

**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

June 23, 2022

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 Rick Welborne, Life Church

Pledge of Allegiance – Police Chief Erik Luce

2. ROLL CALL

3. CONSENT AGENDA

(a) Approval of Minutes (city clerk)
June 9, 2022 regular meeting

(b) Resolution 2022-029 Provision of Library Services Am. ILA (city attorney/city manager)

A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, APPROVING AMENDMENT TO AGREEMENT RELATING TO PROVISION OF LIBRARY SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE.

4. REGULAR AGENDA - Resolution 2022-028 Preliminary Fire Assessment Rate GSG Government (city attorney/city treasurer/city manager)

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES WITHIN THE VILLAGES OF FRUITLAND PARK BENEFIT AREA IN THE CITY OF FRUITLAND PARK; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

5. (a) **City Manager**
 - i. **Economic Development - Lake Economic Area Development LEAD Partnership Budget Request**
 - ii. **Roads and Streets Status Update**
 - iii. **Auction Services George Gideon Auctioneers Piggyback Discussion**
- (b) **City Attorney**
 - i. **City of Fruitland Park v. State of Florida Department of Management Services**
 - ii. **Michael and Laurie Fewless v. City of Fruitland Park**
 - iii. **Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026**
 - iv. **U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845 (Judge Baxley):**

The property owner's lender is foreclosing on the property for non-payment of approximately \$33,204.15. The property is located at 412 Sunny Court, Fruitland Park. The City has a code enforcement lien on the property. The Complaint has been provided to the City's insurance company. An attorney has not yet been assigned to defend the city.
 - v. **Code of Ordinances Codification**

6. UNFINISHED BUSINESS

7. 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.

8. COMMISSIONERS' COMMENTS

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

9. MAYOR'S COMMENTS

10. ADJOURNMENT

DATES TO REMEMBER

- June 25, 2022 Derby Car Race, Community Center, 205 W Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.;
- July 4, 2022, Independence Day, City Hall Closed
- July 8, 2022, Lake County League of Cities Board of Directors, *Metropolitan Planning Organization Update and Adoption of FY 2022-23 FY Budget*, Mount Dora Golf Course, 110 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- July 8, 2022, Movie Night, Community Center, 205 W Berckman Street, Fruitland Park, Florida 34731 at 6:00 p.m.;
- July 14, 2022 regular city commission meeting;
- July 28, 2022 regular city commission meeting;

- August 8 and 9, 2022, workshops (FY 2022-23 proposed budget);
- August 11 to 13, 2022, Florida League of Cities' Annual Conference (100th Anniversary) at The Diplomat Beach Resort, 3555 South Ocean Drive, Hollywood, Florida, 33019 at 7:00 a.m.;
- August 11, 2022 regular city commission meeting, Cancelled, and
- August 25, 2022 regular city commission meeting

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

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

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the

proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE

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

ITEM TITLE: Draft Minutes Resolution 2022-029

MEETING DATE: Thursday, June 23, 2022

DATE SUBMITTED: Wednesday, June 15, 2022

SUBMITTED BY: City Attorney/City Manager/City Clerk

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

(a) Approval of Minutes (city clerk)
- **June 9, 2022 regular meetings**

(b) Resolution 2022-029 Provision of Library Services Amended ILA (city attorney/city manager)

A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, APPROVING AMENDMENT TO AGREEMENT RELATING TO PROVISION OF LIBRARY SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE.

FUNDS REQUIRED: None

ATTACHMENTS: Draft minutes and proposed resolution

RECOMMENDATION: Approval

ACTION: Approve the consent agenda

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
June 9, 2022**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, June 9, 2022 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Commissioners Chris Bell and John Mobilian.

Members Absent: Vice Mayor John L. Gunter and Commissioner Patrick DeGrave

Also present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver (joined in by Zoom video teleconference call), City Treasurer Jeannine Racine, Police Chief Erik Luce, Robb Dicus, Public Works Director, Deputy City Clerk Candice Davis and City Clerk Esther B. Coulson.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order, Student Pastor Marty Clayton, Grace Bible Baptist Church, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:00.30 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 absences of Vice Mayor Gunter and Commissioner DeGrave at this evening's meeting.

ACTION 6:01:55 p.m. Upon Mayor Cheshire's recommendation, and **by unanimous consent, the city commission excused the absences of Vice Mayor Gunter and Commissioner DeGrave from this evening's meeting.**

3. CONSENT AGENDA

The city commission considered its action to approve the following consent agenda items:

(a) Approval of Minutes

- **May 26, 2022 regular and**
- **May 12, 2022 regular meeting**

(b) Resolution 2022-026 ATM City Hall – Ante Up Entertainment, Inc.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA AUTHORIZING THE PLACEMENT OF AN ATM IN CITY HALL BY ANTE UP ENTERTAINMENT, INC. AT NO COST TO THE CITY OF FRUITLAND PARK AND AT THE VENDOR'S SOLE RISK AND LIABILITY; AUTHORIZING THE CITY MANAGER TO

EXECUTE ANY NECESSARY DOCUMENTS, PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:02.16 p.m. On motion by Commissioner Mobilian, seconded by Commissioner Bell and unanimously carried, the city commission approved the consent agenda as previously cited.

4. REGULAR AGENDA

(a) Resolution 2022-027 Parks and Recreation Fees

Ms. Geraci-Carver read into the record proposed Resolution 2022-027, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA ADOPTING A FEE SCHEDULE FOR USE OF CITY FACILITIES, SERVICES AND SPONSORSHIPS AND EVENT ENTRY FEES AND USER FEES; PROVIDING FOR AN EFFECTIVE DATE. APPROVING EXPENDITURE OF \$164,871.00 TO LEESBURG CONCRETE COMPANY, INC. FOR PRE-CAST, PREFABRICATED RESTROOMS FOR NORTHWEST LAKE COMMUNITY PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:03:00 p.m. After discussion, a motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission adopt Resolution 2022-027 as previously cited.

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

(b) Resolution 2022-019 Open-End Equity Lease Expenditure 2022 Chevrolet Silverado 1500 – Enterprise Lease Management Trust

Ms. Geraci-Carver read into the record proposed Resolution 2022-019, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA APPROVING EXPENDITURE OF UP TO \$417.34 MONTHLY PER VEHICLE TO ENTERPRISE FOR LEASE OF A TOTAL OF FOUR 2022 CHEVROLET SILVERADO 1500 LTD WORK TRUCKS AS MORE PARTICULARLY DESCRIBED IN QUOTE NO. 6296031, OPEN-END (EQUITY) LEASE RATE QUOTE; APPROVING MASTER EQUITY LEASE AGREEMENT AND AMENDMENT TO MASTER EQUITY LEASE AGREEMENT BETWEEN ENTERPRISE FM TRUST AND THE CITY OF

FRUITLAND PARK; AUTHORIZING THE CITY MANAGER
TO EXECUTE ANY NECESSARY DOCUMENTS;
PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:04:37 p.m. After discussion, a motion was made by Commissioner Bell, seconded by Commissioner Mobilian the city commission adopted Resolution 2022-019.

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

6. (a) City Manager

i. Economic Development Status Update

Mr. La Venia had nothing to report on economic development at this time.

ACTION: 6:06:24 p.m. No action was taken.

ii. PRM Conference

Mr. La Venia announced that he and Ms. Betty McHale, Human Resources Director, will be attending the Public Risk Management of Florida's Conference from June 15 to June 17, 2022.

ACTION: 6:06:24 p.m. No action was taken.

(b) City Attorney

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

With respect to the State of Florida Department of Management Services (DMS) case, Ms. Geraci-Carver stated that there was no updates to report.

ACTION: 6:06:38 p.m. No action was taken.

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

Regarding the Michael and Laurie Fewless case, Ms. Geraci-Carver advised that mediation has been scheduled at the Lake County Court on July 18, 2022 at 10:00 a.m.

ACTION: 6:06:38 p.m. No action was taken.

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

Ms. Geraci-Carver relayed her recent communication with Mr. La Venia on the Norman C. Cummins v. Stephen P. Angelillo case, she will inform him when she receives the certificate of title and the deed comes to court that code enforcement would proceed against the new owner.

ACTION: 6:06:38 p.m. No action was taken.

7. UNFINISHED BUSINESS

There was no unfinished business at this time.

ACTION: 6:07:04 p.m. No action was taken.

8. PUBLIC COMMENTS

There was no one from the public at this time.

ACTION: 6:07:05 p.m. No action was taken.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian stated he had nothing to report at this time.

ACTION: 6:07:23 p.m. No action was taken.

(b) Commissioner DeGrave

Commissioner DeGrave was absent from this evening's meeting.

ACTION: 6:01:55 p.m. No action was taken.

(c) Commissioner Bell – Infill Impact Fees

After Commissioner Bell gave a report on his attendance at the 2022 Legislative Wrap-Up Breakfast earlier this day, Ms. Geraci-Carver addressed her intent to report back at the next meeting on Lake County Board of County Commissioner's action on the waiver of impact fees for infill development.

ACTION: 6:07:28 p.m. No action was taken.

(d) Vice Mayor Gunter, Jr.

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

ACTION: 6:01:55 p.m. No action was taken.

10. MAYOR'S COMENTS

(a) Dates to Remember

Mayor Cheshire referred to the following events:

- June 10, 2022, Lake County League of Cities Lake County Property Appraiser, *Lake County Preliminary Tax Roll*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- June 10, 2022 Movie Night, Community Center, 205 West Berckman Street, Fruitland Park Florida 34731 at 6:00 p.m.;
- June 17, 2022, Comedy Night, Community Center, 205 West Berckman Street, Fruitland Park Florida 34731 at 8:00 p.m.;
- June 22, 2022, Lake~Sumter Metropolitan Planning Organization, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida 34748 at 2:00 p.m.
- June 23, 2022, City Commission regular meeting at 6:00 p.m. and
- June 25, 2022, Derby Race at 10:00 a.m.

ACTION 6:10:02 p.m. No action was taken.

(b) Lake County League of Cities

Mayor Cheshire announced that Commissioner Bell was reappointed at the Lake County Board of County Commissioners' May 24, 2022 meeting to serve a two-year term on the Lake County Parks, Recreation and Trails Advisory Board as the Lake County League of Cities representative.

ACTION: 6:10:20 p.m. No action was taken.

11. ADJOURNMENT

The meeting adjourned at 6:10 p.m.

The minutes were approved at the June 23, 2022 regular meeting.

Signed

Esther B. Coulson, City Clerk, MMC

Signed

Chris Cheshire, Mayor

RESOLUTION 2022-029

A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, APPROVING AMENDMENT TO AGREEMENT RELATING TO PROVISION OF LIBRARY SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park is a member of the Lake County Library System;
and

WHEREAS, on September 19, 2019 the City of Fruitland Park entered into an interlocal agreement with Lake County, Florida, relating to the provision of library services; and

WHEREAS, the City of Fruitland Park desires to extend the agreement for an additional twelve-month period expiring September 30, 2023; and

WHEREAS, the City Commission finds that extending the Agreement is beneficial to the City of Fruitland Park and its residents; and

WHEREAS, the City Commission desires to enter into the amendment to the agreement relating to provision of library services.

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

Section 1. The foregoing recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this resolution.

Section 2. The amendment to the agreement relating to the provision of library services between Lake County, Florida and the City of Fruitland Park, Florida, a copy of which is attached hereto, is approved.

Section 3. The commission authorizes the mayor to execute the amendment to the agreement relating to the provision of library services.

Section 4. This resolution shall become effective immediately upon adoption.

PASSED and RESOLVED this _____ day of June, 2022, 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)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

**AMENDMENT TO AGREEMENT
RELATING TO
PROVISION OF LIBRARY SERVICES**

This is an Amendment to the Interlocal Agreement between Lake County, Florida, a political subdivision of the State of Florida, hereinafter referred to as “COUNTY”, by and through its Board of County Commissioners, and the City of Fruitland Park, a municipal corporation pursuant to the Laws of Florida, hereinafter referred to as ‘MUNICIPALITY” or “CITY”, by and through its City Commission.

WITNESSETH:

WHEREAS, on September 10, 2019, the COUNTY entered into a Interlocal Agreement with the MUNICIPALITY for the provision of public library services (the Agreement); and

WHEREAS, the parties now want to extend the Agreement for an additional 12-month period expiring on September 30, 2023; and

WHEREAS, executing this Amendment is in the best interests of the parties and the residents of Lake County.

NOW, THEREFORE, the parties agree as follows:

1. **Recitals.** The above recitals are true and correct and incorporated in this Agreement.

2. **Amendment.** The Agreement is hereby amended as follows:

A. Section 3, *Term*, is hereby amended to allow for an additional 12-month period and terminating on September 30, 2023.

B. Section 13 (E), *Appropriation of County Funds for Municipality*, is hereby amended to add Year Four: The COUNTY shall allocate a base amount of twenty thousand dollars (\$20,000) to assist with funding of programs and services at its participating library.

3. **Effect of Amendment.** All other provisions of the Agreement will remain in full force and effect unless otherwise formally amended by the parties. To the extent this Amendment conflicts with the Agreement, this Amendment will govern.

{Remainder of page intentionally left blank.}

**AMENDMENT TO AGREEMENT BETWEEN LAKE COUNTY, FLORIDA AND CITY OF FRUITLAND PARK
RELATING TO PROVISION OF LIBRARY SERVICES**

IN WITNESS WHEREOF, the parties have signed this amendment through their authorized representatives on the dates under each signature.

COUNTY

LAKE COUNTY, FLORIDA, through its
BOARD OF COUNTY COMMISSIONERS

ATTEST:

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

Sean M. Parks, Chairman

This ____ day of _____, 2022.

Approved as to form and legality:

Melanie Marsh
County Attorney

**AMENDMENT TO AGREEMENT BETWEEN LAKE COUNTY, FLORIDA AND CITY OF FRUITLAND PARK
RELATING TO PROVISION OF LIBRARY SERVICES**

MUNICIPALITY

ATTEST:

CITY OF FRUILLAND PARK

Esther B. Coulson, City Clerk

Chris Cheshir, Mayor

This _____ day of _____, 2022.

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

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

ITEM TITLE: Resolution 2022-028 Preliminary Fire Assessment

MEETING DATE: Thursday, June 23, 2022

DATE SUBMITTED: Friday, June 17, 2022

SUBMITTED BY: City Treasurer

BRIEF NARRATIVE: Resolution 2022-028 Preliminary Fire Assessment:

Village Residential = \$212.00

Village Fire Cost = \$393,843

Gross Revenue for Villages \$435,660

Estimated Collection Cost \$ 40,712

Estimated Net Realized Revenue \$ 394,948

FUNDS REQUIRED: None

ATTACHMENTS: Proposed resolution.

RECOMMENDATION: Approval

ACTION: Adopt Resolution 2022-028.

RESOLUTION 2022-028

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES WITHIN THE VILLAGES OF FRUITLAND PARK BENEFIT AREA IN THE CITY OF FRUITLAND PARK; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to Ordinance No. 2016-007, Sec. 166.041 and Chapter 197, Florida Statutes, Resolution No. 2015-014 and other applicable provisions of law.

SECTION 2. PURPOSE. This Resolution constitutes the Tentative Rate Resolution as provided for in the Ordinance. All capitalized words and terms not defined herein shall have the meanings set forth in Ordinance 2016-007. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 3. PROVISION AND FUNDING OF FIRE SERVICES.

(A) Upon the imposition of Fire Service Assessment for fire services, facilities, or programs against Assessed Property located with the Villages of Fruitland Park benefit area of the City of Fruitland Park, as hereafter defined, the City shall provide fire services to such Assessed Property. A portion of the cost to provide such fire services, facilities, or programs shall be funded from proceeds of the Fire Assessment collected within the Villages of Fruitland Park benefit area

of the City of Fruitland Park. The remaining cost, if any, required to provide fire services, facilities, and programs shall be funded by legally available City of Fruitland Park revenues other than Fire Assessment proceeds.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the Village of Fruitland Park benefit area of the City of Fruitland Park will be specially benefitted by the City of Fruitland Park's provision of fire services, facilities, and programs in an amount not less than the Fire Service Assessment imposed against such parcel, computed in the manner set forth in this Tentative Rate Resolution.

SECTION 4. IMPOSITION AND COMPUTATION OF FIRE SERVICE ASSESSMENT. The Fire Service Assessment shall be imposed against all Tax Parcels within the Village of Fruitland Park benefit area of the City of Fruitland Park subject to the assessment as set forth in this Tentative Rate Resolution. The Fire Service Assessment shall be computed in the manner set forth in this Tentative Rate Resolution.

SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.

- (A) The legislative determinations of special benefit embodied in Ordinance 2016-007 is affirmed and incorporated herein by reference.
- (B) The City Commission has determined and declares that the fire services assessment being imposed by the City is being fairly and reasonably apportioned among the Parcels receiving the special benefit.

- (C) The City Commission relies on and adopts the study prepared by Government Services Group, Inc. on behalf of the City of Fruitland Park entitled City of Fruitland Park, Florida, Fire Assessment Memorandum dated June, 2016.
- (D) Institutional Property whose use is wholly exempt from ad valorem taxation under Florida law provides facilities and uses to their ownership, occupants, and memberships as well as the public in general that otherwise might be requested or required to be provided by the City and such property uses serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon buildings located upon such parcels of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law. Accordingly, no Fire Services Assessments shall be imposed upon Institutional Buildings located upon a parcel of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law.
- (E) Government Property provides facilities and uses to the community, local constituents, and the public in general that serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon parcels of Government Property.
- (F) Government Property that is owed by federal government entities, such as the VA and HUD, due to foreclosures or government-backed grant programs funding housing rehabilitation are neither serving a governmental purpose nor providing a public benefit but are instead being held by these federal government entities in a proprietary capacity. Accordingly, these properties shall not be exempted from the Fire Service Assessment.

**SECTION 6. COST APPORTIONMENT AND PARCEL APPORTIONMENT
METHODOLOGIES.**

- (A) The City proposes to create the Fire Services Assessment Benefit Area, consisting of two sub Assessment Areas. The City benefit area and the Villages of Fruitland Park benefit area. The Benefit areas are shown on the map attached hereto as Appendix D.
- (B) Lake County, Florida will impose its fire assessment in the City Benefit Area.
- (C) The Cost Apportionment and Parcel Apportionment methodology for the Villages Benefit Area as set forth herein are adopted.
 - a. The fire services in the Villages Benefit Area are provided through an interlocal agreement with the Villages Center Community Development District based on the number of single-family residential parcels. Therefore, it is fair and reasonable to assess on a per dwelling unit basis for developed parcels.

**SECTION 7. DETERMINATION OF FIRE SERVICES COST;
ESTABLISHMENT OF ANNUAL FIRE SERVICE ASSESSMENT RATES.**

(A) The Fire Services Cost to be assessed and apportioned among benefited parcels in the Villages Benefit Area pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, 2022, is the amount determined in the Estimated Fire Service Assessment Rate Schedule, attached hereto as Appendix A. The approval of the Estimated Fire Service Assessment Rate Schedule by the adoption of this Tentative Rate Resolution determines the amount of the Fire Services Cost. The remainder of such Fiscal Year budget for

fire services, facilities, and programs shall be funded from available City of Fruitland Park revenue other than Fire Service Assessment proceeds.

(B) The estimated Fire Service Assessment specified in the Estimated Fire Service Assessment Rate Schedule is hereby established to fund the specified Fire Services Cost determined to be assessed in the Fiscal Year commencing October 1, 2022. No portion of such Fire Services Cost is attributable to impact fee revenue that funds capital improvements necessitated by new growth or development. Further, no portion of such Fire Services Cost is attributable to emergency medical services costs.

(C) The estimated Fire Service Assessment established in this Tentative Rate Resolution shall be the estimated assessment rates applied by the City Manager in the preparation of the updated Fire Assessment Roll for the Fiscal Year commencing October 1, 2022 as provided in Section 8 of this Tentative Rate Resolution.

SECTION 8. ANNUAL FIRE ASSESSMENT ROLL.

(A) The City Manager is hereby directed to prepare, or cause to be prepared, an updated Fire Assessment Roll for the Fiscal Year commencing October 1, 2022, in the manner provided in the Ordinance. The updated Fire Assessment Roll shall include all Tax Parcels subject to the Fire Services Assessment within the in the Villages Benefit Area of the City of Fruitland Park. The City Manager shall apportion the estimated Fire Services Cost to be recovered through Fire Services Assessment in the manner set forth in this Tentative Rate Resolution.

(B) A copy of this Tentative Rate Resolution, Ordinance 2016-007, documentation related to the estimated amount of the Fire Services Cost to be recovered through the imposition of Fire Services Assessment, and the updated Fire Assessment Roll shall be maintained on file in

the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Fire Assessment Roll proposed for the Fiscal Year beginning October 1, 2022 be in printed form if the amount of the Fire Services Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(C) It is hereby ascertained, determined, and declared that the method of determining the Fire Services Assessment for fire services as set forth in this Tentative Rate Resolution is a fair and reasonable method of apportioning the Fire Services Cost among parcels of Assessed Property located within the Villages of Fruitland Park benefit area of the City of Fruitland Park.

SECTION 9. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m., or as soon thereafter as the item can be heard, on September 8, 2022, in the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida, at which time the City Commission will receive and consider any comments on the Fire Services Assessment from the public and affected property owners and consider imposing Fire Services Assessment and collecting such assessments on the same bill as ad valorem taxes.

SECTION 10. NOTICE BY PUBLICATION. The City Manager shall publish a notice of the public hearing authorized by Section 9 hereof in the manner and time provided in the Uniform Assessment Collection Act. The notice shall be published no later than August 18, 2022, in substantially the form attached hereto as Appendix B.

SECTION 11. NOTICE BY MAIL. The City Commission shall provide first class mailed notice of the public hearing authorized by Section 9 hereof. Such mailed notice shall be in the form required by the Uniform Assessment Collection Act and Ordinance 2016-007 for the purpose of imposing Fire Service Assessment for the Fiscal Year Beginning October 1, 2022. The

notice shall be in substantially the form attached hereto as Appendix C. All first class mailed notices must be mailed no later than August 18, 2022.

If the City determines that the truth-in-millage (“TRIM”) notice that is mailed by the Property Appraiser under section 200.069, Florida Statutes, also fulfills the requirements of this section, then the separate mailing requirement described in this section will be deemed fulfilled by the TRIM notice.

SECTION 12. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City of Fruitland Park from the Fire Services Assessment will be utilized for the provision of fire services, facilities, and programs within the Villages of Fruitland Park benefit area of the City of Fruitland Park. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire services, facilities, and programs within the Villages of Fruitland Park benefit area of the City of Fruitland Park.

SECTION 13. EFFECTIVE DATE. This Tentative Rate Resolution shall take effect immediately upon its passage and adoption.

DULY ADOPTED this 23rd day of June 2022.

City of Fruitland Park
Chris Cheshire, Mayor

Attest:
Esther B. Coulson, City Clerk, MMC

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

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

APPENDIX A

Estimated Fire Service Assessment Rate Schedule

1. **Determination of Fire Services Costs.** The estimated Fire Services Cost to be assessed for the Fiscal Year commencing October 1, 2022, is \$393,843.00
2. **Estimated Fire Services Assessment.** The estimated Fire Services Assessment to be assessed and apportioned among benefitted parcels within the Villages of Fruitland Park benefit area pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Services Cost for the Fiscal Year commencing October 1, 2022, is hereby established as follows for the purpose of this Tentative Rate Resolution:

FY 2022-2023 Preliminary Fire Assessment Rates – Villages of Fruitland Park Benefit Area

Residential	\$212.00 per Dwelling Unit
<hr/>	
Total Estimated Gross Revenue	\$435,660.00

- A. No Fire Services Assessment shall be imposed upon institutional buildings whose use is wholly tax exempt or upon a parcel of Government Property; except Government Property that is owned by federal entities, such as the VA and HUD, and held in a proprietary capacity shall not be exempted from the Fire Services Assessment.
- B. Any shortfall in the expected Fire Services Assessment proceeds due to any reduction or exemption from payment of the Fire Services Assessment required by law or authorized by the Commission shall be supplemented by any legally available funds, or combination of funds, and shall not be paid for by proceeds or funds derived from the Fire Services Assessment. It is the legislative determination of the Commission that in the event of a court of competent jurisdiction determining any exemption or reduction by the Commission is improper or otherwise adversely affects the validity of the Fire Services Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Services Assessment upon each affected Tax Parcel in the amount of the Fire Services Assessment that would have been otherwise imposed save and except for such reduction or exemption afforded to such Tax Parcel by the Commission.

APPENDIX B

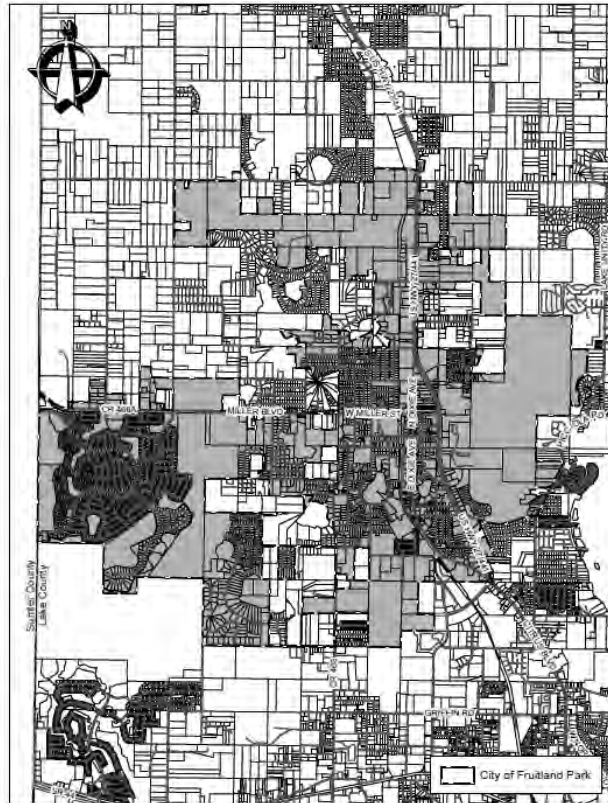
Notice of Public Hearing for Publication

To Be Published on or before August 18, 2022

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission of the City of Fruitland Park will conduct a public hearing to consider imposing fire services special assessments for the provision of fire protection services within the Villages Benefit Area of the City for the Fiscal Year beginning October 1, 2022.

On Thursday, September 8, 2022 at 6:00 p.m. or as soon thereafter as possible, the City Commission of the City of Fruitland Park will hold a public hearing at the **Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida** for the purpose of receiving public comment concerning Resolution 2022-0XX setting the rate for the fire services assessment to be imposed on real property within the Villages of Fruitland Park and which provides for collection of fire services assessment by the Lake County Tax Collector. All affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of this Notice of Public Hearing.



The fire services assessment for each parcel of property will be based upon each parcel's classification category and the number of billing units within the specified category. The following table reflects the proposed Fire Assessment schedule.

VILLAGES OF FRUITLAND PARK BENEFIT AREA

Residential	\$212.00 per Dwelling Unit
-------------	----------------------------

Persons with disabilities needing assistance to participate in this proceeding should contact the City Clerk at least 48 hours before the meetings at (352) 360-6727. All persons are advised that if he or she decides to appeal any decision made by the Commission with respect to any matter considered at the hearing, the person will need a record of the proceeding, and for such purposes, may need to ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is made.

Resolution 2015-014, the Fire Services Ordinance 2016-007, the Tentative Rate Resolution 2022-028, and the Fire Assessment Roll are available at the City Clerk's Office, at City Hall located at 506 W. Berckman Street, Fruitland Park, Florida, between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday.

The fire services assessment will be collected on the ad valorem tax bill to be mailed in November 2022, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City Clerk at (352) 360-6727, Monday through Friday, from 8:00 a.m. to 5:00 p.m. Monday to Friday.

Esther Coulson, City Clerk
City of Fruitland Park

APPENDIX C

Form of Notice to be Mailed First class mail

******* NOTICE TO PROPERTY**

OWNER *****

CITY OF FRUITLAND PARK
506 W. Berckman Street,
Fruitland Park, Florida

[owner name]
[mailing address]
[city, state, zip code]

CITY OF FRUITLAND PARK, FLORIDA

NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF FIRE
SERVICES NON-AD VALOREM
ASSESSMENTS

NOTICE DATE: August 18, 2022

Tax Parcel # []

As required by Section 197.3632, Florida Statutes, notice is given by the City of Fruitland Park that an annual assessment for fire services using the tax bill collection method may be levied on your property. The purpose of this assessment is to fund fire protection services benefitting property located within the Villages Benefit Area of the City of Fruitland Park. The total annual Fire Services Assessment revenue to be collected within the Villages Benefit Area of the City of Fruitland Park is estimated to be \$435,660.00 for fiscal year October 1, 2022 – September 30, 2023. The annual fire services assessment is based on the classification of each parcel of property and the number of billing units within the property categories.

The above parcel is classified as [].
The total number of billing units on the above parcel is [].
The type of billing units on the above parcel is [].
The annual Fire Services Assessment for the above parcel is \$[].
The maximum annual fire services assessment that can be charged without further notice for Fiscal Year 2022-23 and for future fiscal years for the above parcel is \$ _____.

A public hearing will be held at 6:00 p.m., or as soon thereafter as the matter may be heard on September 8, 2022, at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida, for the purpose of receiving public comment on the proposed assessment. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City of Fruitland Park within 20 days of this notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. Persons with disabilities needing assistance to participate in this proceeding should contact the City Clerk at least 48 hours before the meetings at (352) 360-6727.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission's action at the above hearing, such action shall be the final adjudication of the issues presented.

Resolution 2015-014, the Fire Services Ordinance 2016-007, the Tentative Rate Resolution 2022-028, and the Fire Assessment Role are available at the City Clerk's Office, at City Hall located at 506 W. Berckman Street, Fruitland Park, Florida, between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday.

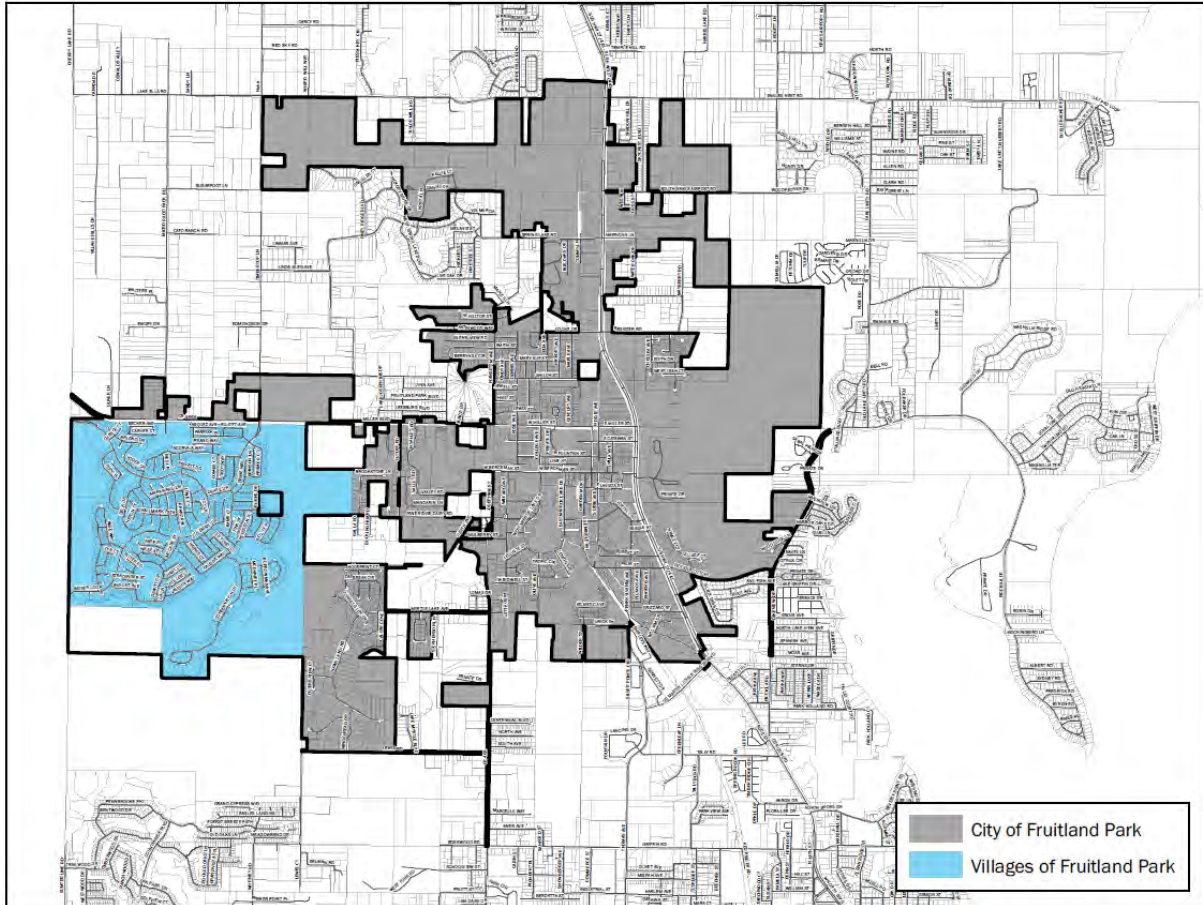
The fire services non-ad valorem assessment amount shown on this notice will be collected by the Lake County Tax Collector on the ad valorem tax bill mailed in November of each year that the assessment is imposed. Failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions, please contact the City at (352) 360-6727, Monday through Friday, from 8:00 a.m. to 5:00 p.m.

*** THIS IS NOT A BILL ***

APPENDIX D

**MAP SHOWING HISTORICAL FRUITLAND PARK BENEFIT AREA AND
VILLAGES OF FRUITLAND PARK BENEFIT AREA**



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

ITEM TITLE: CITY MANAGER’S REPORT

MEETING DATE: Thursday, June 23, 2022

DATE SUBMITTED: Tuesday, June 14, 2022

SUBMITTED BY: City Manager

BRIEF NARRATIVE: City Manager’s Report

- i. Economic Development Status Update
- ii. FY 2022-23 Paving - Roads and Streets
- iii. Auction Services George Gideon Auctioneers Piggyback Discussion

FUNDS REQUIRED: None

ATTACHMENTS: Roads and streets list

RECOMMENDATION:

ACTION: None



Public Works Department
202 W Berckman St.
Fruitland Park, FL 34731

Tel. (352) 360-6795
Fax (352) 360-6793

Gary,

I have finalized a list of roads to be paved this fiscal year (2022), that you can present to the city commission for approval. The list is as follows.

CRA Roads

- 1) Josephine Ave.
- 2) Hall St.
- 3) Seminole Ave. (gravel)
- 4) Sunset Way (gravel)
- 5) Old Dixie Ave. (gravel)
- 6) West Catawba St. (gravel)
- 7) Lime St. (gravel)
- 8) Victoria Ave.
- 9) Paso Alley
- 10) South Pennsylvania Ave. (Pam St. to county retention)
- 11) Mulberry St. (468 to Judith Ave.)

Non CRA Roads

- 1) Wingspread Dr.
- 2) Wood Duck Ln.
- 3) Forest Glen Dr. (Myrtle Lake Ave. to Bell Creek Loop)
- 4) Ridgewind Ct.
- 5) Glen Creek Ct.
- 6) Clearbrook Ct.
- 7) Deer Glen Ct.
- 8) Myrtle Lake Ave.
- 9) Fix shoulder on Poinsettia Ave. (2 places)

Gravel roads will be graded flat then resurfaced with 4 inches of asphalt millings then rolled to compact.

I feel that this will be a close representation of the funds we have available but I will add or delete roads depending on where the pricing comes in on these roads.

Robb Dicus

Public Works Director

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

ITEM TITLE: CITY ATTORNEY REPORT

MEETING DATE: Thursday, June 23, 2022

DATE SUBMITTED: Thursday, June 16, 2022

SUBMITTED BY: City Attorney

BRIEF NARRATIVE: City Attorney Report

City of Fruitland Park v. State of Florida – Department of Management Services: On February 16, 2022 the City provided wages and FRS calculations to attorney Thomas. The insurance company was provided the full invoice amount. Any update will be provided at the meeting.

Michael and Laurie Fewless v. City of Fruitland Park, Lake County Case No. 2020-CA-000104 (Judge Welke): On December 9, 2021 Plaintiff filed an Amended Complaint. Pre-trial conference is scheduled for April 3, 2023 and trial on April 17, 2023. Mediation is to occur no later than January 3, 2023. Mediation is scheduled to occur via Zoom on July 18, 2022 beginning at 10:00 A.M. The City Manager and I will participate along with attorney Glenn Thomas.

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

On June 13, 2022, the Certificate of Title was issued to Norman C. Cummins. Mr. Cummins is now the owner of the property. This item will be removed from my report going forward.

U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845 (Judge Baxley): The property owner's lender is foreclosing on the property for non-payment of approximately \$33,204.15. The property is located at 412 Sunny Court, Fruitland Park. The City has a code enforcement lien on the property. As of June 17, 2022 the fines have accrued to \$23,350.00 and outstanding costs of \$117.04. The Complaint has been provided to the City's insurance company. Attorney Mark K. McCulloch, Roper & Roper, P.A. has been appointed to defend the Council.

Code of Ordinances Codification:

June 3, 2022 – Reviewed and provided legal status and recommendations relating to numerous ordinances from 1958 to 2013.

June 14 – 15, 2022 – Received additional information concerning a number of ordinances reviewed June 3, 2022.

June 14, 2022 – Received 20-page list of resolutions and links to same for review. An update of this review will be provided at the meeting.

Lake County Infill Housing Initiative – School Impact Fee Waiver

Location Criteria -Must meet one of the location criteria below:

1. Within a plat recorded on or before June 30, 1991:
 - a. Within a three (3) miles radius of a municipal city hall
 - b. Within a two (2) miles walking distance of a public school as that distance is determined by the School Board
 - c. Within a historic preservation district as officially designated through a federal, state, or local designation program
2. Within a platted subdivision that has a dwelling unit on 80% or more of the platted residential lots if the plat was recorded on or before June 30, 2001:
 - a. Within a three (3) mile radius of a municipal city hall
 - b. Within a two (2) mile walking distance of a public school as that distance is determined by the School Board
 - c. Within a historic preservation district as officially designated through a federal, state, or local designation program
 - d. Within a blighted area as defined in Section 163.340(8), Florida Statutes

I have attached the Lake County Code as well as the application. I am happy to answer any questions at the meeting.

FUNDS REQUIRED:	None
ATTACHMENTS:	Yes
ACTION:	N/A
RECOMMENDATION:	N/A



Office of Planning and Zoning

Infill Housing Initiative Application for School Impact Fee Waiver

Applicant: _____

Phone Number: _____ Email Address: _____

Street Address: _____

City _____ State _____ ZIP Code _____

Property Owner: _____

Property Location: _____ Size of Property: _____

Parcel ID: _____ -or- Alternate Key _____

Has the Property Owner received any School Impact Fee Waivers in accordance with the Infill Housing Initiative within the current fiscal year, if yes – how many? _____

Please Identify if the subject property meets one of the location criteria below and provide details:

1. Within a plat recorded on or before June 30, 1991:
 - Within a three (3) mile radius of a municipal city hall;
 - Within a two (2) mile walking distance of a public school as that distance is determined by the School Board;
 - Within a historic preservation district as officially designated through a federal, state, or local designation program.
2. Within a platted subdivision that has a dwelling unit on eight (80) percent or more of the platted residential lots if the plat was recorded on or before June 30, 2001:
 - Within a three (3) mile radius of a municipal city hall;
 - Within a two (2) mile walking distance of a public school as that distance is determined by the School Board;
 - Within a historic preservation district as officially designated through a federal, state, or local designation program;
 - Within a blighted area as defined in Section 163.340(8), Florida Statutes.

Required Additional Information:

1. Copy of the Property Record Card for the Subject Property
2. Copy of Warranty Deed
3. Colored Elevations of the proposed dwelling unit demonstrating adherence to the design standards in Land Development Regulations Section 22-8. (c.).

STAFF USE ONLY

-To Be Completed by Planning and Zoning Staff-

Date Application Received: _____ Address Screen: _____

Zoning District: _____ Future Land Use Category: _____

Proposed Dwelling Unit meets the Design Criteria of Section 22-8. (c.): Yes No

Staff Name and Title

-To Be Completed by the School Board-

Date Application Received: _____

Application Meets the Criteria of Section 22-8 *Waiver of Educational Impact Fees for School Capacity*: Yes No

Date Approved or Denied: _____ Date Waiver Expires*: _____

Staff Name and Title

Approved School Impact Fee Exemption Amount: \$ _____

Comments: _____

**Once a waiver is granted, a building permit shall be applied for and shall be issued within six (6) months of the issuance of the waiver. In the event a building permit is not issued within six (6) months, the impact fee waiver shall be deemed null and void. The applicant may request one (1) extension of time not to exceed three (3) months, with such extension being requested prior to the expiration of the 6-month term. An extension shall only be granted if the applicant can provide sufficient documentation that the delay in applying for, or being issued the building permit, was beyond the control of the applicant, or the applicant's contractor or agent.*

Sec. 22-8. - Waiver of impact fees for infill development.

- (a) A lot meeting one (1) or more of the following criteria may be eligible for an educational impact fee waiver under this section:
- (1) Within a plat recorded on or before June 30, 1991; and
 - (i) Within a three (3) mile radius of a municipal city hall; or
 - (ii) Within a two (2) mile walking distance of a public school as that distance is determined by the school board; or
 - (iii) Within a historic preservation district as officially designated through a federal, state, or local designation program.
 - (2) Within a platted subdivision that has a dwelling unit on eighty (80) percent or more of the platted residential lots if the plat was recorded on or before June 30, 2001; and
 - (i) Within a three (3) mile radius of a municipal city hall; or
 - (ii) Within a two (2) mile walking distance of a public school as that distance is determined by the school board; or
 - (iii) Within a historic preservation district as officially designated through a federal, state, or local designation program.
 - (3) Within a blighted area as defined in Section 163.340(8), Florida Statutes.
 - (4) Lots located within gated subdivisions shall not be eligible for the waivers established under this section.
- (b) If the lot meets one (1) or more of the criteria set forth in subsection (a) above, and the school board confirms that there is available school capacity in all three (3) school categories (elementary, middle and high school) for the districts in which the lot is located, the county manager may waive the educational impact fee in the amount of one hundred (100) percent for the construction of a dwelling unit on that particular lot.
- (c) A lot meeting one (1) or more of the following criteria may be eligible for a one hundred (100) percent transportation impact fee waiver under this section:
- (1) Within a plat recorded on or before June 30, 1991.

- (2) Within a platted subdivision that has a dwelling unit on eighty (80) percent or more of the platted residential lots if the plat was recorded on or before June 30, 2000.
 - (3) Within a blighted area as defined in Section 163.340(8), Florida Statutes.
 - (4) On a single lot or parcel that is intended to be homestead property, as evidenced by receipt of the homestead exemption granted by the property appraiser. If approved to receive the waiver under this subsection, the property owner shall execute a lien in the amount of the impact fees to be waived, which shall be recorded in the public records of Lake County, Florida, until the homestead exemption is granted by the property appraiser. The homestead exemption application must be filed with the property appraiser no later than March 1 of the year following the issuance of the certificate of occupancy. Following the property appraiser's granting of the exemption, the property owner must submit proof of the homestead exemption to the county manager or designee in order for the lien to be released. The lot or parcel must be a lot of record or a legally created lot in order to be eligible.
 - (5) Lots located within gated subdivisions shall not be eligible for the waivers established under this section.
- (d) If a waiver is granted and accepted by the applicant under this section, the lot shall not be eligible for an affordable housing waiver under section 22-9 to the extent that waiver would be granted for the educational or transportation impact fees.
- (e) Educational impact fee waivers shall be contingent upon the Lake County School Board identifying a source of school board funding that will be used to pay the educational impact fees for the services or facilities that would otherwise have been paid for by the dwelling unit that received the waiver. Should no funding source be available, or should an available funding source be inadequate to cover the total amount of the impact fees that are being waived, the waiver shall not be granted unless or until such funding becomes available so long as a certificate of occupancy has not been issued for said dwelling unit. Once a certificate of occupancy has been issued for a dwelling unit, said dwelling unit shall no longer be eligible for a waiver under this section.

- (f) Transportation impact fee waivers shall be contingent upon the Lake County Board of County Commissioners identifying a source of funding that will be used to pay the transportation impact fees for the services or facilities that would otherwise have been paid for by the dwelling unit that received the waiver. Should no funding source be available, should an available funding source be inadequate to cover the total amount of the impact fees that are being waived, the waiver shall not be granted unless or until such funding becomes available so long as a certificate of occupancy has not been issued for said dwelling unit. Once a certificate of occupancy has been issued for a dwelling unit, said dwelling unit shall no longer be eligible for a waiver under this section.
- (g) Once a waiver is granted, a building permit shall be applied for and shall be issued within six (6) months of the issuance of the waiver. In the event a building permit is not issued within six (6) months, the impact fee waiver shall be deemed null and void. The applicant may request one (1) extension of time not to exceed three (3) months, with such extension being requested prior to the expiration of the six-month term. An extension shall only be granted if the applicant can provide sufficient documentation that the delay in applying for, or being issued the building permit, was beyond the control of the applicant, or the applicant's contractor or agent.
- (h) In no event shall any single property owner, or any single entity, be entitled to receive waivers for more than ten (10) lots under this section in any one (1) fiscal year.
- (i) If there is an existing prepayment certificate or impact fee credit assigned to the property identified in the waiver application, the prepayment or credit shall first be applied to the applicant's share of any portion of the educational or transportation impact fees that are not waived. If the prepayment or credits exceed the applicant's share of the educational or transportation impact fees, the remaining prepayment or credits shall be applied to reduce the amount of the approved waiver. In no event shall the applicant be entitled to a refund of any prepayment or impact fee credit under the provisions of this section.
- (j) Municipalities may opt out of the provisions of this section by submitting to the county a duly executed resolution from the city council indicating that it shall not

participate in this program. A copy of the resolution shall be sent to the county manager or designee.

(Ord. No. 2017-25, § 3, 5-9-17; Ord. No. 2019-18, § 2, 3-12-19; Ord. No. 2020-25, § 2, 6-2-20)

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

ITEM TITLE: Public Comments

MEETING DATE: Thursday, June 23, 2022

DATE SUBMITTED: Monday, June 13, 2022

SUBMITTED BY: City Clerk

BRIEF NARRATIVE: **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.

FUNDS REQUIRED: None

ATTACHMENTS: Resolution 2013-023, Public Participation Policy and Chapter 286 Florida Statutes

RECOMMENDATION: None

ACTION: None

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

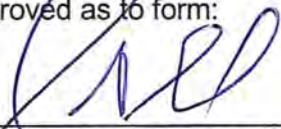
ATTEST:


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 2020 Florida Statutes

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

PUBLIC BUSINESS

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

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

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

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

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

(a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;

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

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

(d) A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

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

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

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

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

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

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

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

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

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

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

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

History.—s. 1, ch. 2013-227.

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