESSMENT ORDINANCE**

=====

**ADOPTED AUGUST 4, 1998**

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
98 AUG 14 PM 1:48

500 11 11 1998

---

TABLE OF CONTENTS

PAGE

ARTICLE I

INTRODUCTION

SECTION 1.01. DEFINITIONS . . . . . 2

SECTION 1.02. INTERPRETATION . . . . . 6

SECTION 1.03. GENERAL FINDINGS . . . . . 6

SECTION 1.04. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT . . . . 9

ARTICLE II

ANNUAL FIRE RESCUE ASSESSMENTS

SECTION 2.01. GENERAL AUTHORITY . . . . . 10

SECTION 2.02. INITIAL PROCEEDINGS . . . . . 11

SECTION 2.03. INITIAL ASSESSMENT ROLL . . . . . 12

SECTION 2.04. NOTICE BY PUBLICATION . . . . . 13

SECTION 2.05. NOTICE BY MAIL . . . . . 14

SECTION 2.06. ADOPTION OF FINAL ASSESSMENT RESOLUTION . . . . . 15

SECTION 2.07. EFFECT OF FINAL ASSESSMENT RESOLUTION . . . . . 15

SECTION 2.08. ADOPTION OF ANNUAL RATE RESOLUTION . . . . . 16

SECTION 2.09. LIEN OF FIRE RESCUE ASSESSMENTS . . . . . 19

SECTION 2.10. REVISIONS TO FIRE RESCUE ASSESSMENTS. . . . . 20

SECTION 2.11. PROCEDURAL IRREGULARITIES . . . . . 20

SECTION 2.12. CORRECTION OF ERRORS AND OMISSIONS . . . . . 21

SECTION 2.13. INTERIM ASSESSMENTS. . . . . 22

SECTION 2.14. INCLUSION OF MUNICIPAL AREAS. . . . . 24

ARTICLE III

COLLECTION AND USE OF FIRE RESCUE ASSESSMENTS

SECTION 3.01. METHOD OF COLLECTION . . . . . 25

SECTION 3.02. ALTERNATIVE METHOD OF COLLECTION . . . . . 25

SECTION 3.03. GOVERNMENT PROPERTY. . . . . 28

98 AUG 14 PM 1:48  
 TALLAHASSEE, FLORIDA

ARTICLE IV

GENERAL PROVISIONS

SECTION 4.01. APPLICABILITY. . . . . 30  
SECTION 4.02. ALTERNATIVE METHOD . . . . . 30  
SECTION 4.03. SEVERABILITY . . . . . 31  
SECTION 4.04. INCLUSION IN LAKE COUNTY CODE . . . . . 31  
SECTION 4.05. FILING WITH THE DEPARTMENT OF  
STATE AND EFFECTIVE DATE . . . . . 31

APPENDIX:

APPENDIX A FORM OF MUNICIPAL REQUEST AND  
CONSENT ORDINANCE . . . . . A-1

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA:

ARTICLE I

INTRODUCTION

**SECTION 1.01. DEFINITIONS.** As used in this Ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

**"Annual Rate Resolution"** means the resolution described in Section 2.08 hereof, establishing the rate at which a Fire Rescue Assessment for a specific Fiscal Year will be computed. The Final Assessment Resolution shall constitute the Annual Rate Resolution for the initial Fiscal Year in which a Fire Rescue Assessment is imposed or reimposed.

**"Assessed Property"** means all parcels of land included on the Assessment Roll that receive a special benefit from the delivery of the fire rescue services, programs or facilities identified in the Initial Assessment Resolution or a subsequent Preliminary Rate Resolution.

**"Assessment Roll"** means the special assessment roll relating to a Fire Rescue Assessment approved by a Final Assessment Resolution pursuant to Section 2.06 hereof or an Annual Rate Resolution pursuant to Section 2.08 hereof.

**"Board"** means the Board of County Commissioners of Lake County, Florida.

**"Building"** means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind, including mobile homes. This term shall include the use of land in which lot or spaces are offered for use, rent or lease for the placement of mobile homes, travel trailers, or the like for residential purposes.

**"Certificate of Occupancy"** means the written certification issued by the County that a Building is ready for occupancy for its intended use. For the purposes of this Ordinance, a set up or tie down permit or its equivalent issued for a mobile home shall be considered a Certificate of Occupancy.

**"Clerk"** means the Clerk of the Circuit Court for Lake County, Florida, as ex-officio Clerk of the Board.

**"County"** means Lake County, Florida.

**"County Manager"** means the chief administrative officer of the County, designated by the Board to be responsible for coordinating Fire Rescue Assessments, or such person's designee.

**"Final Assessment Resolution"** means the resolution described in Section 2.06 hereof which shall confirm, modify, or repeal the Initial Assessment Resolution and which shall be the final proceeding for the initial imposition of Fire Rescue Assessments.

**"Fire Rescue Assessment"** means a special assessment lawfully imposed by the Board against Assessed Property to fund all or any portion of the cost of the provision of fire rescue services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the Assessed Property.

**"Fire Rescue Assessed Cost"** means the amount determined by the Board to be assessed in any Fiscal Year to fund all or any portion of the cost of the provision of fire rescue services, facilities, or programs which provide a special benefit to Assessed Property, and shall include, but not be limited to, the following components: (A) the cost

of physical construction, reconstruction or completion of any required facility or improvement; (B) the costs incurred in any required acquisition or purchase; (C) the cost of all labor, materials, machinery, and equipment; (D) the cost of fuel, parts, supplies, maintenance, repairs, and utilities; (E) the cost of computer services, data processing, and communications; (F) the cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever; (G) the cost of any indemnity or surety bonds and premiums for insurance; (H) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (I) the cost of uniforms, training, travel, and per diem; (J) the cost of construction plans and specifications, surveys and estimates of costs; (K) the cost of engineering, financial, legal, and other professional services; (L) the costs of compliance with any contracts or agreements entered into by the County to provide fire rescue services; (M) all costs associated with the structure, implementation, collection, and enforcement of the Fire Rescue Assessments, including any service charges of the Tax Collector, or Property Appraiser and amounts necessary to off-set discounts received for early payment of Fire Rescue Assessments pursuant to the Uniform Assessment Collection Act or for early payment of Fire Rescue Assessments collected pursuant to Section 3.02 herein; (N) all other costs and expenses necessary or incidental to the acquisition, provision, or construction of fire rescue services, facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the Board by subsequent resolution; (O) a reasonable amount for contingency and anticipated delinquencies and uncollectible Fire Rescue Assessments; and (P) reimbursement to the County or any other Person for any moneys advanced for

any costs incurred by the County or such Person in connection with any of the foregoing components of Fire Rescue Assessed Cost. In the event the County also imposes an impact fee upon new growth or development for fire rescue related capital improvements, the Fire Rescue Assessed Cost shall not include costs attributable to capital improvements necessitated by new growth or development that will be paid by such impact fees.

**"Fiscal Year"** means that period commencing October 1st of each year and continuing through the next succeeding September 30th, or such other period as may be prescribed by law as the fiscal year for the County.

**"Government Property"** means property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

**"Initial Assessment Resolution"** means the resolution described in Section 2.02 hereof which shall be the initial proceeding for the identification of the Fire Rescue Assessed Cost for which an assessment is to be made and for the imposition of a Fire Rescue Assessment.

**"Maximum Assessment Rate"** means the highest rate of a Fire Rescue Assessment established by the Board in an Initial or Preliminary Assessment Resolution and confirmed by the Board in the Final or Annual Rate Resolution.

**"Ordinance"** means this Fire Rescue Assessment Ordinance.

**"Owner"** shall mean the Person reflected as the owner of Assessed Property on the Tax Roll.

**"Person"** means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

**"Preliminary Rate Resolution"** means the resolution described in Section 2.08 hereof initiating the annual process for updating the Assessment Roll and directing the reimposition of Fire Rescue Assessments pursuant to an Annual Rate Resolution.

**"Property Appraiser"** means the Lake County Property Appraiser.

**"Tax Collector"** means the Lake County Tax Collector.

**"Tax Roll"** means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

**"Uniform Assessment Collection Act"** means sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

**SECTION 1.02. INTERPRETATION.** Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Ordinance; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Ordinance. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

**SECTION 1.03. GENERAL FINDINGS.** It is hereby ascertained, determined, and declared that:



(A) Pursuant to Article VIII, section 1, Florida Constitution, and sections 125.01 and 125.66, Florida Statutes, the Board has all powers of local self-government to perform county functions and to render municipal services in a manner not inconsistent with law, and such power may be exercised by the enactment of County ordinances.

(B) The Board derives its authority to impose Fire Rescue Assessments as provided in the Ordinance from the home rule power of counties in Article VIII, section 1(f), Florida Constitution, and sections 125.01 and 125.66, Florida Statutes. More specifically, section 125.01(1)(q), Florida Statutes, provides the Board's authority for the imposition of Fire Rescue Assessments in all or a portion of the County which includes incorporated areas within a municipality through the creation of a municipal service taxing or benefit unit. The creation of a municipal service taxing or benefit unit which consists in part of some property situated within an incorporated area requires the consent of the affected municipality pursuant to section 125.01(1)(q), Florida Statutes. Supplementally and alternatively, the Board has the power to impose Fire Rescue Assessments throughout all or a part of the County, both within and outside of the incorporated areas, without creating a municipal service taxing or benefit unit. Such authority is derived from the specifically enumerated county power to levy special assessments in section 125.01(1)(r), Florida Statutes. Further, the Board has the home rule power to impose Fire Rescue Assessments both within and outside of an incorporated area where the County provides fire rescue services, facilities and programs within such incorporated area. No municipal purpose is served by a municipal ordinance that attempts to opt out or negate the effect of such Fire Rescue Assessment within the municipality where the property subject to such Fire Rescue

Assessments receives a special benefit from the County's provision of such fire rescue services, facilities and programs.

(C) The principal purposes of the Ordinance are to authorize and prescribe supplemental and alternative procedures for the imposition of Fire Rescue Assessments and the funding of fire rescue services, facilities, or programs providing a special benefit to property within the County.

(D) The Ordinance authorizes the Board to impose Fire Rescue Assessments on benefited property within the County. Pursuant to the Ordinance, the Board may impose Fire Rescue Assessments via the municipal service taxing unit heretofore created in Ordinance No. 1990-24 and Ordinance No. 1991-18, as amended by Ordinance No. 1998-64. Such municipal service taxing or benefit unit is designated as the "Lake County Municipal Service Taxing Unit for Fire Protection." The Ordinance also authorizes the imposition of Fire Rescue Assessments through a municipal service benefit unit hereafter created in an Initial or Preliminary Rate Resolution adopted pursuant to the Ordinance. Additionally and alternatively, the Ordinance authorizes the imposition of a Fire Rescue Assessment throughout a geographic area designated by the Board in an Initial or Preliminary Rate Resolution, without requiring the creation of a new, or the use of an existing, municipal service taxing or benefit unit. The Ordinance authorizes the Board to designate a geographic area to include all or a portion of the unincorporated area, and either (1) to include incorporated areas or (2) to exclude all incorporated areas. Further, the Ordinance allows the Board to designate a geographic area to be coterminous with a

municipal service taxing or benefit unit or to ignore the boundaries of a municipal service taxing or benefit unit altogether.

(E) The annual Fire Rescue Assessments to be imposed using the procedures provided in this Ordinance shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

(F) The Fire Rescue Assessments to be imposed using the procedures provided in this Ordinance are imposed by the Board, not the Clerk, Property Appraiser, or Tax Collector. The duties of the Clerk, Property Appraiser, and Tax Collector under the Uniform Assessment Collection Act are ministerial.

**SECTION 1.04. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT.**

It is hereby ascertained and declared that the fire rescue services, facilities, and programs provide a special benefit to property that is improved by the existence or construction of a Building based upon the following legislative determinations:

(A) Fire rescue services possess a logical relationship to the use and enjoyment of improved property by: (1) protecting the value of the improvements and structures through the provision of available fire rescue services; (2) protecting the life and safety of intended occupants in the use and enjoyment of improvements and structures within improved parcels; (3) lowering the cost of fire insurance by the presence of a professional and comprehensive fire rescue program within the County; and (4) containing the spread of fire incidents occurring on vacant property with the potential to spread and endanger the structures and occupants of improved property.

(B) The combined fire control and first response emergency medical services of the County under its existing consolidated fire rescue program enhances and strengthens the relationship of such services to the use and enjoyment of Buildings within improved parcels of property within the areas served by the County.

(C) Within the areas served by the County, the combined fire control and first response emergency medical services of the County under its existing consolidated fire rescue program enhance the value of business and commercial property that is improved by the existence or construction of a Building which enhanced value can be anticipated to be reflected in the rental charge or value of such business or commercial property.

## **ARTICLE II**

### **ANNUAL FIRE RESCUE ASSESSMENTS**

#### **SECTION 2.01. GENERAL AUTHORITY.**

(A) The Board is hereby authorized to impose an annual Fire Rescue Assessment to fund all or any portion of the Fire Rescue Assessed Cost upon benefitted property at a rate of assessment based on the special benefit accruing to such property from the County's provision of fire rescue services, facilities, or programs. All Fire Rescue Assessments shall be imposed in conformity with the procedures set forth in this Article II.

(B) The amount of the Fire Rescue Assessment imposed in a Fiscal Year against a parcel of Assessed Property shall be determined pursuant to an apportionment methodology based upon a classification of property designed to provide a fair and reasonable apportionment of the Fire Rescue Assessed Cost among properties on a basis

reasonably related to the special benefit provided by fire rescue services, facilities, or programs funded with assessment proceeds.

(C) Nothing contained in this Ordinance shall be construed to require the imposition of Fire Rescue Assessments against Government Property.

**SECTION 2.02. INITIAL PROCEEDINGS.**

(A) The initial proceeding for the imposition of a Fire Rescue Assessment shall be the adoption of an Initial Assessment Resolution by the Board, (1) containing a brief and general description of the fire rescue services, facilities, or programs to be provided, (2) determining the Fire Rescue Assessed Cost to be assessed, (3) describing the method of apportioning the Fire Rescue Assessed Cost and the computation of the Fire Rescue Assessment for specific properties, (4) establishing an estimated assessment rate for the upcoming Fiscal Year, (5) establishing a Maximum Assessment Rate, if desired by the Board, and (6) directing the County Manager to (a) prepare the initial Assessment Roll, as required by Section 2.03 hereof, (b) publish the notice required by Section 2.04 hereof, and (c) mail the notice required by Section 2.05 hereof using information then available from the Tax Roll.

(B) The Initial Assessment Resolution shall also sufficiently identify property that may be subject to the imposition of Fire Rescue Assessments by designating a geographic area within the County where the Board provides fire rescue services, facilities and programs as follows:

- (1) Such Board designated geographic area may consist of all or a portion of the unincorporated area, all or a portion of the

incorporated area, or any combination of the foregoing. Such Board designated geographic area may be conterminous with the Lake County Municipal Service Taxing Unit for Fire Protection, created pursuant to Ordinance No. 1990-24 and Ordinance No, 1991-18, as amended by Ordinance No. 1998-64. The Board may designate such geographic area by creating a new municipal service taxing or benefit unit, which contains a description of the property to be included.

(2) Alternatively, the Board shall identify such property by providing a summary description of the parcels, conforming to the description on the Tax Roll, located within the County that receive a special benefit from the provision of fire rescue services, facilities or program.

**SECTION 2.03. INITIAL ASSESSMENT ROLL.**

(A) The County Manager shall prepare, or direct the preparation of, the initial Assessment Roll, which shall contain the following:

(1) A summary description of all Assessed Property conforming to the description contained on the Tax Roll.

(2) The name of the Owner of the Assessed Property.

(3) The amount of the Fire Rescue Assessment to be imposed against each such parcel of Assessed Property.

(B) The initial Assessment Roll shall be retained by the County Manager and shall be open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Fire Rescue Assessment for each parcel of property can be determined by use of a computer terminal available to the public.

**SECTION 2.04. NOTICE BY PUBLICATION.** Upon completion of the initial Assessment Roll, the County Manager shall publish, or direct the publication of, once in a newspaper of general circulation within the County a notice stating that at a meeting of the Board on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned, or special meeting, the Board will hear objections of all interested persons to the Final Assessment Resolution which shall establish the rate of assessment and approve the aforementioned initial Assessment Roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include (A) a geographic depiction of the property subject to the Fire Rescue Assessment; (B) a brief and general description of the fire rescue services, facilities, or programs to be provided; (C) the rate of assessment including a Maximum Assessment Rate in the event one was adopted by the Initial Assessment Resolution; (D) the procedure for objecting provided in Section 2.06 hereof; (E) the method by which the Fire Rescue Assessment will be collected; and (F) a statement that the Initial Assessment Roll is available for inspection at the office of the County Manager and all interested persons may ascertain the amount to be assessed against a parcel of Assessed Property at the office of the County Manager.

**SECTION 2.05. NOTICE BY MAIL.** In addition to the published notice required by Section 2.04, the County Manager shall provide notice, or direct the provision of notice, of the proposed Fire Rescue Assessment by first class mail to the Owner of each parcel of property (except Government Property) subject to the Fire Rescue Assessment. Such notice shall include (A) the purpose of the Fire Rescue Assessment; (B) the rate of assessment to be levied against each parcel of property including a Maximum Assessment Rate in the event one was adopted by the Initial Assessment Resolution; (C) the unit of measurement applied to determine the Fire Rescue Assessment; (D) the number of such units contained in each parcel of property; (E) the total revenue to be collected by the County from the Fire Rescue Assessment; (F) a statement that failure to pay the Fire Rescue Assessment will cause a tax certificate to be issued against the property or foreclosure proceedings to be instituted, either of which may result in a loss of title to the property; (G) a statement that all affected Owners have a right to appear at the hearing and to file written objections with the Board within 20 days of the notice; and (H) the date, time, and place of the hearing. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each Owner at such address as is shown on the Tax Roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. The County Manager may provide proof of such notice by affidavit. Failure of the Owner to receive such notice due to mistake or inadvertence, shall not affect the validity of the Assessment Roll nor release or discharge any obligation for payment of a Fire Rescue Assessment imposed by the Board pursuant to this Ordinance.



**SECTION 2.06. ADOPTION OF FINAL ASSESSMENT RESOLUTION.** At the day and time named in such notice, or to which an adjournment or continuance may be taken by the Board, the Board shall receive any oral or written objections of interested persons and may then, or at any subsequent meeting of the Board adopt the Final Assessment Resolution which shall (A) confirm, modify, or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the Board; (B) establish the rate of assessment to be imposed in the upcoming Fiscal Year; (C) establish a Maximum Assessment Rate that may be imposed in the event such rate was included in the Initial Assessment Resolution; (D) approve the initial Assessment Roll, with such amendments as it deems just and right; and (E) determine the method of collection. The adoption of the Final Assessment Resolution by the Board shall constitute a legislative determination that all parcels assessed derive a special benefit from the fire rescue services, facilities, or programs to be provided or constructed and a legislative determination that the Fire Rescue Assessments are fairly and reasonably apportioned among the properties that receive the special benefit. All written objections to the Final Assessment Resolution shall be filed with the County Manager at or before the time or adjourned time of such hearing. The Final Assessment Resolution shall constitute the Annual Rate Resolution for the initial Fiscal Year in which Fire Rescue Assessments are imposed or reimposed hereunder.

**SECTION 2.07. EFFECT OF FINAL ASSESSMENT RESOLUTION.** The Fire Rescue Assessments for the initial Fiscal Year shall be established upon adoption of the Final Assessment Resolution. The adoption of the Final Assessment Resolution shall be

the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property; the method of apportionment and assessment; the initial rate of assessment; the Maximum Assessment Rate, if any; the initial Assessment Roll; and the levy and lien of the Fire Rescue Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the Board action on the Final Assessment Resolution. The initial Assessment Roll, as approved by the Final Assessment Resolution, shall be delivered to the Tax Collector, as required by the Uniform Assessment Collection Act, or if the alternative method described in Section 3.02 hereof is used to collect the Fire Rescue Assessments, such other official as the Board by resolution shall designate.

**SECTION 2.08. ADOPTION OF ANNUAL RATE RESOLUTION.**

(A) The Board shall adopt an Annual Rate Resolution during its budget adoption process for each Fiscal Year following the initial Fiscal Year for which a Fire Rescue Assessment is imposed hereunder.

(B) The initial proceedings for the adoption of an Annual Rate Resolution shall be the adoption of a Preliminary Rate Resolution by the Board (1) containing a brief and general description of the fire rescue services, facilities, or programs to be provided; (2) determining the Fire Rescue Assessed Cost to be assessed for the upcoming Fiscal Year; (3) establishing the estimated assessment rate for the upcoming Fiscal Year; (4) establishing or increasing a Maximum Assessment Rate, if desired by the Board; (5) authorizing the date, time, and place of a public hearing to receive and consider comments

from the public and consider the adoption of the Annual Rate Resolution for the upcoming Fiscal Year; and (6) directing the County Manager to (a) update the Assessment Roll, (b) provide notice by publication and first class mail to affected Owners in the event circumstances described in subsection (F) of this Section so require, and (c) directing and authorizing any supplemental or additional notice deemed proper, necessary or convenient by the County.

(C) The Annual Rate Resolution shall (1) establish the rate of assessment to be imposed in the upcoming Fiscal Year and (2) approve the Assessment Roll for the upcoming Fiscal Year with such adjustments as the Board deems just and right. The Assessment Roll shall be prepared in accordance with the method of apportionment set forth in the Initial Assessment Resolution, or any subsequent Preliminary Rate Resolution, together with modifications, if any, that are provided and confirmed in the Final Assessment Resolution or any subsequent Annual Rate Resolution.

(D) Nothing herein shall preclude the Board from providing annual notification to all Owners of Assessed Property in the manner provided in either or both Sections 2.04 or 2.05 hereof.

(E) The Board may establish or increase a Maximum Assessment Rate Assessment in an Initial or Preliminary Rate Resolution and confirm such Maximum Assessment Rate in the event notice of such Maximum Rate Assessment has been included in the notices required by Section 2.04 and 2.05 hereof.

(F) In the event (1) the proposed Fire Rescue Assessment for any Fiscal Year exceeds the rates of assessment adopted by the Board including a Maximum Assessment

Rate, if any, that were listed in the notices previously provided to the Owners of Assessed Property pursuant to Sections 2.04 and 2.05 hereof, (2) the purpose for which the Fire Rescue Assessment is imposed or the use of the revenue from the Fire Rescue Assessment is substantially changed from that represented by notice previously provided to the Owners of Assessed Property pursuant to Sections 2.04 and 2.05 hereof, (3) Assessed Property is reclassified or the method of apportionment is revised or altered resulting in an increased Fire Rescue Assessment from that represented by notice previously provided to the Owners of Assessed Property pursuant to Sections 2.04 and 2.05 hereof, or (4) an Assessment Roll contains Assessed Property that was not included on the Assessment Roll approved for the prior Fiscal Year, notice shall be provided by publication and first class mail to the Owners of such Assessed Property as provided by law. Such notice shall substantially conform with the notice requirements set forth in Sections 2.04 and 2.05 hereof and inform the Owner of the date, time, and place for the adoption of the Annual Rate Resolution. The failure of the Owner to receive such notice due to mistake or inadvertence, shall not affect the validity of the Assessment Roll nor release or discharge any obligation for payment of a Fire Rescue Assessment imposed by the Board pursuant to this Ordinance.

(G) As to any Assessed Property not included on an Assessment Roll approved by the adoption of the Final Assessment Resolution or a prior year's Annual Rate Resolution, the adoption of the succeeding Annual Rate Resolution shall be the final adjudication of the issues presented as to such Assessed Property (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed

Property, the method of apportionment and assessment, the rate of assessment, the establishment or increase of a Maximum Assessment Rate, the Assessment Roll, and the levy and lien of the Fire Rescue Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the Board action on the Annual Rate Resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any Fire Rescue Assessment not challenged within the required 20 day period for those Fire Rescue Assessments previously imposed against Assessed Property by the inclusion of the Assessed Property on an Assessment Roll approved in the Final Assessment Resolution or any subsequent Annual Rate Resolution.

(H) The Assessment Roll, as approved by the Annual Rate Resolution, shall be delivered to the Tax Collector as required by the Uniform Assessment Collection Act, or if the alternative method described in Section 3.02 hereof is used to collect the Fire Rescue Assessments, such other official as the Board by resolution shall designate. If the Fire Rescue Assessment against any property shall be sustained, reduced, or abated by the court, an adjustment shall be made on the Assessment Roll.

**SECTION 2.09. LIEN OF FIRE RESCUE ASSESSMENTS.** Upon the adoption of the Assessment Roll, all Fire Rescue Assessments shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid. The lien for a Fire Rescue Assessment shall be deemed perfected upon adoption by the Board of the Final Assessment Resolution or the Annual Rate Resolution, whichever is

applicable. The lien for a Fire Rescue Assessment collected under the Uniform Assessment Collection Act shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes imposed under the Tax Roll. The lien for a Fire Rescue Assessment collected under the alternative method of collection provided in Section 3.02 shall be deemed perfected upon adoption by the Board of the Final Assessment Resolution or the Annual Rate Resolution, whichever is applicable, and shall attach to the property on such date of adoption.

**SECTION 2.10. REVISIONS TO FIRE RESCUE ASSESSMENTS.** If any Fire Rescue Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the Board is satisfied that any such Fire Rescue Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Board has failed to include or omitted any property on the Assessment Roll which property should have been so included, the Board may take all necessary steps to impose a new Fire Rescue Assessment against any property benefited by the Fire Rescue Assessed Costs, following as nearly as may be practicable, the provisions of this Ordinance and in case such second Fire Rescue Assessment is annulled, vacated, or set aside, the Board may obtain and impose other Fire Rescue Assessments until a valid Fire Rescue Assessment is imposed.

**SECTION 2.11. PROCEDURAL IRREGULARITIES.** Any informality or irregularity in the proceedings in connection with the levy of any Fire Rescue Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Fire Rescue Assessment as finally approved shall be competent

and sufficient evidence that such Fire Rescue Assessment was duly levied, that the Fire Rescue Assessment was duly made and adopted, and that all other proceedings adequate to such Fire Rescue Assessment were duly had, taken, and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

**SECTION 2.12. CORRECTION OF ERRORS AND OMISSIONS.**

(A) No act of error or omission on the part of the Property Appraiser, Tax Collector, County Manager, Board, or their deputies or employees, shall operate to release or discharge any obligation for payment of a Fire Rescue Assessment imposed by the Board under the provision of this Ordinance.

(B) When it shall appear that any Fire Rescue Assessment should have been imposed under this Ordinance against a parcel of property specially benefited by the provision of fire rescue services, facilities, or programs, but that such property was omitted from the Assessment Roll or was not listed on the Tax Roll as an individual parcel of property as of the effective date of the Assessment Roll approved by the Annual Rate Resolution for any upcoming Fiscal Year, the Board may, upon provision of a notice by mail provided to the Owner of the omitted parcel in the manner and form provided in Section 2.05, impose the applicable Fire Rescue Assessment for the Fiscal Year in which such error is discovered, in addition to the applicable Fire Rescue Assessment due for the prior two Fiscal Years. Such Fire Rescue Assessment shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior

liens, mortgages, titles, and claims in and to or against the real property involved, shall be collected as provided in Article III hereof, and shall be deemed perfected on the date of adoption of the resolution imposing the omitted or delinquent assessments.

(C) Prior to the delivery of the Assessment Roll to the Tax Collector in accordance with the Uniform Assessment Collection Act, the County Manager shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the Owner of any property subject to a Fire Rescue Assessment, to reclassify property based upon presentation of competent and substantial evidence, and correct any error in applying the Fire Rescue Assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the Fire Rescue Assessment imposed under the provisions of this Ordinance. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the County Manager and not the Property Appraiser or Tax Collector.

(D) After the Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the Tax Roll upon timely written request and direction of the County Manager.

**SECTION 2.13. INTERIM ASSESSMENTS.** For all Tax Parcels for which a building permit is issued on or after January 1, 1999, an Interim Fire Rescue Assessment



may be imposed against all property for which a Certificate of Occupancy (or building permit as determined by the Board) is issued. The amount of the interim Fire Rescue Assessment shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the Annual Rate Resolution for the Fiscal Year in which the Certificate of Occupancy (or building permit as determined by the Board) is issued. Such monthly rate shall be imposed for each full calendar month remaining in the Fiscal Year. In addition to the monthly rate, the interim Fire Rescue Assessment shall also include an estimate of the subsequent Fiscal Year's Fire Rescue Assessment. In the event the Board adopts and authorizes the imposition of an Interim Fire Rescue Assessment by resolution, no Certificate of Occupancy (or building permit as determined by the Board) shall be issued until full payment of the interim Fire Rescue Assessment is received by the County. Issuance of the Certificate of Occupancy (or building permit as determined by the Board) by mistake or inadvertence, and without the payment in full of the interim Fire Rescue Assessment, shall not relieve the Owner of such property of the obligation of full payment. For the purpose of this provision, such interim Fire Rescue Assessment shall be deemed due and payable on the date the Certificate of Occupancy (or building permit as determined by the Board) was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the Certificate of Occupancy (or building permit as determined by the Board).

**SECTION 2.14. INCLUSION OF MUNICIPAL AREAS.**

(A) The areas provided fire rescue services, facilities, and programs by the County and subject to the imposition of Fire Rescue Assessments may include incorporated areas. However, any municipality not heretofore providing evidence of consent to such assessments by ordinance, shall evidence a request for inclusion and consent to such inclusion by ordinance in substantially the form attached hereto as Appendix A. The City of Minneola, the Town of Astatula, the Town of Howey-In-The-Hills, and the Town of Lady Lake shall not be required to provide additional request or consent by ordinance to continue to be included within the areas provided fire rescue services by the County.

(B) Any municipal request or consent for inclusion given to the County shall thereafter be deemed given in advance and automatically renewed for each Fiscal Year thereafter unless such request and consent is timely withdrawn by the adoption of an ordinance abandoning the municipality's request and consent and providing a certified copy of such ordinance to the Board prior to May 1 preceding the Fiscal Year for which such request and consent is being withdrawn. Inclusion of any municipality shall be irrevocable for any Fiscal Year in which Fire Rescue Assessments are levied by the County within an incorporated area.

## **ARTICLE III**

### **COLLECTION AND USE OF FIRE RESCUE ASSESSMENTS**

#### **SECTION 3.01. METHOD OF COLLECTION.**

(A) Unless otherwise directed by the Board, the Fire Rescue Assessments shall be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act, and the County shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act or other provision of law.

(B) The amount of a Fire Rescue Assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific parcel of benefitted property may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, or program provided, (1) the collection method used in connection with the prior year's assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act, (2) notice is provided to the Owner as required under the Uniform Assessment Collection Act, and (3) any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such Fire Rescue Assessment upon certification of a non-ad valorem roll to the Tax Collector by the County.

**SECTION 3.02. ALTERNATIVE METHOD OF COLLECTION.** In lieu of utilizing the Uniform Assessment Collection Act, the Board may elect to collect the Fire Rescue

Assessments by any other method which is authorized by law or under the alternative collection method provided by this Section:

(A) The Board shall provide Fire Rescue Assessment bills by first class mail to the Owner of each affected parcel of property, other than Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Fire Rescue Assessment, (2) a description of the unit of measurement used to determine the amount of the Fire Rescue Assessment, (3) the number of units contained within the parcel, (4) the total amount of the Fire Rescue Assessment imposed against the parcel for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the Fire Rescue Assessment is due, and (7) a statement that the Fire Rescue Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(B) A general notice of the lien resulting from imposition of the Fire Rescue Assessments shall be recorded in the Official Records of the County. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

(C) The Board shall have the right to foreclose and collect all delinquent Fire Rescue Assessments in the manner provided by law for the foreclosure of mortgages on real property or appoint or retain an agent to institute such foreclosure and collection proceedings. A Fire Rescue Assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The Board or its agent shall notify any property owner who is delinquent in payment of his or her Fire Rescue Assessment within 60 days from the date such assessment was due. Such notice shall state in effect that the

Board or its agent will either (1) initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent Fire Rescue Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property, or (2) cause an amount equivalent to the delinquent Fire Rescue Assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the County may be the purchaser to the same extent as any Person. The Board or its agent may join in one foreclosure action the collection of Fire Rescue Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent Owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the Board and its agents, including reasonable attorney fees, in collection of such delinquent Fire Rescue Assessments and any other costs incurred by the Board as a result of such delinquent Fire Rescue Assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) In lieu of foreclosure, any delinquent Fire Rescue Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the Owner in the manner required by the Uniform Assessment Collection Act and this Ordinance, and

(2) any existing lien of record on the affected parcel for the delinquent Fire Rescue Assessment is supplanted by the lien resulting from certification of the Assessment Roll, as applicable, to the Tax Collector.

(F) Notwithstanding the Board's use of an alternative method of collection, the County Manager shall have the same power and authority to correct errors and omissions as provided to her or other county officials in Section 2.12 hereof.

(G) Any Board action required in the collection of Fire Rescue Assessments may be by resolution.

**SECTION 3.03. GOVERNMENT PROPERTY.**

(A) In the event Fire Rescue Assessments are imposed against Government Property, the Board shall provide Fire Rescue Assessment bills by first class mail to the Owner of each affected parcel of Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Fire Rescue Assessment, (2) a description of the unit of measurement used to determine the amount of the Fire Rescue Assessment, (3) the number of units contained within the parcel, (4) the total amount of the parcel's Fire Rescue Assessment for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the Fire Rescue Assessment is due.

(B) Fire Rescue Assessments imposed against Government Property shall be due on the same date as all other Fire Rescue Assessments and, if applicable, shall be subject to the same discounts for early payment.

(C) A Fire Rescue Assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The Board shall notify the Owner of any Government Property that is delinquent in payment of its Fire Rescue Assessment within 60 days from the date such assessment was due. Such notice shall state that the Board will initiate a mandamus or other appropriate judicial action to compel payment.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent Owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the County, including reasonable attorney fees, in collection of such delinquent Fire Rescue Assessments and any other costs incurred by the Board as a result of such delinquent Fire Rescue Assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) As an alternative to the foregoing, a Fire Rescue Assessment imposed against Government Property may be collected as a surcharge on a utility bill provided to such Government Property in periodic installments with a remedy of a mandamus action in the event of non-payment. The Board may contract for such billing services with any utility, whether or not such utility is owned by the County.

## ARTICLE IV

### GENERAL PROVISIONS

#### SECTION 4.01. APPLICABILITY.

(A) This Ordinance and the Board's authority to impose assessments pursuant hereto shall be applicable throughout the unincorporated areas of the County and throughout the incorporated area of any municipality whose governing body has heretofore or hereafter requested and consented to the provision of the fire rescue services, facilities, and programs by the County.

(B) Notwithstanding the provisions of paragraph (A) of this Section, the request and consent of the governing body of the affected municipality shall not be required for the imposition of a Fire Rescue Assessment within municipal areas if the Board shall determine prior to or at the time of the adoption of the Final Assessment Resolution that: (1) the fire rescue services, facilities, or programs identified in the Initial Assessment Resolution is of a subject matter preempted to the County by law or the Florida Constitution; or (2) the proposed Fire Rescue Assessment proceeds provides, in whole or part, county fire rescue services, facilities, or programs for which the residents or property within such municipal areas receive a special benefit.

#### SECTION 4.02. ALTERNATIVE METHOD.

(A) This Ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence.



This Ordinance, being necessary for the welfare of the inhabitants of the County, shall be liberally construed to effect the purposes hereof.

(B) Nothing herein shall preclude the Board from directing and authorizing, by resolution, the combination with each other of (1) any supplemental or additional notice deemed proper, necessary, or convenient by the County, (2) any notice required by this Ordinance, or (3) any notice required by law, including the Uniform Assessment Collection Act.

**SECTION 4.03. SEVERABILITY.** The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

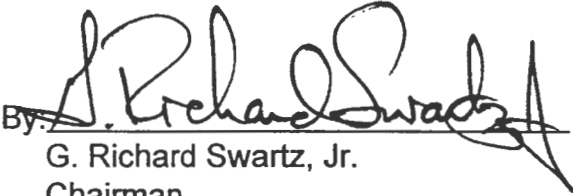
**SECTION 4.04. INCLUSION IN LAKE COUNTY CODE.** It is the intention of the Board that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 4.05. FILING WITH THE DEPARTMENT OF STATE AND EFFECTIVE DATE.** The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.


DULY ENACTED this 4th day of August, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

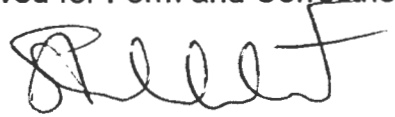
(SEAL)

By:   
G. Richard Swartz, Jr.  
Chairman

ATTEST:

  
James C. Watkins, Clerk of the  
Board of County Commissioners  
of Lake County, Florida

Approved for Form and Correctness:

By:   
Sanford A. Minkoff  
County Attorney

**APPENDIX A**

**FORM OF MUNICIPAL REQUEST AND CONSENT ORDINANCE**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE [CITY OR TOWN OF] [city], FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF ALL OF [city] WITHIN A MUNICIPAL SERVICE BENEFIT UNIT OR OTHER SPECIFIC GEOGRAPHIC AREA DESIGNATED BY LAKE COUNTY TO PROVIDE FIRE RESCUE SERVICES; PROVIDING FOR ANNUAL RENEWAL OF SUCH REQUEST AND CONSENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE [CITY OR TOWN] [Council or Commission] OF [city], FLORIDA:

**SECTION 1.01. FINDINGS.** It is hereby ascertained, determined, and declared that:

(A) The Board of County Commissioners of Lake County, Florida (the "County"), has enacted ordinances authorizing the County to create or identify a municipal service taxing or benefit unit or other specific geographic area within which the County imposes and collects assessments for fire rescue services within incorporated and unincorporated areas of the County.

(B) The [City or Town] [Council or Commission] of [city] has determined that the inclusion of the incorporated area of [city or town] within such municipal service benefit unit or specific geographic area by the County for the purpose of providing fire rescue services is in the best interests of the owners of property within the corporate limits of [city].

**SECTION 1.02. REQUEST AND CONSENT OF [city].** The [City or Town] [Council or Commission] of [city] hereby requests and consents to the inclusion of all

of the incorporated area of [city] within an identified municipal service taxing or benefit unit or specific geographic area created or identified by the County to provide fire rescue services, facilities, and programs and to the imposition of a special assessment by the County to fund such services, facilities and programs. Such request and consent shall become effective upon adoption of this ordinance for the upcoming fiscal year. The [City or Town] [Council or Commission] finds that the provision of fire rescue services is an essential municipal purpose.

**SECTION 1.03. ANNUAL RENEWAL OF REQUEST AND CONSENT.** Request and consent of the [City or Town] [Council or Commission] of [city] given to the County by this Ordinance shall be deemed given in advance for each fiscal year hereafter and shall be automatically renewed for each succeeding fiscal year unless such request and consent is subsequently withdrawn as provided herein. Request and consent shall be irrevocable for any fiscal year in which the subject fire rescue assessments are levied by the County within the incorporated area. [city] may only withdraw such consent for any subsequent fiscal year by adopting an ordinance abandoning its consent and providing a certified copy of such ordinance to the County prior to May 1 preceding the fiscal year for which consent is being withdrawn.

**SECTION 1.04. SEVERABILITY.** The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

**SECTION 1.05. EFFECTIVE DATE.**

This Ordinance shall take effect as

provided by law.

**DULY ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

(SEAL)

**[CITY OR TOWN] [Council or  
Commission] OF [CITY], FLORIDA**

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
CLERK

Residential Property Use	Rate Per Dwelling Unit	Villages Fire Dist		
Residential	\$213	\$124.00		
Non-Residential Property Use	Rate Per Space or Room			
RV Parks - Spaces	\$60			
Hotel and Motel Rooms	\$60			
Non-Residential Property Use Categories	Building Classification (in square foot ranges)	Commercial	Industrial/ Warehouse	Institutional
	< 250	\$0	\$0	\$0
	251 - 1,999	\$280	\$45	\$644
	2,000 - 3,499	\$559	\$89	\$1,288
	3,500 - 4,999	\$979	\$156	\$2,254
	5,000 - 9,999	\$1,398	\$223	\$3,220
	10,000 - 19,999	\$2,796	\$447	\$6,440
	20,000 - 29,999	\$5,592	\$893	\$12,879
	30,000 - 39,999	\$8,388	\$1,340	\$19,319
	40,000 - 49,999	\$11,184	\$1,786	\$25,758
	> 50,000	\$13,980	\$2,233	\$32,198
Vacant Land	\$59			

**LAKE COUNTY 2020 FINAL ADOPTED AND CERTIFIED MILLAGE RATES**

		0001	0002/CG02	0003/BC03	0004	0005 AV05/GL05	0006/MP06	GH03	DI02	GG05	IT02	F001/H001
<b>Taxing Authorities:</b>												
1	Lake County BCC General Fund	5.0327	5.0327	5.0327	5.0327	5.0327	5.0327	5.0327	5.0327	5.0327	5.0327	5.0327
37	Lake County MSTU Stormwater	0.4957	0.4957	0.4957	0.4957	0.4957	0.4957	0.4957	0.4957	0.4957	0.4957	0.4957
40	Lake County MSTU Fire	0.4704	0.4704	0.4704	0.4704	0.4704	0.4704	0.4704	0.4704	0.4704	0.4704	N/A
39	Lake County Voted Debt Service for Environmental Land purchase	0.1100	0.1100	0.1100	0.1100	0.1100	0.1100	0.1100	0.1100	0.1100	0.1100	0.1100
38	Lake County MSTU Ambulance	0.4629	0.4629	0.4629	0.4629	0.4629	0.4629	0.4629	0.4629	0.4629	0.4629	0.4629
7	Lake County School Board (State)	3.7010	3.7010	3.7010	3.7010	3.7010	3.7010	3.7010	3.7010	3.7010	3.7010	3.7010
8	Lake County School Board (Local)	2.9980	2.9980	2.9980	2.9980	2.9980	2.9980	2.9980	2.9980	2.9980	2.9980	2.9980
	Total School	6.6990	6.6990	6.6990	6.6990	6.6990	6.6990	6.6990	6.6990	6.6990	6.6990	6.6990
9	Lake County Water Authority	0.3368	0.3368	0.3368	0.3368	0.3368	0.3368	0.3368	0.3368	0.3368	0.3368	0.3368
12	North Lake Hospital	0.8950	0.8950				0.8950		0.8950		0.8950	0.8950
36	Levied by SW FL Water Mgmt Dist				0.2669							
16	Levied by St Johns FL Water Mgmt Dist--District Funds	0.2287	0.2287	0.2287		0.2287	0.2287	0.2287	0.2287	0.2287	0.2287	0.2287
<b>TOTAL COUNTY MILLAGE</b>		<b>14.7312</b>	<b>14.7312</b>	<b>13.8362</b>	<b>13.8744</b>	<b>13.8362</b>	<b>14.7312</b>	<b>13.8362</b>	<b>14.7312</b>	<b>13.8362</b>	<b>14.7312</b>	<b>14.2608</b>
	(Non School Millage)	8.0322	8.0322	7.1372	7.1754	7.1372	8.0322	7.1372	8.0322	7.1372	8.0322	7.5618
	(Senior Millage)	6.5717	6.5717	6.5717	6.5717	6.5717	6.5717	6.5717	6.5717	6.5717	6.5717	6.1013
<b>Cities:</b>						<b>Non-School Mill</b>						
19	Astatula (000A)	21.7355	7.5000			15.0365						
20	Clermont (000C, 00C1, 0C1X)	17.0762		4.2061		10.3772						
21	Eustis (000E, 00E1, 0E1X)	21.3461	7.5810			14.6471						
24	Fruitland Park (000F, 00F1, 00F2, VOFP)	17.6785	3.9134			10.9795						
25	Groveland (00GR, 0GR1, CSGR, CHGR)	18.0701		5.2000		11.3711						
26	Howey in the Hills (000H)	21.7355	7.5000			15.0365						
28	Lady Lake (00LL)	17.6317	3.3962			10.9327						
28	Lady Lake (F0LL, FVCD)	17.1613	3.3962			10.4623						
27	Leesburg (000L, 00L1, 00L2, 0L2X, 00L3, AR0L)	17.8737	4.1086			11.1747						
29	Mascotte (00MA, 0MA1)	20.0024		7.1323		13.3034						
31	Minneola (00MI, 0MI1, 0MI2)	18.9701		6.1000		12.2711						
32	Montverde (00MV)	15.7001		2.8300		9.0011						
30	Mount Dora (00MD, 0MD1, 0MD2)	19.7254	5.9603			13.0264						
33	Tavares (000T, 00T1, 00T2)	20.9274	6.9000			14.2284						
41	Tavares Debt Service (all Tavares Mills)		0.2623			N/A						
34	Umatilla (000U, 0U-6, 00U1)	20.8740	7.1089			14.1750						



Unincorporated Lake County, Town of Astatula, Town of Howey in the Hills, and Town of Lady Lake (00LL) are subject to the Fire MSTU.

F0LL, FVCD, F001, and H001 have their own Fire Services and do NOT receive the Fire MSTU.

Stormwater MSTU only applies to Unincorporated areas.

1-Oct-20



The Villages®  
**DAILY SUN**

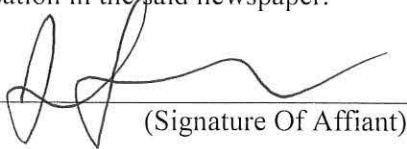
Published Daily  
Lady Lake, Florida  
State of Florida  
County Of Lake

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 #00977815 in the matter of **NOTICE OF ORDINANCE 2020-014**

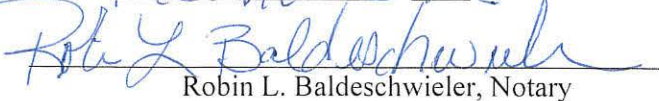
was published in said newspaper in the issues of

**DECEMBER 2, 2020**

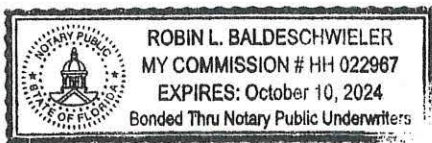
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, 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 December 20 20

  
Robin L. Baldeschwieler, Notary

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



Attach Notice Here:

**ORDINANCE 2020-014**

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF A PORTION OF THE INCORPORATED AREA OF THE CITY OF FRUITLAND PARK, KNOWN AS "HISTORIC FRUITLAND PARK" AND AS SET FORTH HEREIN, WITHIN THE 'LAKE COUNTY MUNICIPAL SERVICE TAXING UNIT FOR FIRE PROTECTION' IN ORDER FOR LAKE COUNTY TO PROVIDE FIRE RESCUE SERVICES AND IMPOSE A TAX FOR SAME; EXCLUDING THE VILLAGES OF FRUITLAND PARK FROM THE MSTU; REQUESTING AND CONSENTING TO IMPOSITION AND COLLECTION OF FIRE RESCUE ASSESSMENTS FOR FIRE RESCUE SERVICES BY LAKE COUNTY WITHIN SAID AREA; PROVIDING FOR

ANNUAL RENEWAL OF EACH SUCH REQUEST AND CONSENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

This ordinance will be presented for public hearing by the City of Fruitland Park City Commission first reading at its regular meeting to be held on Thursday, December 10, 2020 and second reading to be held on December 17, 2020 at 6:00 p.m. in the commission chambers of city hall, 506 West Berckman Street, Fruitland Park, Florida 34731. These meetings are 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 between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday.

Anyone requiring special accommodations and need assistance to participate at these meetings 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 hearing. (Florida Statutes 286.26)

If a person decides to appeal any decision made by the City of Fruitland Park Commission 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)

#977815 December 2, 2020

# Advertising Invoice

## The Villages Daily Sun

1100 Main St.  
The Villages, FL 32159

Phone: (352)753-1119

Fax: (352)751-7999

URL: <http://www.thevillagesdailysun.com>

PEGGY  
CITY OF FRUITLAND PARK  
506 W BERKMAN STREET  
FRUITLAND PARK, FL 34731

Acct #: 90105387  
Phone: (352)360-6727  
Date: 12/1/2020  
Ad #: 00977815  
Salesperson: 13 Ad Taker: 13

Class: 0100

Description	Start	Stop	Ins.	Cost/Day	Extras	Amount
ORDINANCE 2020-014 AN	12/2/2020	12/2/2020	1	91.16	0.00	91.16

**Ad Text:**

ORDINANCE 2020-014

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF A PORTION OF THE INCORPORATED AREA OF THE CITY OF FRUITLAND PARK, KNOWN AS "HISTORIC FRUITLAND PARK" AND AS SET FORTH HEREIN, WITHIN THE 'LAKE COUNTY MUNICIPAL SERVICE TAXING UNIT FOR FIRE PROTECTION' IN ORDER FOR LAKE COUNTY TO PROVIDE FIRE RESCUE SERVICES AND IMPOSE A TAX FOR SAME; EXCLUDING THE VILLAGES OF FRUITLAND PARK FROM THE MSTU; REQUESTING AND CONSENTING TO IMPOSITION AND

**Payment Reference:**

Total: 91.16  
Tax: 0.00  
Net: 91.16  
Prepaid: 0.00

**Total Due 91.16**

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

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

**For the Meeting of:** December 10, 2020

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

**Date Submitted:** October 7, 2020

**Funds Required:** \$75.26

**Account Number:** 01514 30492

**Amount Required:**

**Balance Remaining:**

**Attachments:** Proposed ordinance, advertisement receipt and  
affidavit

**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 first  
reading was held on November 12, 2020.)

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

**Action to be Taken:** Enact Ordinance 2020-012 to become effective  
immediately as provided by law.

**Staff's Recommendation:** Approval

**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 92 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 November 12, 2020

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

Approved as to form and legality:

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

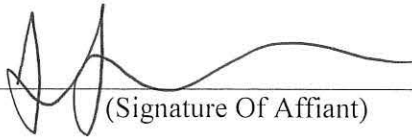
The Villages®  
**DAILY SUN**

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

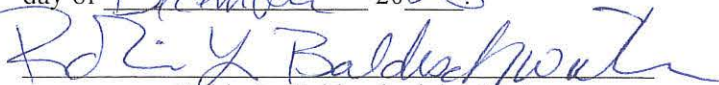
Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #00977680 in the matter of **NOTICE OF ORDINANCE 2020-012**

was published in said newspaper in the issues of  
**DECEMBER 1, 2020**

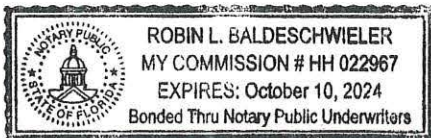
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, 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 1  
day of December 2020

  
Robin L. Baldeschwieler, Notary

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



Attach Notice Here:

**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 92 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 first reading was 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, December 10, 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)

**#977680 December 1, 2020**



# Advertising Invoice

## The Villages Daily Sun

1100 Main St.  
The Villages, FL 32159

Phone: (352)753-1119

Fax: (352)751-7999

URL: <http://www.thevillagesdailysun.com>

PEGGY  
CITY OF FRUITLAND PARK  
506 W BERKMAN STREET  
FRUITLAND PARK, FL 34731

Acct #: 90105387  
Phone: (352)360-6727  
Date: 11/30/2020  
Ad #: 00977680  
Salesperson: 13 Ad Taker: 13

Class: 0100

Description	Start	Stop	Ins.	Cost/Day	Extras	Amount
ORDINANCE 2020-012 AN	12/1/2020	12/1/2020	1	75.26	0.00	75.26

**Ad Text:**

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 92 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 first reading was held on November 12,

**Payment Reference:**

Total: 75.26  
Tax: 0.00  
Net: 75.26  
Prepaid: 0.00

**Total Due 75.26**

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

**ITEM TITLE:** Resolution 2020-066 Wal-Mart Liquor Store Variance – Parking Space Reduction Size and Liquor Store Addition – Petitioner: Wal-Mart Stores East LP

**For the Meeting of:** December 10, 2020

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

**Date Submitted:** December 1, 2020

**Funds Required:** No

**Attachments:** Draft Resolution 2020-066 with “Exhibit A” legal description, application and affidavits, justification for variance; advertisement affidavit, and staff report.

**Item Description:** Resolution 2020-066 approving a variance from Section 162.060 of the City of Fruitland Park Land Development Regulations to allow for a reduction in the parking space size from 10’ x 20’ to 10’ x 18’.

The Planning and Zoning Board, at its November 19, 2020 regular meeting, recommended approval of the variance.

**Action to be Taken:** Adopt Resolution 2020-066

**Staff’s Recommendation:** Approval

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**RESOLUTION 2020-066**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE FROM SECTION 162.060 OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A REDUCTION IN THE PARKING SPACE SIZE FROM 10' X 20' TO 10' X 18' FOR THE ADDITION OF A WAL-MART LIQUOR STORE ON PROPERTY LOCATED AT 2501 CITRUS BOULEVARD IN THE CITY OF FRUITLAND PARK, FLORIDA, OWNED BY WAL-MART STORES EAST, LP; PROVIDING FOR AN EXPIRATION DATE; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, CPH, Inc. as agent on behalf of the owner, Wal-Mart Stores East, LP, has petitioned for a variance for the property located at 2501 Citrus Blvd., in the City of Fruitland Park, Florida; and

**WHEREAS**, the owner desires to request a variance from Sec. 162.060 of the Land Development Regulations that require a standard parking space of 10' x 20'; and

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

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

1. The petition for variance filed by Wal-Mart Stores East, LP for property located on 2501 Citrus Blvd., in the City of Fruitland Park, Florida, more particularly described in **Exhibit A** attached hereto and incorporated herein is GRANTED as follows:
2. A variance to Sec. 162.060 parking standard requirements for a parking space of 10' x 20' is reduced to 10' x 18'.
3. The variance is granted only for the Wal-Mart liquor store addition only.
4. If the variance has not been utilized within two (2) years of being granted it shall expire.
5. Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original resolution or a certified copy of the resolution and attaching the correct legal description.
6. This variance shall become effective immediately on its approval and adoption by the City Commission of the City of Fruitland Park, Florida.

**PASSED AND ADOPTED** 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)

**Exhibit A**  
**Legal Description**

**Parcel ID: 10-19-24-0003-000-03401**

**Alt. Key: 1170605**

BEGIN AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 19 SOUTH, RANGE 24 EAST, RUN NORTH 579 FEET, MORE OR LESS, ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF SOUTHWEST 1/4 TO SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY, THENCE NORTHWESTERLY ALONG THE SAID RIGHT-OF-WAY LINE 500 FEET, THENCE SOUTHWESTERLY AT RIGHT ANGLES TO SAID RIGHT-OF-WAY, 225 FEET MORE OR LESS. BEGIN AS BEFORE, RUN WEST 421 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF SOUTHWEST 1/4 TO RIGHT-OF-WAY OF ATLANTIC COAST LINE RAILWAY, THENCE NORTHWESTERLY ALONG SAID ATLANTIC COAST LINE RAILWAY RIGHT-OF-WAY, 500 FEET, THENCE NORTHEASTERLY AT RIGHT ANGLES 220 FEET, MORE OR LESS, TO INTERSECT FIRST LINE.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SECTION 10, TOWNSHIP 19 SOUTH, RANGE 24 EAST; THENCE, BEARING NORTH ZERO DEGREES FORTY-EIGHT MINUTES ELEVEN SECONDS EAST (N 00°48'11" E), ALONG THE EAST ONE OP SAID SOUTHWEST ONE QUARTER OF THE SOUTHWEST ONE QUARTER, A DISTANCE OF FIVE HUNDRED SEVENTY SEVEN AND NINETY-NINE HUNDREDTHS FEET (577.99') TO THE SOUTHERLY RIGHT-OF-WAY LINE OF OLD U.S. HIGHWAY 441 (ALSO KNOWN AS COUNTY ROAD 25A OR DIXIE AVENUE); THENCE, ALONG SAID SOUTHERLY RIGHT-OF- WAY LINE AND A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF TWO THOUSAND EIGHT HUNDRED THIRTY- ONE AND SEVENTY-NINE HUNDREDTHS FEET (2831.79'), A CENTRAL ANGLE OF FOUR DEGREES FIFTY-EIGHT THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, BEARING NORTH SEVENTY-ONE DEGREES THIRTY-THREE MINUTES ELEVEN SECONDS WEST (N 71°33'11" W) A DISTANCE OF TWO HUNDRED FORTY-ONE AND FORTY-EIGHT HUNDREDTHS FEET (241.48') TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE, LEAVING SAID RIGHT OF WAY LINE, BEARING SOUTH EIGHTEEN DEGREES TWENTY-SIX MINUTES FORTY-NINE SECONDS WEST (S 18°26'49" W), A DISTANCE OF TWO HUNDRED THIRTY AND NINETY-EIGHT HUNDREDTHS FEET (230.98') TO A POINT; THENCE, BEARING SOUTH FIFTY-THREE DEGREES TWENTY-SEVEN MINUTES ZERO SECONDS WEST (S 53°27'00" W), A DISTANCE OF TWENTY-ONE

AND EIGHTY- FOUR HUNDREDTHS FEET (21.84') TO A POINT; THENCE, BEARING NORTH EIGHTEEN DEGREES TWENTY-SIX MINUTES FORTY-NINE SECONDS EAST (N 18°26'49" E), A DISTANCE OF TWO HUNDRED FORTY- EIGHT AND EIGHTY-EIGHT HUNDREDTHS FEET (248.88') TO THE AFORESAID SOUTHERLY RIGHT OF WAY LINE OF OLD U.S. HIGHWAY 441; THENCE, BEARING SOUTH SEVENTY-ONE DEGREES THIRTY-THREE MINUTES ELEVEN SECONDS EAST (S 71°33'11" E), ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF TWELVE AND FIFTY- THREE HUNDREDTHS FEET (12.53') TO THE POINT OF BEGINNING.



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

## Development Application

Contact Information:

Owner Name: Mark Asplund - Senior Project Manager - Walmart Stores East LP  
 Address: PO Box 8050 MS 0555, Bentonville, FL 72712  
 Phone: \_\_\_\_\_ Email: mark.asplund@walmart.com

Applicant Name: Mark Asplund - Walmart Stores East LP  
 Address: PO Box 8050 MS 0555, Bentonville, FL 72712  
 Phone: \_\_\_\_\_ Email: mark.asplund@walmart.com

Engineer Name: Leopoldo Ayala, PE  
 Address: 500 West Fulton St. Sanford, FL 32771  
 Phone: 407.322.6841 Email: layala@cphcorp.com

Property and Project Information:

**PROJECT NAME\*:** Leesburg LBA #800  
\*A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: 2501 Citrus Blvd. Leesburg, FL 34748

Parcel Number(s): 10-19-24-0003-000-03401 & 15-19-24-0002-000-08000 Section: 10 & 15 Township: 19 Range 24E

Area of Property: 25.36 acres Nearest Intersection: Dr. Martin Luther King Jr. Blvd. & Citrus Blvd.

Existing Zoning: C-2 Existing Future Land Use Designation: Commercial

Proposed Zoning: No change Proposed Future Land Use Designation: No change

The property is presently used for: Walmart Retail Store

The property is proposed to be used for: Walmart Retail Store with a Liquor Box addition

Do you currently have City Utilities? No

Application Type:

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Annexation          | <input type="checkbox"/> Comp Plan Amendment   | <input type="checkbox"/> Rezoning               | <input type="checkbox"/> Planned Development |
| <input checked="" 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: Variance request to allow 18' depth parking stalls at the liquor box facility to match the existing conditions of the Walmart parking lot.

**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: Mark Asplund

Signature: [Signature] Date: 10/1/20

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

APPLICANT AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LAKE

Before me the undersigned authority, personally appeared Mark Asplund

Senior Project Manager, 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 City of Fruitland Park to allow CPH, Inc. to serve as Wal-Mart's authorized agent for the purpose of seeking a Variance from code Section 162.060 to allow a reduction of standard parking space size.

[Signature]  
Affiant (Applicant's Signature)

State of ~~Florida~~ Arkansas  
County of Benton

The Foregoing instrument was acknowledged before me this 8 day of Oct, 2020, by Mark Asplund 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 12351038  
My Commission Expires 10-10-2026

[Signature]  
Signature  
Crystal Uphoff  
Printed Name

CRYSTAL UPHOFF  
NOTARY PUBLIC  
Benton County, Arkansas  
My Commission Expires 10/10/2026  
Commission Number 12351038

OWNER'S AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LAKE

Before me the undersigned authority, personally appeared Mark Asplund

Senior Project Manager, 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 City of Fruitland Park to allow CPH, Inc. to serve as Wal-Mart's authorized agent for the purpose of seeking a Variance from code Section 162.060 to allow a reduction of standard parking space size.
- 3) That he/she has appointed CPH, Inc. 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.

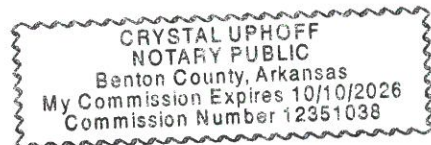
[Signature]  
Affiant (Owner's Signature)

State of ~~Florida~~ Arkansas  
County of Benton

The Foregoing instrument was acknowledged before me this 8 day of Oct, 2020 by Mark Asplund 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 12351038  
My Commission Expires 10-10-2026

[Signature]  
Signature  
Crystal Uphoff  
Printed Name







1992 SW 1st Street  
Miami, FL 33135  
Phone: 305.274.4805  
Fax: 305.274.4807

October 2, 2020

Tracy Kelley, Community Development Director  
Community Development Department City of Fruitland Park  
506 W Berckman Street  
Fruitland Park, FL 34731

**RE: Wal-Mart Liquor Addition – Variance  
Wal-Mart Store No. 800  
2501 Citrus Blvd, Leesburg, FL 34748  
CPH Project No. C4622  
Parcel ID: 10-19-24-0003-000-03401  
Alt Key: 1170605**

To whom it may concern,

As part of Walmart Store #800 property improvement, Walmart has elected to modify the current site configuration to add a Liquor Building Addition within the existing parking lot. Walmart Store #800 is located at 2501 Citrus Blvd, Leesburg, FL 34748. The proposed modifications are designed to improve customer service and store operations.

The proposed Liquor Building Addition and site improvements will be positioned in a manner that keeps within the confines of the existing parking lot and follows the parking row alignment, which will create minimal impacts to current traffic circulation and avoid an increase of on-site impervious area. The existing parking throughout the overall Walmart development provides a parking space size of 10' x 18', which was originally approved by City of Fruitland Park in 1998. In order to maintain consistency with the existing development, it is proposed that the Building Addition site improvements would incorporate 10' x 18' parking spaces.

On behalf of the applicant, CPH respectfully requests staff support of this Variance from code Section 162.060, to allow reduction of standard parking space size of 10' x 20' to 10' x 18'.

Sincerely,  
**CPH, Inc.**

A handwritten signature in blue ink, appearing to read 'Kevin Brown', is written over a light blue horizontal line.

Kevin Brown  
Program Manager

# The Villages<sup>®</sup> DAILY SUN

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

Before the undersigned authority personally appeared **Julie Callahan**, 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 #973524 in the matter of **NOTICE OF PUBLIC HEARING RESOLUTION 2020-066** was published in said newspaper in the issues of

**NOVEMBER 12, 2020**

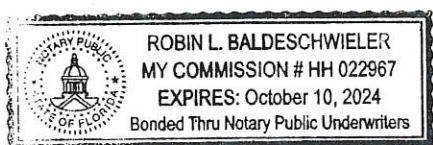
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, 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 16 day of November 2020.

  
Robin L. Baldeschwieler, Notary

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



Attach Notice Here:

0100 Legal Notices  
**NOTICE OF PUBLIC HEARING  
RESOLUTION 2020-066**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE FROM SECTION 162.060 OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A REDUCTION IN THE PARKING SPACE SIZE FROM 10' X 20' TO 10' X 18' FOR THE ADDITION OF A WAL-MART LIQUOR STORE ON PROPERTY LOCATED AT 2501 CITRUS BOULEVARD IN THE CITY OF FRUITLAND PARK, FLORIDA, OWNED BY WAL-MART STORES EAST, LP; PROVIDING FOR AN EXPIRATION DATE; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Fruitland Park Planning and Zoning Meeting on November 19, 2020 at 6:00 p.m.  
Fruitland Park City Commission Meeting on December 10, 2020 at 6:00 p.m.

The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berckman Street, Fruitland Park FL 34731. The meetings are open to the public and hearings may be continued as determined by the commission from time to time to a time certain. The full proposed resolution and metes and bounds legal description of property may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed resolution.

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.



#973524 November 12, 2020

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

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

Applicant: CPH, Inc., as agent on behalf of the owner, Wal-Mart Stores East, LP.

Address and general location of property: 2501 Citrus Blvd, Leesburg, FL 34748;  
generally located west of Citrus Blvd and north of Dr. Martin Luther King Jr. Boulevard.

Reason for action: Applicant is seeking a variance from Section 162.060 of the City of Fruitland Park Land Development Regulations to allow for a reduction in the parking space size from 10' x 20' to 10' x 18'. Wal-Mart has elected to modify the current site configuration to for the addition of a Wal-Mart Liquor Store within the existing parking lot. Proposed parking space size would be consistent with existing parking spaces, as approved in 1998.

Other information attached: Yes X No       

\* \* \* \*

There will be Public Hearings:

**Planning & Zoning Board**  
**City Commission Reading**

**Thursday, November 19, 2020 @ 6:00 p.m.**  
**Thursday, December 10, 2020 @ 6:00 p.m.**

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

\* \* \* \*

**SURROUNDING PROPERTY OWNER**

Name: Kathleen McDonald  
(Please Print)

Address: 415 William Dr. Fruitland Park FL 34731

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

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

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

Kathleen McDonald \_\_\_\_\_  
Addressee Signature Addressee Signature

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

**CITY OF FRUITLAND PARK**  
**AGENDA ITEM SUMMARY SHEET**  
**Item Number: 51**

**ITEM TITLE:** Resolution 2020-067 Village Park Commercial Subdivision Final Plat Approval – Petitioner: First Baptist Church of Leesburg Properties Inc.

**For the Meeting of:** December 10, 2020

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

**Date Submitted:** December 1, 2020

**Funds Required:** No

**Attachments:** Draft Resolution 2020-067, plat, legal description, application and affidavits.

**Item Description:** Resolution 2020-067 Village Park Commercial Subdivision final plat consists of 7.3 ± acres with four commercial lots and Tract A, an access and utility easement.

The Planning and Zoning Board, at its November 19, 2020 regular meeting, recommended approval of the plat. Original mylar plat to be executed upon approval.

**Action to be Taken:** Adopt Resolution 2020-067

**Staff's Recommendation:** Approval

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**RESOLUTION 2020-067**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING FINAL PLAT APPROVAL FOR VILLAGE PARK COMMERCIAL SUBDIVISION GENERALLY LOCATED SOUTH OF 466A AND EAST OF MICRO RACETRACK ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the applicant has petitioned for final plat approval of Village Park Commercial Subdivision; and

**WHEREAS**, Village Park Commercial Subdivision consists of 7.33 +/- acres that will consist of 4 commercial lots as well as Tract A an access and utility easement;

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

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

**WHEREAS**, the City Commission finds that the Final Plat of Village Park Commercial Subdivision is in compliance with the City's land development regulations.

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

**Section 1. Granting of Final Plat Approval.**

Approval of the Final Plat of Village Park Commercial Subdivision of consisting of 4 commercial lots and Tract A, an access and utility easement, **a copy of which is attached hereto**, is GRANTED.

**Section 2. Effective Date.**

This resolution shall become effective immediately upon its passage.

PASSED AND RESOLVED this \_\_\_ day of December 2020, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park

---

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk

---

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

Approved as to form and legality:

---

Anita Geraci-Carver, City Attorney

A PARCEL OF LAND LYING WITHIN SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 27, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 466-A PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE RUN S89°14'18"E A DISTANCE OF 739.12 FEET TO A POINT ON THE WESTERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5116, PAGE 1729, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 25.00 FEET, CHORD BEARING AND DISTANCE OF S44°19'49"E, 35.30 FEET TO WHICH A RADIAL LINE BEARS N00°45'43"E; THENCE ALONG SAID WESTERLY BOUNDARY WITH THE FOLLOWING TWO (2) COURSES: RUN SOUTHEASTERLY 39.19 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 89°48'55" TO THE POINT OF TANGENCY; THENCE S00°34'38"W A DISTANCE OF 295.37 FEET; THENCE DEPARTING SAID WESTERLY BOUNDARY RUN N89°25'00"W A DISTANCE OF 764.79 FEET TO THE EAST BOUNDARY OF AFORESAID PLAT OF VILLAGES OF FRUITLAND PARK UNIT NO. 27; THENCE ALONG THE EAST BOUNDARY OF SAID PLAT RUN N00°42'41"E A DISTANCE OF 322.67 FEET TO THE POINT OF BEGINNING.

AND

A PARCEL OF LAND LYING WITHIN SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 27, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 466-A PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE RUN S89°14'18"E A DISTANCE OF 889.12 FEET TO THE POINT OF BEGINNING; SAID POINT BEING ON THE EASTERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5116, PAGE 1729, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE RUN S89°14'17"E A DISTANCE OF 228.97 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF AFORESAID SECTION 5; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE AND ALONG SAID EAST LINE RUN S00°34'38"W A DISTANCE OF 290.09 FEET; THENCE DEPARTING SAID EAST LINE RUN N89°14'01"W A DISTANCE OF 229.13 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN NORTHWESTERLY 39.19 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 89°48'39" TO THE POINT OF TANGENCY; SAID POINT BEING ON THE EASTERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5116, PAGE 1729, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID EASTERLY BOUNDARY WITH THE FOLLOWING TWO (2) COURSES: RUN N00°34'38"E A DISTANCE OF 240.08 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN NORTHEASTERLY 39.35

FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF  $90^{\circ}10'38''$  TO THE POINT OF BEGINNING.

CONTAINING 7.33 ACRES, MORE OR LESS.



COVENANTS, RESTRICTIONS, OR RESERVATIONS AFFECTING THE OWNERSHIP OR USE OF THE PROPERTY SHOWN IN THIS PLAT ARE FILED IN OFFICIAL RECORDS BOOK PAGE

# VILLAGE PARK COMMERCIAL SUBDIVISION

SHEET 1 OF 2

PLAT BOOK

PAGE

BEING A PORTION OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA.

### LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

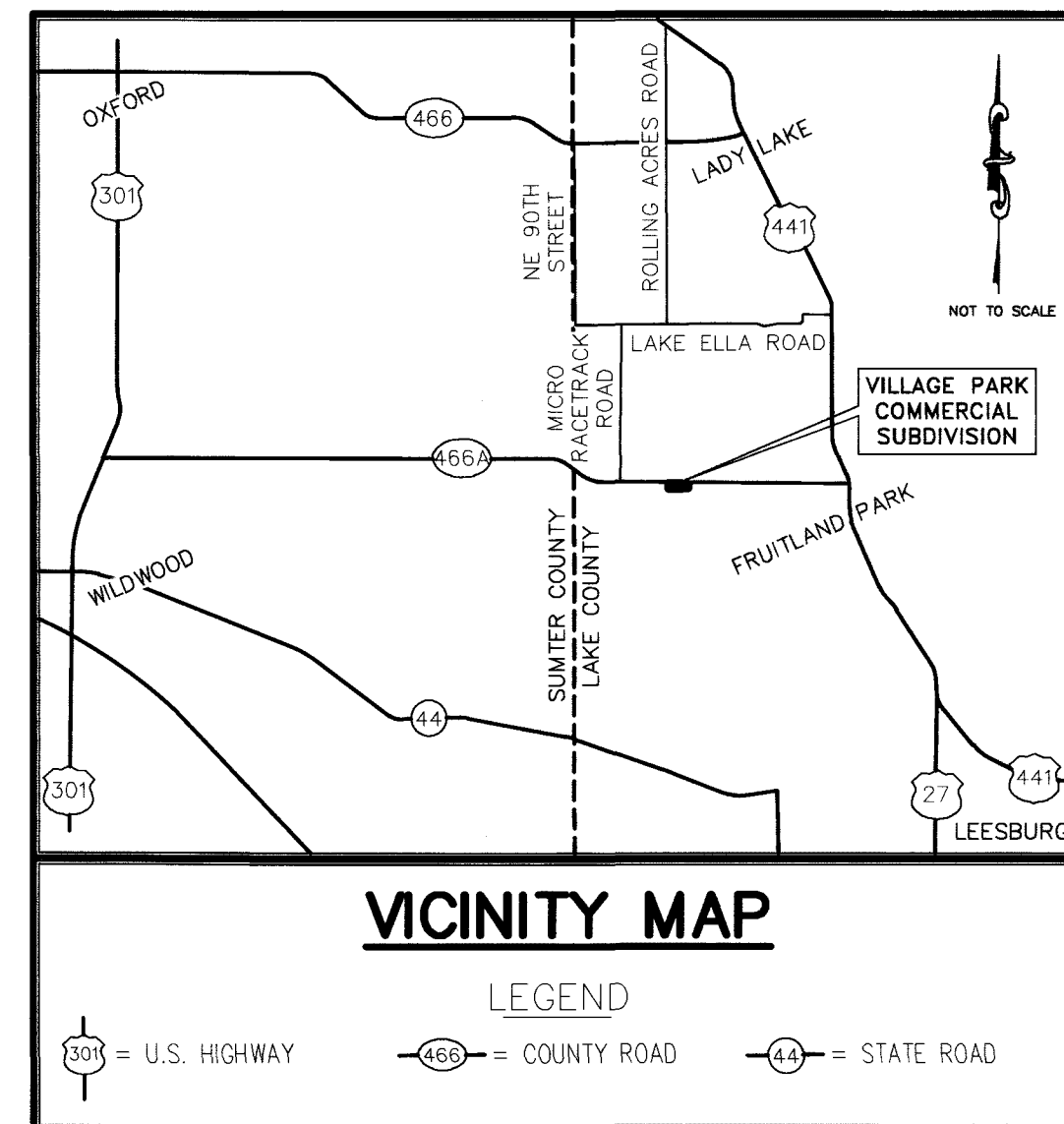
BEGIN AT THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 27, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 466-A PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE RUN S89°14'18"E A DISTANCE OF 739.12 FEET TO A POINT ON THE WESTERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5116, PAGE 1729, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 25.00 FEET, CHORD BEARING AND DISTANCE OF S44°19'49"E, 35.30 FEET TO WHICH A RADIAL LINE BEARS N00°45'43"E; THENCE ALONG SAID WESTERLY BOUNDARY WITH THE FOLLOWING TWO (2) COURSES: RUN SOUTHEASTERLY 39.19 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 89°48'55" TO THE POINT OF TANGENCY; THENCE S00°34'38"W A DISTANCE OF 295.37 FEET; THENCE DEPARTING SAID WESTERLY BOUNDARY RUN N89°25'00"W A DISTANCE OF 764.79 FEET TO THE EAST BOUNDARY OF AFORESAID PLAT OF VILLAGES OF FRUITLAND PARK UNIT NO. 27; THENCE ALONG THE EAST BOUNDARY OF SAID PLAT RUN N00°42'41"E A DISTANCE OF 322.67 FEET TO THE POINT OF BEGINNING.

AND

A PARCEL OF LAND LYING WITHIN SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 27, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 466-A PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE RUN S89°14'18"E A DISTANCE OF 889.12 FEET TO THE POINT OF BEGINNING; SAID POINT BEING ON THE EASTERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5116, PAGE 1729, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE RUN S89°14'18"E A DISTANCE OF 228.97 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF AFORESAID SECTION 5; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE AND ALONG SAID EAST LINE RUN S00°34'38"W A DISTANCE OF 290.09 FEET; THENCE DEPARTING SAID EAST LINE RUN N89°14'01"W A DISTANCE OF 229.13 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN NORTHWESTERLY 39.19 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 89°48'39" TO THE POINT OF TANGENCY; SAID POINT BEING ON THE EASTERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5116, PAGE 1729, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID EASTERLY BOUNDARY WITH THE FOLLOWING TWO (2) COURSES: RUN N00°34'38"E A DISTANCE OF 240.08 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN NORTHEASTERLY 39.35 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 90°10'38" TO THE POINT OF BEGINNING.

CONTAINING 7.33 ACRES, MORE OR LESS.



NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

NOTICE: NO CONSTRUCTION, TREES OR SHRUBS WILL BE PLACED IN EASEMENTS OR RIGHT-OF-WAY WITHOUT THE CITY OF FRUITLAND PARK APPROVAL.

### NOTES:

- 1.) BEARINGS ARE BASED ON AN ASSUMED MERIDIAN WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST AS BEING S00°34'38"W.
2.) ALL PLATTED UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY.
3.) ALL DISTANCES SHOWN ARE IN FEET.
4.) LOT CORNERS HAVE BEEN SET AT THE TIME OF RECORDING.
5.) ALL PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN SET IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES.
6.) THE TITLE OPINION FOR THIS PLAT HAS BEEN SUBMITTED BY SEPARATE DOCUMENT.
7.) TRACT "A" IS FOR ACCESS AND UTILITIES AND WILL BE OWNED AND MAINTAINED BY THE VILLAGE PARK COMMERCIAL PROPERTY OWNERS ASSOCIATION, INC.
8.) TRACT "B" IS FOR ADDITIONAL RIGHT-OF-WAY AND WILL BE CONVEYED TO LAKE COUNTY, FLORIDA.
9.) PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF SUMTER ELECTRIC COOPERATIVE, INC. RECORDED IN O.R. BOOK 689, PAGE 1232 (BLANKET TYPE).
10.) THE ASSOCIATION IS AN EXISTING FLORIDA CORPORATION WHICH HAS BEEN FORMED IN ACCORDANCE WITH THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS APPLICABLE TO VILLAGE PARK COMMERCIAL SUBDIVISION. SAID INSTRUMENT, WHICH IS ENTITLED "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR VILLAGE PARK COMMERCIAL SUBDIVISION" (REFERRED TO IN THIS PLAT AS THE "DECLARATION"), SHALL BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA IN CONNECTION WITH THE RECORDING OF THIS PLAT.

### DEDICATION VILLAGE PARK COMMERCIAL SUBDIVISION

STATE OF FLORIDA COUNTY OF LAKE

KNOW ALL MEN BY THESE PRESENTS, THAT FBCL PROPERTIES, INC., A FLORIDA CORPORATION, FEE SIMPLE OWNER OF THE LAND DESCRIBED AND PLATTED HEREIN AS VILLAGE PARK COMMERCIAL SUBDIVISION, BEING IN THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DOES HEREBY DEDICATE AS FOLLOWS SUBJECT TO THE GENERAL NOTES CONTAINED IN THIS PLAT:

1. TO VILLAGE PARK COMMERCIAL PROPERTY OWNERS ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION (THE "ASSOCIATION"); TRACT "A", FOR THE PERPETUAL RIGHT OF INGRESS AND EGRESS BY THE OWNERS OF PROPERTY WITHIN VILLAGE PARK COMMERCIAL SUBDIVISION AND THEIR GUESTS, TENANTS, INVITEES AND LICENSEES, AND BY THE MEMBERS OF THE ASSOCIATION AND THEIR GUESTS, TENANTS, INVITEES AND LICENSEES, SUBJECT TO THE RIGHTS OF THE PROVIDERS OF UTILITIES AS DESCRIBED IN PARAGRAPH 2 BELOW AND THE RIGHTS OF THE PROVIDERS OF SANITATION, POSTAL, FIRE, LAW ENFORCEMENT AND EMERGENCY MEDICAL SERVICES AS DESCRIBED IN PARAGRAPH 3 BELOW.

2. TO THE CITY OF FRUITLAND PARK: A PERPETUAL UTILITY EASEMENT AS TO TRACT "A" FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF UTILITIES BY ANY UTILITY PROVIDER.

3. TO THE PROVIDERS OF SANITATION, POSTAL, FIRE, LAW ENFORCEMENT AND EMERGENCY MEDICAL SERVICES, THEIR VEHICLES AND PERSONNEL: A PERPETUAL RIGHT OF INGRESS AND EGRESS AS TO TRACT "A", SUBJECT TO THE PROVISIONS AND RESTRICTIONS SET FORTH IN THE DECLARATION.

TRACT "B" IS DEDICATED TO THE PUBLIC.

IN WITNESS WHEREOF, THE ABOVE NAMED CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS PRESIDENT AND ITS CORPORATE SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS 11th DAY OF

November 20, 2020

WITNESSES: OWNER: Lisa Carnes FBCL PROPERTIES, INC., a Florida Corporation. SIGNATURE: Lisa Carnes. PRINT NAME: Tom Spaman. SIGNATURE: Tom Spaman. PRINT NAME: Rachel Smith. CORPORATE SEAL.

STATE OF FLORIDA COUNTY OF LAKE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, BY MEANS OF [X] PHYSICAL PRESENCE OR [ ] ONLINE NOTARIZATION, THIS 11th DAY OF November, 2020, BY TOM SPAMAN, THE PRESIDENT OF FBCL PROPERTIES, INC., A FLORIDA CORPORATION, ON BEHALF OF THE CORPORATION, FOR THE PURPOSES EXPRESSED HEREIN, WHO IS PERSONALLY KNOWN TO ME AND WHO DID NOT TAKE AN OATH.

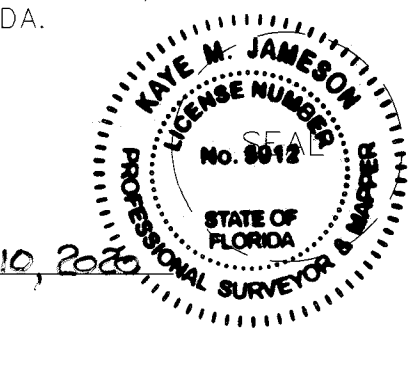
Notary Public - State of Florida: Lisa Carnes. My Commission # 60191770. Commission No. 60191770. Commission Expires: 11-15-20.

RECORD PLAT REVIEW STATEMENT. PURSUANT TO SECTION 177.081, FLORIDA STATUTES, I HEREBY CERTIFY THAT I HAVE PERFORMED A LIMITED REVIEW OF THIS PLAT FOR CONFORMITY TO CHAPTER 177, FLORIDA STATUTES AND THAT SAID PLAT COMPLIES WITH THE TECHNICAL REQUIREMENTS OF THAT CHAPTER; PROVIDED, HOWEVER, THAT MY REVIEW AND CERTIFICATION DOES NOT INCLUDE FIELD VERIFICATION OF ANY POINTS OR MEASUREMENTS SHOWN ON THIS PLAT.

CERTIFICATE OF APPROVAL BY CITY COMMISSION. THIS IS TO CERTIFY THAT ON 2020, THE FOREGOING PLAT WAS APPROVED BY THE CITY COMMISSION OF FRUITLAND PARK, FLORIDA.

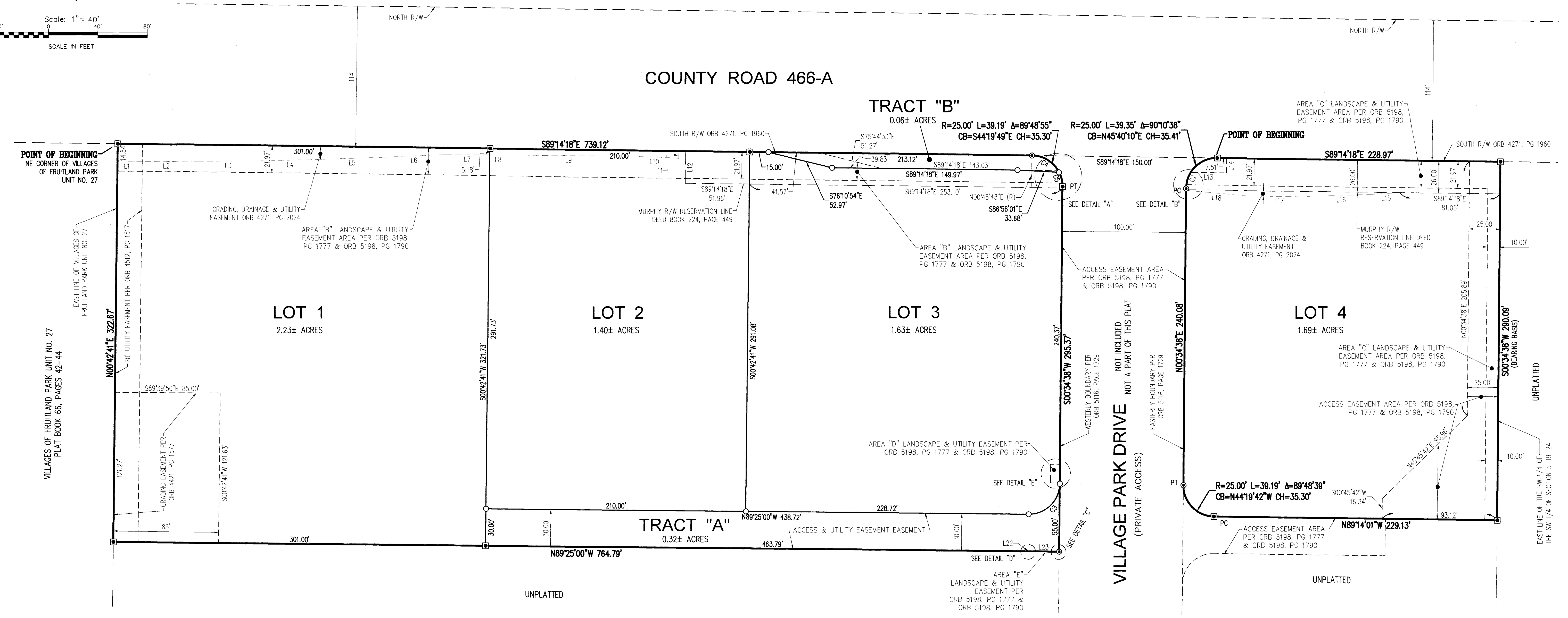
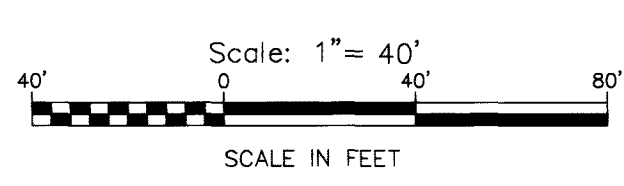
CERTIFICATE OF APPROVAL BY THE PLANNING AND ZONING BOARD. EXAMINED AND APPROVED DATE. CLERK'S CERTIFICATION. I, CLERK OF THE CIRCUIT COURT OF LAKE COUNTY, FLORIDA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT OF VILLAGE PARK AND THAT IT COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177 OF THE LAWS OF FLORIDA.

CERTIFICATE OF SURVEYOR. KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING A LICENSED AND REGISTERED LAND SURVEYOR, DOES HEREBY CERTIFY THAT ON Dec. 9, 2019 SHE COMPLETED THE SURVEY OF THE LANDS AS SHOWN IN THE FOREGOING PLAT; THAT SAID PLAT IS A CORRECT REPRESENTATION OF THE LANDS THEREIN DESCRIBED AND PLATTED OR SUBDIVIDED AND COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, PART 1 FLORIDA STATUTES; THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED AND EACH P.C.P. (IF ANY) WILL BE SET AS SHOWN THEREON WITHIN ONE YEAR OF THE PLAT RECORDING DATE AS REQUIRED BY CHAPTER 177, PART 1 (PLATTING) FLORIDA STATUTES AND SUBDIVISIONS AND PLATTING, CHAPTER 157 LDR'S; AND THAT SAID LAND IS LOCATED IN FRUITLAND PARK, FLORIDA.



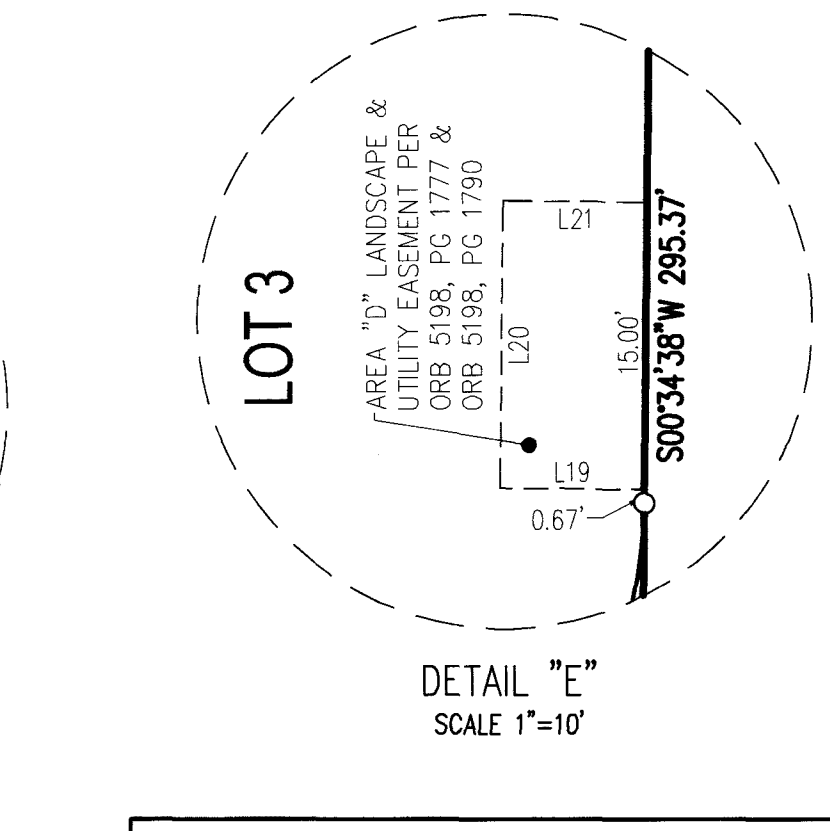
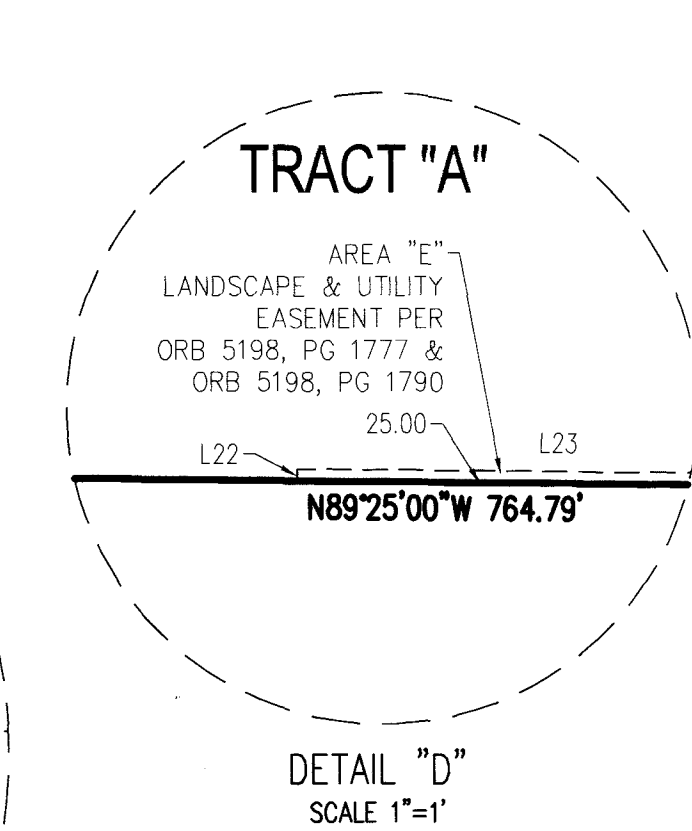
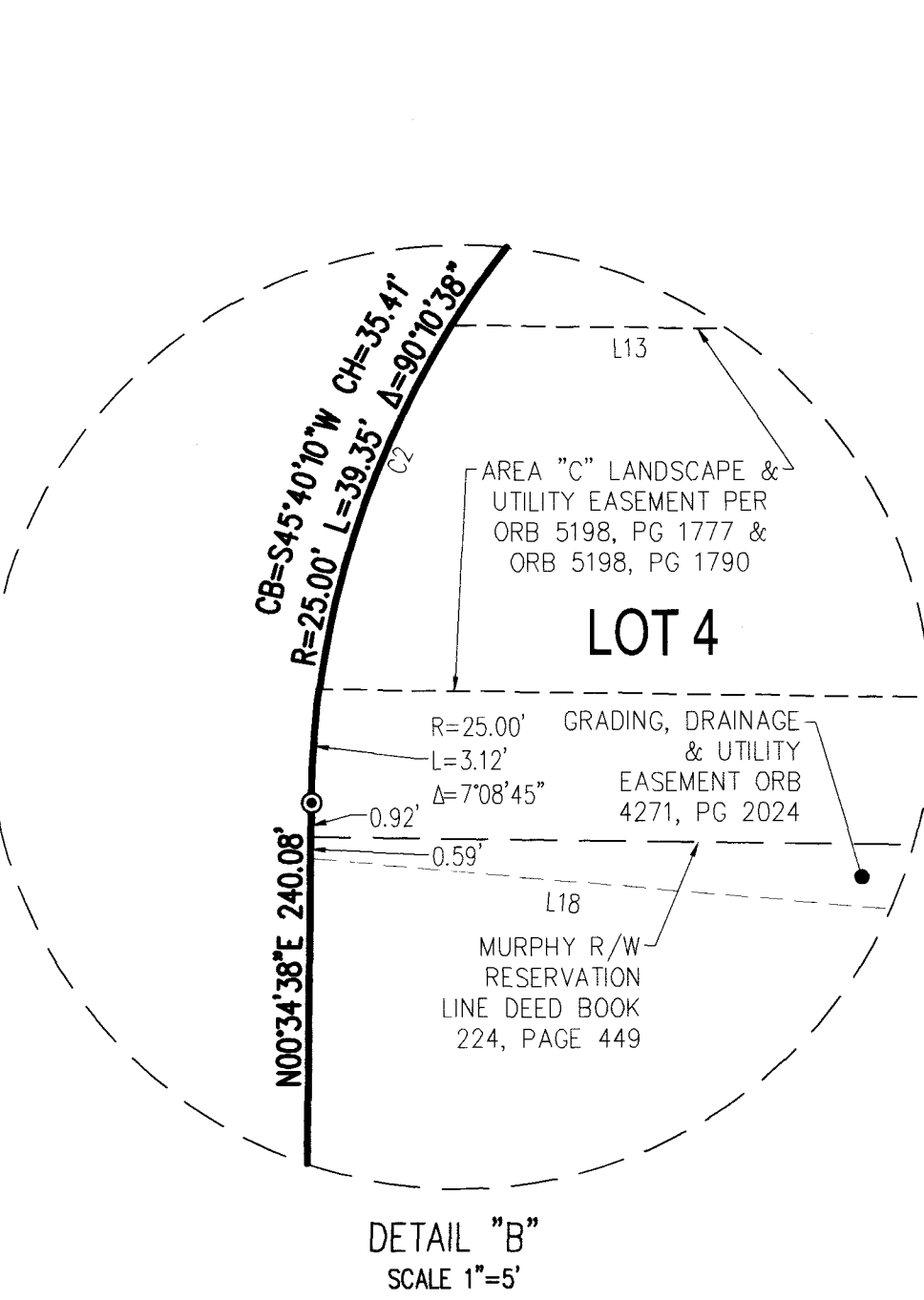
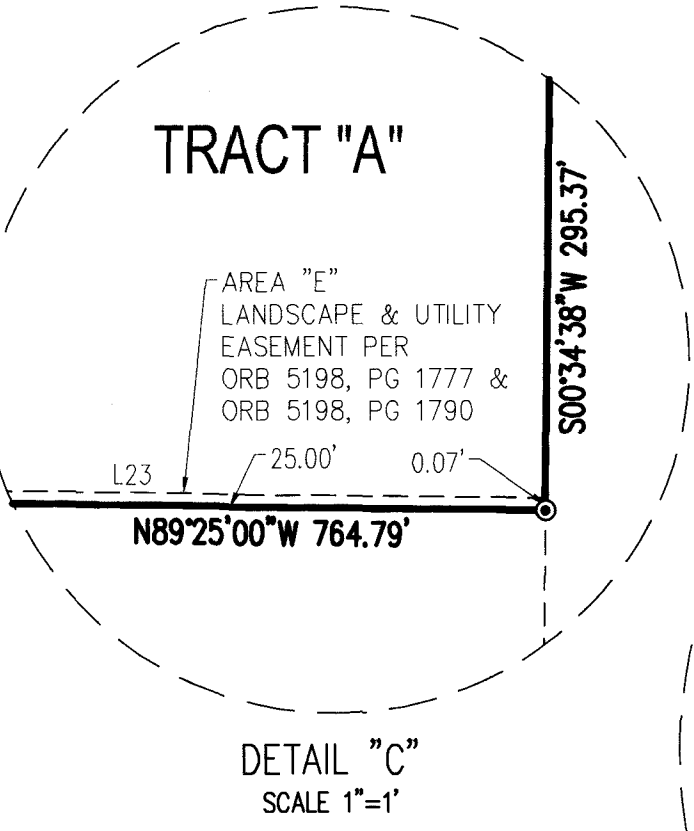
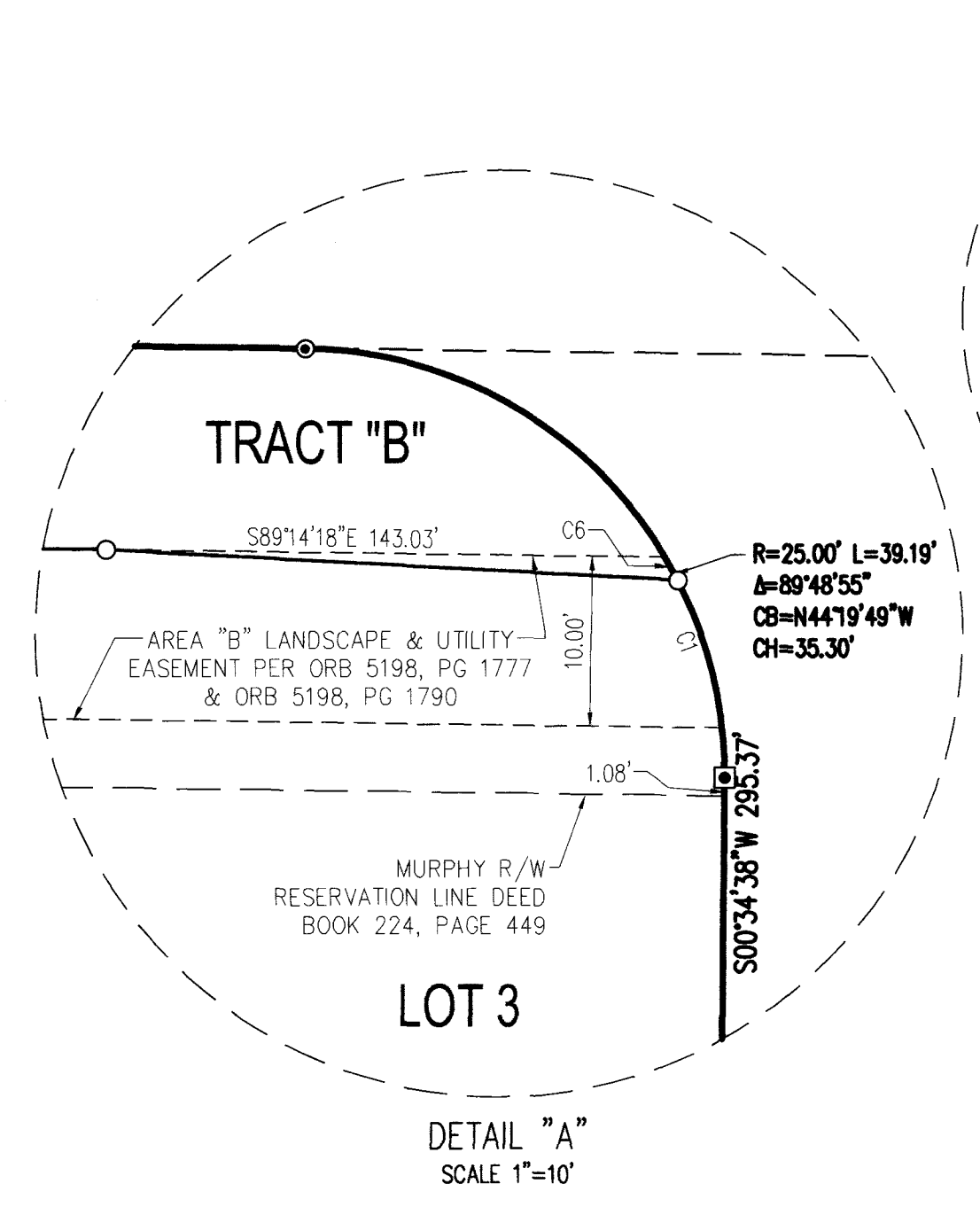
# VILLAGE PARK COMMERCIAL SUBDIVISION

BEING A PORTION OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST,  
CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA.



### LEGEND

- INDICATES 4" x 4" x 24" CONCRETE PERMANENT REFERENCE MONUMENT (P.P.M.) FOUND (LB #4709), UNLESS OTHERWISE NOTED.
- INDICATES 4" x 4" x 24" CONCRETE PERMANENT REFERENCE MONUMENT (P.P.M.) SET (LB #4709)
- INDICATES P.K. NAIL AND DISK PERMANENT REFERENCE MONUMENT (P.P.M.) LB #4709
- INDICATES 5/8" IRON PIN AND CAP TO BE SET IN ACCORDANCE WITH SECTION 177.091(9) FLORIDA STATUTES. (SEE NOTE #5)
- C9 INDICATES CURVE NUMBER IN CURVE TABLE
- L9 INDICATES LINE NUMBER IN LINE TABLE
- BNG. INDICATES BEARING
- INDICATES CENTERLINE
- INDICATES DELTA (CENTRAL ANGLE OF CURVE)
- CB INDICATES CHORD BEARING
- CH INDICATES CHORD DISTANCE
- L INDICATES ARC LENGTH
- LB INDICATES LICENSED BUSINESS
- NO. INDICATES NUMBER
- ORB INDICATES OFFICIAL RECORDS BOOK
- PB INDICATES PLAT BOOK
- PG INDICATES PAGE
- PGS INDICATES PAGES
- PC INDICATES POINT OF CURVATURE
- PCC INDICATES POINT OF COMPOUND CURVATURE
- PRC INDICATES POINT OF REVERSE CURVATURE
- PT INDICATES POINT OF TANGENCY
- R INDICATES RADIUS LENGTH
- SO FT INDICATES SQUARE FEET
- (R) INDICATES RADIAL LINE
- R/W INDICATES RIGHT-OF-WAY



### CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BNG.	CHORD
C1	9.11'	25.00'	20°52'51"	N16°38'47"W	9.06'
C2	10.67'	25.00'	24°27'07"	S19°57'09"W	10.59'
C3	39.27'	25.00'	90°00'22"	N45°34'49"E	35.36'
C4	27.12'	25.00'	62°08'55"	N58°09'50"W	25.81'
C5	12.07'	25.00'	27°40'00"	N13°15'22"W	11.95'
C6	1.56'	25.00'	3°34'17"	N28°52'22"W	1.56'

### LINE TABLE

LINE	LENGTH	BEARING
L1	14.49'	S89°00'57"W
L2	50.00'	S89°57'19"W
L3	50.01'	S89°48'22"W
L4	50.04'	S88°35'03"W
L5	50.06'	S88°00'15"W
L6	50.08'	S87°36'31"W
L7	36.51'	N89°43'45"W
L8	13.49'	N89°43'45"W
L9	100.00'	N89°36'32"W
L10	39.15'	N87°20'02"W
L11	5.72'	S0°39'28"W
L12	26.00'	N0°52'44"E

### LINE TABLE

LINE	LENGTH	BEARING
L13	28.84'	N89°14'18"W
L14	11.97'	S0°45'42"W
L15	22.68'	S86°18'18"W
L16	50.03'	S88°24'57"W
L17	49.99'	N89°52'18"W
L18	50.56'	N84°57'41"W
L19	7.50'	N89°25'17"W
L20	15.00'	N0°34'43"E
L21	7.50'	S89°25'17"E
L22	0.06'	S0°34'38"W
L23	25.00'	N89°25'22"W

THIS INSTRUMENT PREPARED BY:  
KAYE M. JAMESON, P.S.M. 5912

**CFB** CLYMER FARNER BARLEY  
CLYMER FARNER BARLEY, Inc.  
4450 NE 83RD RD. WILDWOOD, FL 34785  
(352) 748-3128  
WWW.CFB-INC.COM CA #4709



**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: FBCL PROPERTIES, INC.  
 Address: 220 N. 13TH STREET, LEESBURG, FL 34748  
 Phone: \_\_\_\_\_ Email: ARTAYRIS@FBCLEESBURG.ORG

Applicant Name: KAYE JAMESON, P.S.M. - CLYMER, FARNER & BARLEY, INC  
 Address: 4450 NE 83RD ROAD, WILDWOOD, FL 34785  
 Phone: \_\_\_\_\_ Email: KJAMESON@CFB-INC.COM

Engineer Name: CLYMER, FARNER, BARLEY, INC.  
 Address: 4450 NE 83RD RD., WILDWOOD, FL 34785  
 Phone: 352-748-3126 Email: KJAMESON@CFB-INC.COM

Property and Project Information:

**PROJECT NAME\*:** VILLAGE PARK COMMERCIAL SUBDIVISION

\*A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

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

Parcel Number(s): ALT KEY # 1287863 & 3911258 Section: 05 Township: 19S Range 24E

Area of Property: 7.33 ACRES Nearest Intersection: VILLAGE PARK DRIVE & CR 466-A

Existing Zoning: PUD Existing Future Land Use Designation: \_\_\_\_\_

Proposed Zoning: N/A Proposed Future Land Use Designation: N/A

The property is presently used for: \_\_\_\_\_

The property is proposed to be used for: COMMERCIAL DEVELOPMENT

Do you currently have City Utilities? \_\_\_\_\_

Application Type:

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Annexation      | <input type="checkbox"/> Comp Plan Amendment   | <input type="checkbox"/> Rezoning               | <input type="checkbox"/> Planned Development   |
| <input type="checkbox"/> Variance        | <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Conditional Use Permit | <input checked="" 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: \_\_\_\_\_

**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: ART AYRIS

Signature: *Art Ayris* Date: 8-26-20

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.

## Development Application Checklist

### The Following are Required for ALL Development Applications:

- Legal Description (Word file req'd)     Current Deed     Aerial Photo  
 Property Appraiser Information     Electronic Copy of Application     Location Map

Pre-application conferences are strongly encouraged. Submit TWO CDs with ALL documents in pdf; those that are generated as CAD files should be submitted in pdf and dwg formats. . Legal Descriptions should also come with a MS Word file of the legal description. Most maps are accessible through [www.lakecountyfl.gov/maps/](http://www.lakecountyfl.gov/maps/). Note: All maps are required to depict adjacent properties at a minimum.

**Failure to provide adequate maps may delay the application process.**

### Other Required Analyses and Maps:

#### Small Scale Comprehensive Plan Amendment Applications:

- Justification for Amendment     Environmental Constraints Map     Requested FLU Map

#### Large Scale Comprehensive Plan Amendment Applications:

Maps:     Environmental Constraints     Soils     Requested FLUM Designation     Requested Zoning Map Designation

Analyses:     Environmental Assessment     Utility Availability Analysis     Urban Sprawl Analysis     School Impact Analysis  
 Traffic Impact Analysis     Consistency with the Comp Plan     Florida Master Site File sign-off or Archaeological Survey

Rezoning Applications:     Requested Zoning Map     Justification for Rezoning

#### Planned Development Applications:

Maps/Plans:     Conceptual Plan as Described in LDRs Chapter 154, Section 154.030,10,G     Environmental Constraints

Analyses:     Environmental Assessment     Traffic Impact Analysis     Preliminary Concurrency Analysis

Variance Applications:     Justification for Variance

Special Exception Use Applications:     Justification for Special Exception Use  
 Site Sketch     List of Special Requirements as Described in LDRs, Chapter 155

Conditional Use Permit Applications:     Proposed List of Conditions and Safeguards  
 Site Plan as Described in LDRs, Chapter 155     Written Statement as Described in LDRs, Chapter 155

Subdivision Applications:     As Described in LDRs, Chapter 157  
(Preliminary Plan, Improvement Plan and Final Plat)

Minor Subdivision Applications:     As Described in LDRs, Chapter 157

Site Plan Applications:     As Described in LDRs, Chapter 160

OWNER'S AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LAKE

Before me the undersigned authority, personally appeared ART AYRIS

FIRST BAPTIST LEESBURG, 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 FBCB | CFB to allow DEVELOPMENT  
APPLICATION TO BE PROCESSED FOR A

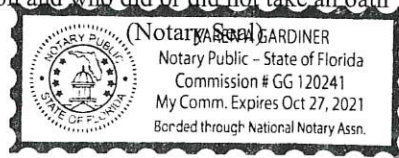
PRELIMINARY AND FINAL PLAT.  
3) That he/she has appointed KAYE JAMESON - Clymer, Farmer, Barkley to act as agent on his/her behalf to accomplish the above. The owner is required to complete the Applicant's Affidavit of this application if no agent is appointed to act on his/her behalf.

[Signature]  
Affiant (Owner's Signature)

State of Florida

County of LAKE

The Foregoing instrument was acknowledged before me this 24<sup>th</sup> day of AUGUST, 20 20,  
by ART A. AYRIS who is personally known to me or has produced  
\_\_\_\_\_ as identification and who did or did not take an oath



Notary Public - State of Florida  
Commission No GG 120241  
My Commission Expires 10-27-2021

[Signature]  
Signature  
KAREN A. GARDINER  
Printed Name

APPLICANT AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LAKE

Before me the undersigned authority, personally appeared ART AYRIS  
FIRST BAPTIST WESBURG, 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 KAYE JAMES to allow DEVELOPMENT APPLICATION TO BE PROCESSED FOR A PRELIMINARY AND FINAL PLAT.

[Signature]  
Affiant (Applicant's Signature)

State of Florida  
County of LAKE

The Foregoing instrument was acknowledged before me this 24<sup>th</sup> day of AUGUST, 2020,  
by ART A. AYRIS who is personally known to me or has produced  
\_\_\_\_\_ as identification and who did or did not take an oath



Notary Public - State of Florida  
Commission No GG120241  
My Commission Expires 10-27-2021

[Signature]  
Signature  
KAREN A. GARDINER  
Printed Name

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

**ITEM TITLE:** City Manager's Report  
**For the Meeting of:** December 10, 2020  
**Submitted by:** City Manager  
**Date Submitted:** December 1, 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
- iii. Florida Recreation Development Assistance Program Grant – Parks and Recreation

**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: 6b**

<b>ITEM TITLE:</b>	<b>CITY ATTORNEY REPORT</b>
<b>For the Meeting of:</b>	December 10, 2020
<b>Submitted by:</b>	City Attorney
<b>Date Submitted:</b>	December 2, 2020
<b>Funds Required:</b>	None
<b>Attachments:</b>	None
<b>Item Description:</b>	<b>City Attorney Report</b>

**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. A settlement agreement is being presented to the Commission for consideration.

**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.

<b>Action to be Taken:</b>	N/A
<b>Staff's Recommendation:</b>	N/A
<b>Additional Comments:</b>	N/A
<b>City Manager Review:</b>	Yes
<b>Mayor Authorization:</b>	Yes



**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 8**

<b>ITEM TITLE:</b>	<b>Public Comments</b>
<b>For the Meeting of:</b>	<b>December 10, 2020</b>
<b>Submitted by:</b>	City Clerk
<b>Date Submitted:</b>	December 1, 2020
<b>Funds Required:</b>	None
<b>Account Number:</b>	N/A
<b>Amount Required:</b>	N/A
<b>Balance Remaining:</b>	N/A
<b>Attachments:</b>	Yes, Resolution 2013-023, Public Participation Policy and Chapter 286 Florida Statutes

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

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

**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.

Copyright © 1995-2020 The Florida Legislature • [Privacy Statement](#) • [Contact Us](#)