

**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

December 8, 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 –Sister Rosalind Peoples, Mount Pleasant AME Church

Pledge of Allegiance – Police Chief Erik Luce
2. **ROLL CALL**
3. **Wreaths Across America Proclamation** (city clerk)
4. **COMMUNITY REDEVELOPMENT AGENCY** (city clerk)
On or before 6:15 p.m. recess to the community redevelopment agency.
5. **REGULAR AGENDA**
 - (a) **Resolution 2022-071 Engineering and Surveying Services 2022-23 Hourly Rate Schedule – Half Associates Inc.** (city manager/city attorney)
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE 2022-2023 STANDARD HOURLY RATE SCHEDULE FOR ENGINEERING SERVICES AND THEREBY AMENDING THE ENGINEERING AND SURVEYING SERVICES AGREEMENT WITH HALFF ASSOCIATES INC. TO INCLUDE SAID SCHEDULE; REPEALING ALL FEES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.
 - (b) **Resolution 2022-073 Auction Services - George Gideon Auctioneers Inc.** (city attorney/city manager/police chief)
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PIGGYBACK AGREEMENT FOR ONLINE AUCTION SERVICES BETWEEN THE CITY OF FRUITLAND PARK, FLORIDA AND GEORGE GIDEON AUCTIONEERS, INC. PER THE SCHOOL DISTRICT OF OSCEOLA COUNTY, FLORIDA CONTRACT #C-21-0466-AD FOR AUCTION OF SURPLUS PROPERTY OWNED BY THE CITY OF FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY

MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE.

(c) Resolution 2022-068 – Declaring Certain Personal Property -
(city attorney/city manager/police chief)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, DECLARING CERTAIN PERSONAL PROPERTY AS SURPLUS; PROVIDING FOR AUTHORIZATION FOR DONATION OF SAID PERSONAL PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

(d) Resolution 2022-072 Wal-Mart Settlement Agreement – Opioid Litigation and Assignment of Funds to Lake County (city attorney)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING PARTICIPATION IN WALMART SETTLEMENT AGREEMENT IN OPIOID LITIGATION AND FURTHER APPROVING ASSIGNMENT OF CITY FUNDS RECEIVED FROM OPIOID LITIGATION TO LAKE COUNTY TO CARRY-OUT THE TERMS OF THE INTERLOCAL AGREEMENT FOR USE OF LAKE COUNTY REGIONAL OPIOID SETTLEMENT FUNDS PROVIDING FOR AN EFFECTIVE DATE.

(e) Resolution 2022-070 - AV Audio System for Community Center Quotes (city attorney/city manager/parks and recreation director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CONTROL FREAK AUDIO & VIDO INTEGRATION, LLC'S INVOICE NO. 1282 DATED OCTOBER 4, 2022 IN THE AMOUNT OF \$45,711.82 TO PURCHASE AND INSTALL AN AUDIO VISUAL SYSTEM MORE PARTICULARLY DESCRIBED IN THE INVOICE AT THE FRUITLAND PARK COMMUNITY CENTER; PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING

(f) Second Reading Public Hearing – Ordinance 2022-025 – Boundary Amendment - CR 466-A, East of Oliver Lane and West of Micro Racetrack Road – Petitioner: T. D. Burke (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK

FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 15.00 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466-A, EAST OF OLIVER LANE AND WEST OF MICRO RACETRACK ROAD; 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 SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on November 10, 2022.)

- (g) **Second Reading and Public Hearing – Ordinance 2022-023 – SSCPA 14.98+ Acres – North of CR 466A and East of Oliver Lane - Petitioner: T. D. Burke** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY RURAL TO CITY MULTI-FAMILY HIGH DENSITY ON 14.98 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND EAST 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 first reading was held on November 10, 2022.)

- (h) **Second Reading and Public Hearing – Ordinance 2022-024 – Rezoning 19.56+ Acres – 305 CR 466A MDA – Petitioner: T. D. Burke** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.56 + ACRES OF PROPERTY FROM CITY OF

FRUITLAND PARK C-2 AND LAKE COUNTY AGRICULTURE TO CITY OF FRUITLAND PARK MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK FOR RESIDENTIAL AND COMMERCIAL USE; 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 November 10, 2022.)

QUASI-JUDICIAL PUBLIC HEARING

- (i) **Second Reading and Quasi-Judicial Public Hearing - Resolution 2022-062 Unity of Title Hawthorns – Petitioner: T. D. Burke** (city attorney/city manager/community development director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF UNITY OF TITLE UNIFYING AS AN INDIVISIBLE BUILDING SITE, TWO PROPERTIES LOCATED AT 305 COUNTY ROAD 466-A, FRUITLAND PARK, FLORIDA, OWNED BY T.D. BURKE AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER AS ALTERNATE KEY NUMBER 3884325 AND ALTERNATE KEY NUMBER 1699649; PROVIDING FOR A DECLARATION OF UNITY OF TITLE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on November 10, 2022.)

- (j) **Second Reading and Quasi-Judicial Public Hearing – Resolution 2022-040 Lake Myrtle Breezes Variance – Petitioner: Crystal Lake Land Holdings LLC** (city attorney/city manager/community development director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATIONS (LDR) RULE OF MINIMUM LOT WIDTH AT BUILDING SETBACK LINE FROM 80' TO 70' ON THE DESCRIBED PROPERTY LOCATED AT 1108 MYRTLE BREEZES COURT IN THE CITY OF FRUITLAND PARK, FLORIDA, OWNED BY CRYSTAL LAKE LAND

HOLDINGS, LLC, PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on November 10, 2022.)

END OF QUASI-JUDICIAL PUBLIC HEARING

END OF PUBLIC HEARING

6. (a) **City Manager**
 - i. **Economic Development Status Update**
 - ii. **Lemon Street Baffle Box - LCWA 2022-23 Cooperative Stormwater Initiative Grant**
- (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. **U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845**
 - iv. **Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628**
 - v. **Fruitland Park Official City Code**

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 Bell

(c) Commissioner Gunter

(d) Vice Mayor DeGrave

10. MAYOR'S COMMENTS

11. ADJOURNMENT

DATES TO REMEMBER

- December 8, 2022, City Commission regular at 6:00 p.m.;
- December 9, 2022 *Lake Technical College Update*, Lake County League of Cities Inc. Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- December 9, 2022 Hometown Christmas at 5:30 p.m.;
- December 17, 2022, *10th Annual Wreaths Across America* Ceremony, Shiloh Cemetery, Fruitland Park, Florida 34731 at 12:00 p.m.;
- December 22, 2022, City Commission regular at 6:00 p.m. – Cancelled
- December 23, 2022, City Hall Closed – Christmas Eve;
- December 26, 2022, City Hall Closed – Christmas Day;
- December 30, 2022, City Hall Closed – New Year's Day;

- January 2, 2023, City Hall Closed – New Year's Day;
- January 8, 2023, City Commission regular at 6:00 p.m.;
- January 9, 2023, 2022 Lake County Legislative Delegation, Venetian Center, 1 Dozier Circle, Leesburg, Florida 34748 at 9:00 a.m.;
- January 16, 2023, City Hall Closed - Dr. Martin Luther King Jr. Holiday;
- January 22, 2023, City Commission regular at 6:00 p.m.;

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
AGENDA ITEM SUMMARY SHEET
Item Number: 3**

ITEM TITLE: Wreaths Across America - Proclamation

MEETING DATE: Thursday, December 8, 2022

DATE SUBMITTED: October 7, 2022

SUBMITTED BY: City Clerk

BRIEF NARRATIVE: Wreaths Across America proclamation – Saturday,
December 17, 2022

FUNDS REQUIRED: None

ATTACHMENTS: Proclamation and invitation

RECOMMENDATION:

ACTION:



Proclamation

WHEREAS, in 1992, the first 5,000 wreaths were donated by Morrill Worcester and Worcester Wreath Company; and

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; 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 2.4 million remembrance wreaths were placed in 2021 and 1.7 million remembrance wreaths were placed in 2020; and

WHEREAS, 2022 marks the 31st year for Wreaths Across America events being held at over about 3,400 participating locations across our great country where hundreds of trucking companies and drivers help deliver the wreaths; 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 17, 2022; and

WHEREAS, all veterans' gravesites in Shiloh Cemetery will be adorned with red-bowed remembrance wreaths in a solemn tribute to the courage and sacrifice of those who have guarded and preserved our nation's freedom throughout history.

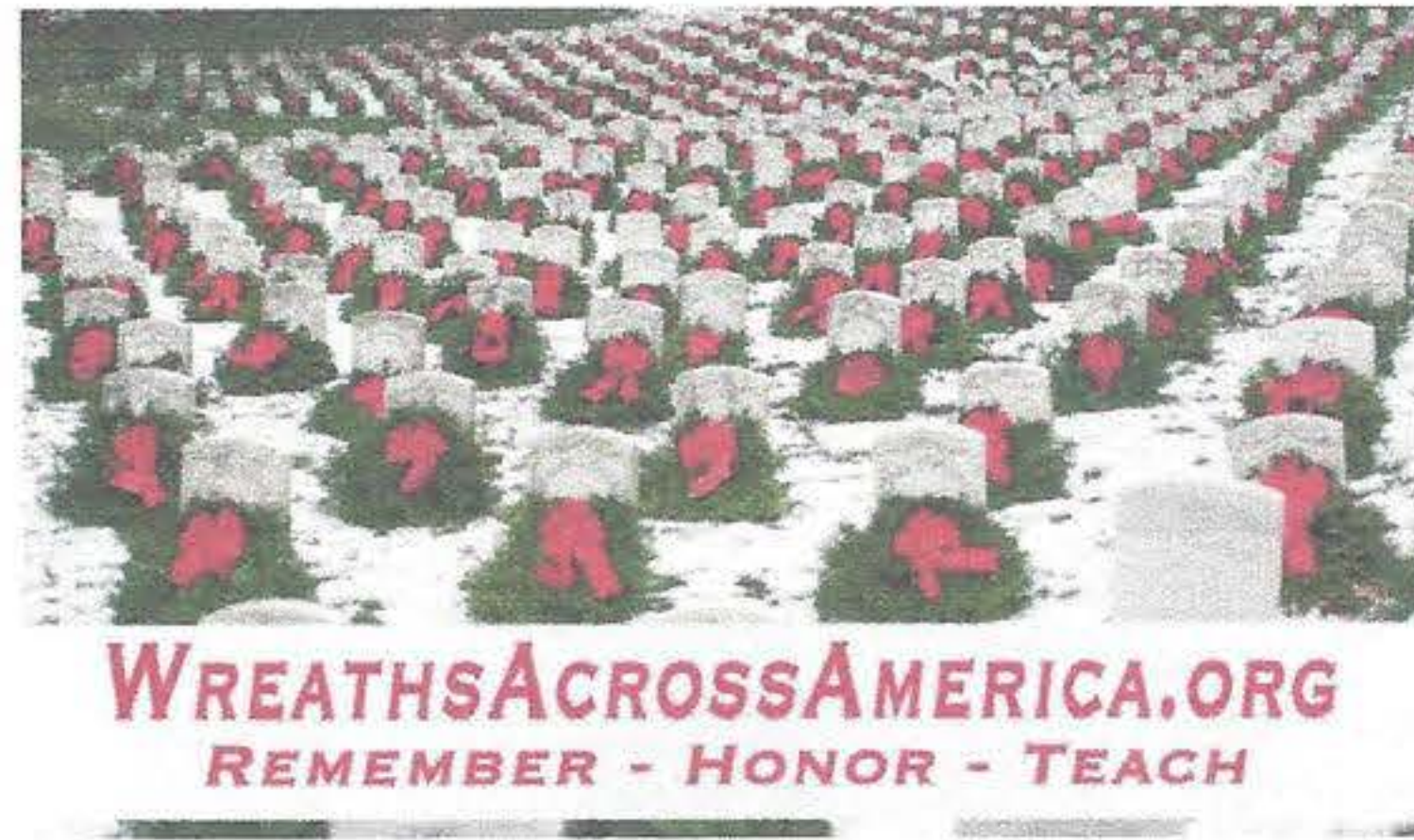
NOW, THEREFORE BE IT RESOLVED THAT I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida, on behalf of the City of Fruitland Park Commission and citizens, do hereby declare Saturday, December 17, 2022 as the official **Wreaths Across America Day** in Fruitland Park in memory of our fallen heroes and in honor of our living veterans and commend the American Legion Family of 219 for sharing this patriotic tribute to America's veterans.

Dated this 8th day of December 2022.

Chris Cheshire, Mayor

Attest:

Esther Coulson, City Clerk



WREATH SPONSORSHIP FORM

for Wreaths Across America being held
Saturday, December 17, 2022 – 12 noon
Shiloh Cemetery, Fruitland Park

and hosted by
The American Legion Family of Post 219 in Fruitland Park:

Name: _____

Address: _____

Contact Phone #: _____ Email: _____

Wreath In Memory and/or Honor Of: _____

If possible, place wreath in Shiloh Cemetery on the grave of: _____

_____ \$15.00 for 1 wreath _____ **OR** 3 Wreaths for \$30.00 _____

OR

_____ Please accept my donation of \$ _____

Cemetery: Shiloh Cemetery, Fruitland Park, FL {Cemetery Location ID: FLSCFP}

NOTE: Your purchase and/or donation will go only for the WAA event at Shiloh Cemetery, Fruitland Park, Florida.

Please make checks payable to: **ALA UNIT 219** (American Legion Auxiliary Unit 219)

{Checks may be left at Post 219 or mailed to Diane Rousseau, 5250 Byron Road, Fruitland Park, FL 34731-6101}

Please send donations ASAP and no later than: December 5, 2022

Questions? Please call Unit Secretary Diane Rousseau at 352-360-0016

Thank you for your Sponsorship!

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

ITEM TITLE: Community Redevelopment Agency (CRA)
Meeting

MEETING DATE: Thursday, December 8, 2022

DATE SUBMITTED: Thursday, December 1, 2022

SUBMITTED BY: City Clerk

BRIEF NARRATIVE: CRA Establishment Ordinance 95-001, Resolution 2019-050, and Chapter 163, Florida Statutes.

FUNDS REQUIRED: No

ATTACHMENT

RECOMMENDATION: As soon as practical, recess to the Local Planning Agency meeting.

ACTION: None

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

ITEM TITLE: Resolution 2022-071 Engineering and Surveying Services
2022-23 Hourly Rate Schedule – Halff Associates Inc.

MEETING DATE: Thursday, December 8, 2022

DATE SUBMITTED: Tuesday, November 29, 2022

SUBMITTED BY: City Attorney/City Manager

BRIEF NARRATIVE: Resolution 2022-071 adopting the standard hourly fee schedule 2022-2023 as an amendment to the agreement for Engineering and Surveying Services with Halff Associates Inc. The city entered into an agreement between City of Fruitland Park and Booth, Ern, Straughan & Hiott, Inc. for Engineering and Surveying Services dated October 27, 2011 (thereinafter the “Agreement”) which has since been amended to include an assignment to Halff Associates, Inc. and development review fee adjustments.

On September 22, 2022, the city issued a request for qualifications for engineering and surveying services in order to have several engineering and surveying firms available for the city to use; however, it is the city’s desire to continue operating under the agreement with Halff Associates, Inc. Halff Associates has requested a rate adjustment and the city finds the proposed fees to be consistent with the prevailing rates for such services. Therefore, it is recommended that the commission approve an amendment to the agreement by approving the 2022-2023 standard hourly rate schedule.

FUNDS REQUIRED: No

ATTACHMENT Proposed resolution, agreement and hourly rate schedule.

RECOMMENDATION: Approval.

ACTION: Adopt Resolution 2022-071.

RESOLUTION 2022-071

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE 2022-2023 STANDARD HOURLY RATE SCHEDULE FOR ENGINEERING SERVICES AND THEREBY AMENDING THE ENGINEERING AND SURVEYING SERVICES AGREEMENT WITH HALFF ASSOCIATES INC. TO INCLUDE SAID SCHEDULE; REPEALING ALL FEES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City entered into ~~that an~~ agreement between City of Fruitland Park and Booth, Ern, Straughan & Hiott, Inc. for Engineering and Surveying Services dated October 27, 2011 (thereinafter the “Agreement”); and

WHEREAS, the agreement provides for engineering services to be compensated in accordance with the hourly rate schedule attached to the agreement; and

WHEREAS, thereafter the city commission consented to and approved the letter agreement dated September 3, 2022 wherein the agreement is assigned from Booth, Ern, Straughan & Hiott, Inc. to Halff Associates, Inc. with Halff Associates, Inc. assuming the agreement; and

WHEREAS, the city desires to continue operating under the agreement as assigned, but with a rate adjustment; and

WHEREAS, the City is authorized pursuant to Chapter 166, Florida Statutes to enter into professional services agreements; and

WHEREAS, the City desires to approve the Standard Hourly Rate Schedule 2022-2023 for engineering services; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida, has determined the proposed review fee schedule as proposed is reasonable and is in the best interest of the City to approve and adopt.

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

1. The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this resolution.
2. The City Commission hereby adopts the attached Standard Hourly Rate Schedule 2022-2023 as an amendment to the Agreement between City of Fruitland Park and Booth, Ern, Straughan & Hiott, Inc. for Engineering and Surveying Services dated October 27, 2011.
3. Any fees in conflict herewith are hereby repealed.

4. This resolution shall be effective immediately upon adoption.

PASSED AND RESOLVED this _____ day of _____, 2022, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

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

Approved as to form:

Anita Geraci-Carver, City Attorney



Standard Hourly Rate Schedule 2022-2023

Engineers

Principal/Officer – Professional Engineer	\$300.00
Senior Professional Engineer	\$260.00
Professional Engineer	\$185.00
Project Manager	\$155.00
Engineer Intern	\$110.00
Senior Technician	\$125.00
Design Technician	\$90.00
Project Technician	\$90.00

Survey

Survey Department Manager – P.S.M.	\$210.00
Professional Surveyor – P.S.M.	\$175.00
2 Man Field Crew	\$180.00
3 Man Field Crew	\$235.00
4 Man Field Crew	\$290.00
Senior Survey Technician	\$125.00
Survey Technician	\$100.00

GIS

Principal Officer – Senior Spatial Analyst	\$165.00
Senior Spatial Analyst	\$135.00
Spatial Analyst	\$100.00
GIS Specialist	\$60.00

Landscape Architects

Principal/Officer – Professional Landscape Architect	\$230.00
Senior Professional Landscape Architect	\$160.00
Project Manager Landscape Architect	\$150.00
Professional Landscape Architect	\$140.00
Senior Landscape Designer	\$115.00
Landscape Designer	\$85.00

Planners

Principal/Officer – Land Planner	\$265.00
Senior Planner	\$185.00
Professional Planner	\$125.00
Project Planner	\$105.00

Environmental Scientists

Senior Environmental Scientist	\$210.00
Environmental Scientist II	\$150.00
Environmental Scientist I	\$90.00

Reimbursable Expenses

Reimbursable expenses include, but are not limited to:

Courier Service	Government Permitting Fees
Maps/GIS Data	Prints, Copies, Plots, Plans
Mileage, Parking, Tolls	Subconsultant Fees
Postage and Overnight Mail	Travel (lodging, rental car, per diem)
Miscellaneous Services	

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

ITEM TITLE: Resolution 2022—073 Auction Services – George Gideon Auctioneers Inc.

MEETING DATE: Thursday, December 8, 2022

DATE SUBMITTED: Tuesday, November 29, 2022

SUBMITTED BY: City Attorney/City Manager/Police Chief

BRIEF NARRATIVE: Resolution 2022-073 approves the piggyback agreement for online services with George Gideon Auctioneers Inc. approved by the School District of Osceola County on January 26, 2021.

On June 23, 2022, the city commission authorized the city manager to utilize Gideon Auctioneers to auction city vehicles.

FUNDS REQUIRED: To be addressed by the city manager.

ATTACHMENTS: Proposed resolution, and contract.

RECOMMENDATION: Approval

ACTION: Adopt Resolution 2022-073

RESOLUTION 2022-073

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PIGGYBACK AGREEMENT FOR ONLINE AUCTION SERVICES BETWEEN THE CITY OF FRUITLAND PARK, FLORIDA AND GEORGE GIDEON AUCTIONEERS, INC. PER THE SCHOOL DISTRICT OF OSCEOLA COUNTY, FLORIDA CONTRACT #C-21-0466-AD FOR AUCTION OF SURPLUS PROPERTY OWNED BY THE CITY OF FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The School District of Osceola County, Florida issued a competitive bid and awarded a contract (#C-21-0466-AD) to George Gideon Auctioneers, Inc. for auctioneer services to auction surplus property such as vehicles owned by the City of Fruitland Park, Florida;

WHEREAS, the City of Fruitland desires to piggyback off of the contract with George Gideon Auctioneers, Inc.; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds it is in the best interest of the city to approve and enter into a piggyback agreement for online auction services with George Gideon Auctioneers, Inc.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Piggyback Agreement for Online Auction Services between the City of Fruitland Park, Florida and George Gideon Auctioneers, Inc. per the School District of Osceola County, Florida Contract #C-21-0466-AD, **a copy of which is attached hereto**, is approved.

Section 2. The Commission authorizes the City Manager to execute any necessary documents, including the piggyback agreement for online auction services between the City of Fruitland Park, Florida and George Gideon Auctioneers, Inc. per the School District of Osceola County, Florida Contract #C-21-0466-AD.

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 _____, 2022, by the City Commission of the City of Fruitland Park, Florida.

SEAL CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

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

Approved as to form:

Anita Geraci-Carver, City Attorney

**PIGGYBACK AGREEMENT FOR ONLINE AUCTION SERVICES
BETWEEN THE CITY OF FRUITLAND PARK, FLORIDA AND
GEORGE GIDEON AUCTIONEERS, INC. PER THE SCHOOL DISTRICT
OF OSCEOLA COUNTY, FL CONTRACT #C-21-0466-AD**

THIS AGREEMENT is made this 8TH day ~~of~~ DECEMBER 2022 by and between **THE CITY OF FRUITLAND PARK, FLORIDA** (hereafter referred to as "CITY"), whose address is 506 W. Berckman Street, Fruitland Park, Florida 34731, and **GEORGE GIDEON AUCTIONEERS, INC.** (hereafter referred to as "SUPPLIER"), whose address is 2753 H Hwy 441, Zellwood, FL 32798.

RECITALS

WHEREAS, the CITY wishes to enter into contract with a qualified SUPPLIER to provide auction services for the CITY; and

WHEREAS, SUPPLIER provides auction services as requested by the CITY, and wishes to enter into a contract whereby the SUPPLIER provides services for the CITY in consideration of payments from CITY to the SUPPLIER; and

WHEREAS, The School District of Osceola County, Florida, (hereafter referred to as "LEAD PUBLIC AGENCY") awarded Contract #C-21-0466-AD on January 21, 2021 to SUPPLIER and the CITY desires to piggyback the terms and conditions of Contract #C-21-0466-AD; and

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, it is agreed as follows:

1. SUPPLIER must provide all personnel, equipment, tools, materials and labor for the CITY per Piggyback of Contract #C-21-0466-AD for Auction Services awarded by LEAD PUBLIC AGENCY.
2. All work and labor shall be done in accordance with the same terms and conditions indicated in Contract #C-21-0466-AD as agreed upon by the SUPPLIER under said contract.
3. References to "County" in the School District of Osceola County, Florida Contract and RFP documents, as defined in Contract #C-21-0466-AD shall mean CITY.
4. Pricing: Based on Contract #C-21-0466-AD Pricing Sheet, SUPPLIER agrees to provide to CITY unit pricing (Exhibit A).
5. Schedule of Services: All services must be scheduled and approved with the SUPPLIER and CITY prior to work being performed.
6. **AGREEMENT DOCUMENTS**

The Agreement Documents, which comprise the entire Agreement between CITY and SUPPLIER and which are made part hereof by this reference, consist of the following:

- 6.1 Solicitation RFP #SDOC-21-P-011-AD
- 6.2 Contract #C-21-0466-AD
- 6.3 Piggyback Cover Page

- 6.4 Wildlife Habitat Management Plan
- 6.5 Drug Free Workplace Certificate
- 6.6 E-Verify(s)
- 6.7 W-9
- 6.8 Licenses
- 6.9 Notice to Proceed

7. SERVICES BY SUPPLIER

- 7.1 SUPPLIER, for and in consideration of the payments hereinafter specified and agreed to be made by CITY, hereby covenants and agrees to furnish and perform all work including goods and services as required per the terms and conditions outlined in LEAD PUBLIC AGENCY Solicitation RFP #SDOC-21-P-011-AD, and on January 26, 2021 entered into Contract #C-21-0466-AD.
- 7.2 SUPPLIER shall comply with all applicable governmental statutes, rules, regulations and orders and any amendments and modifications thereto.

8. PAYMENT

- 8.1 In consideration of the services provided by the SUPPLIER pursuant to this Agreement, CITY agrees to pay to SUPPLIER the unit prices agreed upon by SUPPLIER as provided for in Exhibit A to this Agreement.
- 8.2 Invoices shall be submitted via email to tadams@fruitlandpark.org¹ for the services performed the preceding month. Payment by the CITY will be made after the invoice has been received by the CITY per the "Local Government Prompt Payment Act", Florida Statutes, Chapter 218, Part VII.
- 8.3 The CITY agrees to pay the CONTRACTOR for additional work performed by the CONTRACTOR pursuant to written orders placed by the CITY, at a rate equal to component unit costs of labor and equipment charged by the CONTRACTOR under the terms of this Piggyback Agreement.

9. TERM

- 9.1 The initial term of the LEAD PUBLIC AGENCY and SUPPLIER Agreement is January 26, 2021 through January 26, 2024 with an option to renew for one (1) additional one- year period.
- 9.2 The term of the CITY Piggyback Agreement shall be December 8, 2022 through January 26, 2024 with the option to renew for one (1) additional one-year period.
- 9.3 Upon written, renewal approval by the original parties (LEAD PUBLIC AGENCY and SUPPLIER), the CITY and the SUPPLIER shall automatically renew the Piggyback Agreement at the same prices, terms and conditions.
- 9.4 LEAD PUBLIC AGENCY and SUPPLIER reserve the right to agree to any change in price, terms or conditions which shall be accomplished by written amendment to the original

¹ c

contract. No amendment to this Piggyback Agreement shall be effective except those agreed to in writing by the CITY and SUPPLIER.

10. OTHER MATTERS

- 10.1 In the event of default by any party to this Agreement, the prevailing party shall be entitled to recover from the defaulting party, all costs and expense, including a reasonable attorney's fee, whether suit be instituted or not, and at the trial court and appellate court level incurred by the prevailing party enforcing its right hereunder.
- 10.2 The venue for the enforcement, construction or interpretation of this Agreement, shall be the County or Circuit Court for Lake County, Florida, and Supplier does hereby specifically waive any "venue privilege" and/or "diversity of citizenship privilege" which it has now, or may have in the future, in connection with the Agreement, or its duties, obligations, or responsibilities or rights hereunder.
- 10.3 SUPPLIER does hereby specifically promise and agree to "hold harmless", defend and indemnify the CITY and the agents, servants, employees, officers, and officials thereof from and against any and all liability or responsibility for damage to property or person that may arise in connection with the services to be provided hereunder, including reasonable attorney fees and expenses.
- 10.4 SUPPLIER shall not be construed to be the agent, servant or employee of the CITY or of any elected or appointed official thereof, for any purpose whatsoever, and further SUPPLIER shall have no express or implied authority of any kind or nature whatsoever, to incur any liability, either in contract or on a tort, as the agent, servant or employee of the CITY.
- 10.5 These Contract Documents constitute the entire understanding and Contract between the Parties and supersedes any and all written and oral representations, statements, negotiations, or contracts previously existing between the Parties with respect to the subject matters of this Contract. SUPPLIER recognizes that any representations, statements, or negotiations made by CITY staff do not suffice to legally bind the CITY in a contractual relationship unless they have been reduced to writing and signed by an authorized CITY representative. This Contract shall inure to the benefit of and be binding upon the Parties, their respective assigns, and successors in interest.
- 10.6 No amendment to this Agreement shall be effective except those agreed to in writing and signed by both of the parties to this Agreement.
11. **Public Records Act/Chapter 119 Requirements:** The CITY is a public agency subject to Chapter 119, Florida Statutes. The Contractor shall comply with Florida's Public Records law. Specifically, the Contractor shall:
- Keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform this service;
 - Provide the agency access to public records at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes or as otherwise provided by law;
 - Ensure that public records that are exempt or that are confidential and exempt from public record requirements are not disclosed except as authorized by law; and
 - Meet all requirements for retaining public records and transfers to the CITY, at no cost, all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt. All records stored electronically must be provided to the CITY in a format that is compatible with the current information technology systems of the CITY.

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:

**Esther Coulson, City Clerk, MMC
City of Fruitland Park
506 West Berckman Street
Fruitland Park FL 34731
(352) 360-6790 (W)
EMAIL: ecoulson@fruitlandpark.org**

IN WITNESS WHEREOF, said CITY has caused this contract to be executed in its name by the Mayor of the **CITY OF FRUITLAND PARK, FLORIDA**, attested by the clerk of said CITY, and **GEORGE GIDEON AUCTIONEERS, INC.** has caused this Agreement to be executed in its name by its authorized representative, attested to and has caused the seal of said corporation to be hereto attached (if applicable), all on the day and year written above.

EXHIBIT "A"

TABS

FEE STRUCTURE

Items sold at Government Agency's location that are posted by the Agency on George Gideon Auctioneers website:

- **10% Buyers Premium**
- **No commission is charged**
- **This will include collection of all Auction funds**
- **Collecting and remitting all State of Florida Sales Tax and transfer of Titles included**

Items sold at Government Agency's location that are posted by George Gideon Auctioneers on George Gideon Auctioneers website:

- **10% Buyers Premium**
- **2.5% Commission for titled items**
- **5% Commission for non-titled miscellaneous items**
- **This will include collection of all Auction funds**
- **Collecting and remitting all State of Florida Sales Tax and transfer of Titles included**

Items that are' transported to George Gideon Auctioneers facility and posted by George Gideon Auctioneers:

- **10% Buyers Premium**
- **2.5% Commission for titled items**
- **6% Commission for non-titled miscellaneous items**
- **This will include collection of all Auction funds**
- **Collecting and remitting all State of Florida Sales Tax and transfer of Titles included**

Transport Charges:

\$350 Freight Trailer loaded on site by agency employees and unloaded by Auction employees

\$90/hr 16-foot Box Truck loaded and unloaded by Transport employee

\$90 for each vehicle less than 1 ton

\$350 per bus

\$350 for a landoll load (this can include heavy trucks 1 ton and greater and equipment}

For any loads outside of the 60-mile range where items are picked up an extra charge of \$3/mile for non-hourly pickup charges

Decal removal:

\$100 for a 2 single door decals on each vehicle located at the Auction facility

\$50 for painting over standard school board lettering on both sides of a bus

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

ITEM TITLE: Resolution 2022—068 Surplus Property

MEETING DATE: Thursday, December 8, 2022

DATE SUBMITTED: Tuesday, November 29, 2022

SUBMITTED BY: City Attorney/City Manager/Police Chief

BRIEF NARRATIVE: Resolution 2022-068 declaring certain personal property as surplus.

FUNDS REQUIRED: To be addressed by the city manager.

ATTACHMENTS: Proposed resolution and surplus property list.

RECOMMENDATION: Approval

ACTION: Adopt Resolution 2022-068

RESOLUTION 2022-068

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, DECLARING CERTAIN PERSONAL PROPERTY AS SURPLUS; PROVIDING FOR AUTHORIZATION FOR DONATION OF SAID PERSONAL PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park Police Department has accumulated certain personal property which is no longer useful or beneficial to the City of Fruitland Park; and

WHEREAS, the City Commission has determined that it is in the best interest of the residents of Fruitland Park to declare the personal property more particularly described herein as surplus property, and to subsequently dispose of said property by donation or other legal means; and

WHEREAS, the City Commission of the City of Fruitland Park has home rule authority to take any action in the furtherance of the interest of the City that is not in conflict with general law, and taking action authorized in this resolution is not in conflict.

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

1. The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this resolution.
2. The City Commission of the City of Fruitland Park hereby declares that the personal property vehicles as more particularly described as:

2009 Dodge Charger	2B3KA33V59H568107	Police assigned #532
2014 Ford Interceptor	1FM5K8AREGB25265	Police assigned #540
2014 Ford Police Interceptor	1FM5K8AR3EGB38279	Police assigned #541

as surplus property, and that said personal property is obsolete, no longer useful and is burdensome to retain.

3. The City Manager is hereby directed to dispose of the property described herein to governmental units in the county or by whatever legal means the City Manager deems appropriate.
4. This resolution shall be effective immediately upon adoption.

PASSED AND RESOLVED this 8th day of December 2022, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

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

Approved as to form:

Anita Geraci-Carver, City Attorney

542	PD	AUCTION	2014	FORD	INTERCEPTOR	1FM5K8AR7EGB63654	7/25/2014
540	PD	AUCTION	2014	FORD	INTERCEPTOR	1FM5K8AR4EGB25265	2/18/2014
532	PD	AUCTION	2009	DODGE	CHARGER	2B3KA33V59H568107	8/3/2009

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

ITEM TITLE: Resolution: 2022-072 Participation in Wal-Mart Settlement Agreement - Opioid Litigation and Assignment of Funds to Lake County

MEETING DATE: Thursday, December 8, 2022

DATE SUBMITTED: Tuesday, November 29, 2022

SUBMITTED BY: City Attorney

BRIEF NARRATIVE: Resolution 2022-072 The State of Florida, through its Attorney General and certain local governments, are engaged in litigation seeking to hold pharmaceutical supply chain participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance. It is the intent of the state and local governments to use proceeds from the settlements of the litigation cases to increase the amount of funding spent on opioid and substance abuse education, treatment and other related programs and services.

On January 27, 2022, the city commission approved an interlocal agreement between Lake County and the city that provides for the county to receive the city's portion of the funds. The county will then take on the responsibility to utilize the funds for the allowed purposes in addressing opioid and substance abuse education, treatment, etc. and the county will do so on a countywide basis. It is necessary for the city to submit a Subdivision Settlement Participation Form for the Walmart settlement, as well as an assignment of funds to Lake County.

FUNDS REQUIRED:

ATTACHMENT Proposed resolution and agreement

RECOMMENDATION: Adopt Resolution 2022-072.

ACTION: None

RESOLUTION 2022-072

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING PARTICIPATION IN WALMART SETTLEMENT AGREEMENT IN OPIOID LITIGATION AND FURTHER APPROVING ASSIGNMENT OF CITY FUNDS RECEIVED FROM OPIOID LITIGATION TO LAKE COUNTY TO CARRY-OUT THE TERMS OF THE INTERLOCAL AGREEMENT FOR USE OF LAKE COUNTY REGIONAL OPIOID SETTLEMENT FUNDS, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park, Florida has suffered harm from the opioid epidemic; and

WHEREAS, the City recognizes that the entire State of Florida has suffered harm as a result of the opioid epidemic; and

WHEREAS, the State of Florida has filed an action pending in Pasco County, Florida, and a number of Florida cities and counties have also filed an action *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) (the “Opioid Litigation”) and the City of Fruitland Park, Florida is not a litigating participant in that action; and

WHEREAS, in 2019 Lake County filed suit as well and the State of Florida and lawyers representing certain various local governments involved in the Opioid Litigation proposed a unified plan for the allocation and use of prospective settlement dollars from opioid related litigation, and the City entered into an interlocal with Lake County that will assist Lake County in being designated as a Qualified County and result in funds being made available to Lake County to utilize the funds for the allowed purposes in addressing opioid and substance abuse education, treatment, etc. on a Countywide basis; and

WHEREAS, a settlement agreement was reached with Walmart.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Fruitland Park, Florida:

Section 1. The above going recitals are incorporated herein.

Section 2. The City Commission of the City of Fruitland Park approves Subdivision Settlement Participation Form to participate in the Walmart Settlement (“National Distributor Settlement”). The City Commission designates the either the mayor or the city manager as the Authorized Signatory for each participation form. A certified copy of each participation form is on file with the city clerk

Section 3. The City Commission of the City of Fruitland Park approves the Assignment of City/County Funds from the Opioid Litigation to the Lake County Regional Fund for the above-named settlement.

Section 4. Either the Mayor or the City Manager of City of Fruitland Park is expressly authorized to execute the Assignment.

Section 5. The City Manager of the City of Fruitland Park is authorized to execute any necessary agreements that is not substantially inconsistent with this Resolution 2022-072.

Section 6. The city clerk is directed to furnish a certified copy of this Resolution 2022-072 to the County Attorney for Lake County, Florida.

Section 7. This Resolution shall become effective immediately upon passage.

PASSED and **RESOLVED** this _____ day of _____, 2022 by the City Commission of the City of Fruitland Park.

City of Fruitland Park

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk, MMC

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

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

Assignment of City/County Funds from the Opioid Litigation
to the Lake County Regional Fund

This Assignment is hereby entered into by and between the **City of Fruitland Park, Florida**, an incorporated municipality located in Lake County, Florida (the “Municipality”) and **Lake County, Florida**, a political subdivision of the State of Florida (the “County”).

Whereas, the State of Florida filed an action in Pasco County, Florida, and a number of Florida Cities and Counties also filed actions *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) (the “Opioid Litigation”) and Polk County was a litigation participant in the Opioid Litigation; and

Whereas, the Florida Memorandum of Understanding (the “Florida Plan”) sets forth a framework of a unified plan for the proposed allocation and use of opioid settlement proceeds; and

Whereas, the State of Florida has entered into settlement agreements in the Opioid Litigation creating a Regional Fund and City/County Fund (Regional Fund and City/County Fund shall have the same meaning as provided in the Florida Plan); and

Whereas, separate payments are to be distributed directly to the Municipality and the County through the City/County Fund; and

Whereas, the City desires to assign its funds in the Walmart Settlement to be received by Lake County, Florida (“National Distributor Settlement”); and

Whereas, receiving a separate payment from the City/County Fund will require separate programs and reporting requirements by the Municipality which will be duplicative of the those provided through the implementation of the Lake County Florida Opioid Abatement Plan; and

Whereas, the Municipality and the County agree that combining the funds received through the City/County Fund with the funds received from the Regional Fund to implement the Lake County Florida Opioid Abatement Plan provides the greatest benefit to the citizens of the Municipality and the County.

NOW, THEREFORE, in consideration of the mutual covenants hereafter contained, the parties hereby agree as follows:

SECTION 1: RECITALS

The above recitals are true and correct and by reference incorporated herein.

SECTION 2: ASSIGNMENT OF FUNDS

The Municipality hereby assigns the funds to be received through the City/County Fund from the Opioid Litigation to the County to be used to implement the Lake County Florida Opioid Abatement Plan. The County agrees to accept the funds assigned by the Municipality and to use the funds to implement the Lake County Florida Abatement Plan.

IN WITNESS WHEREOF, the Parties, through their duly authorized representatives, have made and executed this Agreement on the date indicated below.

ATTEST:

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

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

Sean Parks, Chairman

This _____ day of _____, 20__.

Approved as to form and legality:

Melanie Marsh
County Attorney

CITY OF FRUITLAND PARK

Chris Cheshire, Mayor
City of Fruitland Park, Florida

This 8th day of December 2022

ATTEST:

Approved as to Form:

Esther Coulson, MMC, City Clerk

Anita Geraci-Carver, City Attorney

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

ITEM TITLE: Resolution 2022-070 AV Audio System – Control Freak Audio and Video Integration LLC

MEETING DATE: Thursday, December 8, 2022

DATE SUBMITTED: Thursday, November 3, 2022

SUBMITTED BY: City Attorney/City Manager/Parks and Recreation Director

BRIEF NARRATIVE: Resolution 2022-070 for the installation of an audio system to include speakers, main panel control system, microphones, amplifiers.

FUNDS REQUIRED: \$45,711.82 (20511-60636)

ATTACHMENTS: Proposed resolution and quotes.

RECOMMENDATION: Approve the recommendation from the CRA and staff.

ACTION: Adopt Resolution 2022-070.

RESOLUTION 2022-070

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CONTROL FREAK AUDIO & VIDEO INTEGRATION, LLC'S INVOICE NO. 1282 DATED OCTOBER 4, 2022 IN THE AMOUNT OF \$45,711.82 TO PURCHASE AND INSTALL AN AUDIO VISUAL SYSTEM MORE PARTICULARLY DESCRIBED IN THE INVOICE AT THE FRUITLAND PARK COMMUNITY CENTER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Community Center is utilized by the community for various events, including but not limited to receptions, comedy shows, programs, all of which draws people to the Community Redevelopment Agency of the City of Fruitland Park; and

WHEREAS, the City Commission desires to improve the audio visual system for the Community Center which includes speakers, main panel control system, microphones, and amplifiers; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds it is in the public's best interest to approve the proposal from Control Freak for these improvements.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Invoice No. 1282 dated October 4, 2022 in the amount of \$45,711.82 from Control Freak Audio & Video Integration, LLC, **a copy of which is attached hereto**, is approved.

Section 2. The city commission authorizes the mayor to initial and execute the agreement.

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

PASSED AND RESOLVED this ____ day of December 2022, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

Chris Cheshire, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

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

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

INVOICE

BILL TO

Michelle Yoder
Fruitland Park - Parks and
Recreation
205 W Berkman Street
Fruitland Park, FL 34731

SHIP TO

Michelle Yoder
Fruitland Park - Parks and
Recreation
205 W Berkman Street
Fruitland Park, FL 34731

INVOICE # 1282

DATE 10/04/2022

DUE DATE 11/03/2022

TERMS Net 30

SALESPERSON

Eric Machuca

TERMS

60% down 40% on completion

ROOM

Events Hall/ Ballroom

ACTIVITY	QTY	RATE	AMOUNT
CRESTRON RMC 4 4-Series™ Control System	1	770.00	770.00T
CRESTRON TSW-770W-S 7 in. Room Scheduling Touch Screen, White Smooth	1	970.00	970.00T
CRESTRON DSP-1281 Crestron Avia™ 12x8 Digital Signal Processor w/Dante®™	1	2,300.00	2,300.00T
NETGEAR GS724TV4 NETGEAR 24P GE SMART MANAGED PRO SWITCH	1	387.89	387.89T
AUTONOMIC AU-MMS-1E eSeries Music Streamer	1	749.00	749.00T
RDL DD-BN2ML Wall-Mounted Bi-Directional Line-Level and Bluetooth® Audio Dante Interface	1	653.98	653.98T
SHURE ULX-D4 H50 SINGLE DIGITAL WIRELESS RECEIVER WITH PS41US POWER SUPPLY, 1/2 WAVE ANTENNA AND RACK MOUNTING HARDWARE 1/2 WAVE ANTENNA AND RACK MOUNTING HARDWARE	2	1,040.00	2,080.00T
SHURE ULX-D2/B58 H50 ULX-D DIGITAL WIRELESS HANDHELD TRANSMITTER WITH BETA 58A® MICROPHONE / HANDHELD MIC COMPONENT	2	650.00	1,300.00T
SHURE ULX-D1 H50 DIGITAL WIRELESS BODYPACK TRANSMITTER WITH MINIATURE 4-PIN CONNECTOR H50 (534.000 – 597.925 MHZ)	2	525.00	1,050.00T
SHURE WL185 MICROFLEX® CARDIOID LAVALIER MICROPHONE	2	135.00	270.00T
SHURE UA221 PASSIVE ANTENNA SPLITTER/COMBINER KIT-INCLUDES 2 SPLITTER/COMBINERS, 4 COAXIAL CABLES, & HARDWARE	2	232.00	464.00T
SHURE UA BIAST IN-LINE ADAPTER. SUPPLIES 12V DC BIAS POWER OVER COAXIAL BNC CABLE, INCLUDES PS23US	2	125.00	250.00T
SHURE UA834WB	6	250.00	1,500.00T

ACTIVITY	QTY	RATE	AMOUNT
IN-LINE ANTENNA AMP FOR REMOTE MOUNTING / COMPENSATES FOR INSERTION LOSS IN COAX CABLE (470-902 MHZ)			
SHURE UA864 LOW PROFILE WALL- OR CEILING-MOUNTED WIDEBAND ANTENNA / WORKS WITH ULXD, UHFR, ULX, AND AXIENT	4	585.00	2,340.00T
SHURE UA8100 100' UHF REMOTE ANTENNA EXTENSION CABLE, BNC-BNC, RG213/U TYPE	4	358.00	1,432.00T
SHURE UA850 50' UHF REMOTE ANTENNA EXTENSION CABLE, BNC-BNC, RG8X/U TYPE, 50 OHM	2	146.00	292.00T
CROWN DCI 2/600 2CH POWER AMPLIFIER 600W @ 4OHM WITH BLU LINK, 70V 100V	1	1,995.00	1,995.00T
EPISODE ECA-70VMINI-60W 70V Digital Amplifier 60W x 1 Channel	1	500.00	500.00T
TANNOY CVS8 Tannoy CVS 8 Coaxial In-Ceiling Loudspeaker (Pair, 8", White)	11	500.00	5,500.00T
WATTBOX WB-800CH1U-IPVM-8 1U Integrated Faceplate IP Power Conditioner 8 Individually Metered and Controlled Outlets	1	849.95	849.95T
CYBER POWER CPS1220RM Basic PDU, 120V/15A, 12 Outlets, 15ft Power Cord, 1U Rackmount with surge protection	1	115.00	115.00T
STRONG SR-FS-SYSTEM-DC-27U Strong® FS Series Rack System with DC Fans	1	1,060.00	1,060.00T
MIDDLE ATLANTIC D4 Heavy-Duty Rack Drawer	1	290.00	290.00T
MIDDLE ATLANTIC LT-GN-PNL 1RU Space, Dual Gooseneck Light with Rackmount Panel	1	135.00	135.00T
MIDDLE ATLANTIC EB1-CP12 1 RU Blank Rack Panel, Steel & Flanged - 12 Piece Contractor Pack	1	135.00	135.00T
GENESIS 63612108 CAT 6 UTP CMP 1000' BLACK	2	499.00	998.00T
WEST PENN 25225B 1000' 1P 16G STRD UNSHLD PLENII	2	345.00	690.00T
WEST PENN 25291BBK1000 1000' 1P 20G STRD SHLD PLEN II	1	185.00	185.00T
Miscellaneous Cable, connectors and hardware	1	1,550.00	1,550.00T
Professional Installation Services Professional Installation Services - Installation of Event Hall/ Ballroom AV System - Phase 1	100	95.00	9,500.00
Professional Engineering /Drafting Professional Engineering and Drafting Services	20	125.00	2,500.00
Professional Programming Services Professional Programming Services	20	145.00	2,900.00

60% Deposit = \$27,493.09
40% Upon completion = \$18,328.73

SUBTOTAL 45,711.82
TAX (0%) 0.00
TOTAL 45,711.82

*All necessary high voltage electrical work to be done is the responsibility of the client and should be performed by a licensed electrician

BALANCE DUE

\$45,711.82

*Client is to provide an adequate scissor lift to complete the project. Any equipment rental is not reflected on the estimate and shall be added to the final invoice if necessary.

*Shipping not included. Any shipping cost incurred will be invoiced to the customer post delivery and installation.

PRICES SUBJECT TO CHANGE- PRICES BASED UPON TOTAL PURCHASE-GENERALLY ALL HARDWARE COMPONENTS PROPOSED ABOVE ARE COVERED BY A LIMITED ONE YEAR WARRANTY, COVERING PARTS AND LABOR. PROGRAMMING IS COVERED BY A NINETY DAY WARRANTY. WE SHALL NOT BE RELIABLE FOR ANY LOSS OF PROFITS, BUSINESS, GOODWILL, DATA, INTERRUPTION OF BUSINESS, NOR FOR INCIDENTAL OR CONSEQUENTIAL MERCHANTABILITY OR FITNESS OF PURPOSE, DAMAGES RELATED TO THIS AGREEMENT. MINIMUM 15% RESTOCKING FEE WITH THE ORIGINAL PACKAGING.

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

ITEM TITLE: Second Reading and Public Hearing – Ordinance 2022-025 – Boundary Amendment – CR 466-A, East of Oliver Lane and West of Micro Racetrack Road – Petitioner: T. D. Burke

MEETING DATE: December 8, 2022

DATE SUBMITTED: October 24, 2022

SUBMITTED BY: City Attorney/City Manager/Community Development Director

BRIEF NARRATIVE: Ordinance 2022-025 – Boundary Amendment – CR 466-A, East of Oliver Lane and West of Micro Racetrack Road – Petitioner: T. D. Burke

Owner, via the applicant Jose Kreutz of Luxury Leased Homes USA, LLC, is requesting annexation of 15± acres (alt key 3884325) to add to the existing Burke’s BBQ parcel (1699649) to allow construction of a mixed use 240 multi-family apartment complex. The subject project was approved at the November 3, 2022 Planning and Zoning Board meeting. (The first reading was held on November 10, 2022.)

FUNDS REQUIRED: None

ATTACHMENTS: Ordinance 2022-025, exhibit and affidavit.

RECOMMENDATION: Staff recommends approval of Ordinance 2022-025.

ACTION: Enact Ordinance 2022-025 to become effective immediately as provided by law.

ORDINANCE 2022-025

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 15.00 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466-A, EAST OF OLIVER LANE AND WEST OF MICRO RACETRACK ROAD; 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 SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by Luxury Leased Homes USA, LLC, as Applicant, on behalf of T.D. Burke, Owner, requesting that approximately 15.00 ± acres of real property generally located north of CR 466-A, east of Oliver Lane and west of Micro Racetrack Road (the "Property") be annexed to and made a part of the City of Fruitland Park; and

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

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

WHEREAS, the Planning and Zoning Board considered this ordinance at a public meeting; and

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

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

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

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

Section 2. The following described property consisting of approximately 15.00 acres of land generally located north of CR 466-A, east of Oliver Lane and west of Micro Racetrack Road, contiguous to the City limits, is hereby incorporated into and made part of the City of Fruitland Park Florida. The property is more particularly described as follows:

LEGAL DESCRIPTION: See attached Exhibit A.

Parcel Alternate Key No. 3884325
Parcel Id No. 06-19-24-0003-000-08500

Section 3. Upon this Ordinance becoming effective, the property annexed shall be subject to all laws, ordinances, and regulations enforced in the City of Fruitland Park, and shall be entitled to the same privileges and benefits as other parts of the City of Fruitland Park upon the effective

date of the annexation. Except that the property annexed in this Ordinance is subject to the Land Use Plan of the Lake County Comprehensive Plan and county zoning regulations until the City adopts the Comprehensive Plan Amendments to include the property annexed in the City Comprehensive Plan.

Section 4. The City Clerk shall forward a certified copy of this Ordinance to the Clerk of the Circuit Court, the County Manager of Lake County, Florida, and the Department of State of Florida within seven (7) days after its passage on second and final reading. It shall further be submitted to the Office of Economic and Demographic Research within 30 days of approval along with a statement specifying the population census effect and the affected land area. F.S. 171.091, Florida Statutes.

Section 5. Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

Section 6. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 7. All ordinances and parts of ordinances to the extent in conflict with this Ordinance are hereby repealed.

Section 8. This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2022.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

(SEAL)

ATTEST:

Esther Coulson, MMC, City Clerk

Approved as to Form:

Anita Geraci-Carver, City Attorney

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

Passed First Reading November 10, 2022
Passed Second Reading _____

EXHIBIT A
Legal Description

LEGAL DESCRIPTION- NORTH PARCEL

A PARCEL OF LAND LYING IN A PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND 4" X4" CONCRETE MONUMENT NO ID AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE NORTH 00°49'19" EAST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 1,326.69 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 89°07'47" EAST ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 1,327.37 FEET TO THE SOUTHWEST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE NORTH 00°51'56" EAST ALONG THE WEST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 41.38 FEET TO INTERSECT THE NORTH RIGHT OF WAY OF COUNTY ROAD 466-A (MILLER BOULEVARD) AS SHOWN ON THE LAKE COUNTY ROAD MAP BOOK 2, PAGE 118; THENCE CONTINUE NORTH 00°51'56" EAST, ALONG SAID LINE, FOR 300.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°51'56" EAST, ALONG SAID LINE, FOR 984.70 FEET TO THE NORTHWEST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 89°08'29" EAST ALONG THE NORTH LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 663.12 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 00°50'21" WEST ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 983.33 FEET; THENCE NORTH 89°15'33" WEST FOR 663.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 652,744 SQUARE FEET OR 14.9849 ACRES, MORE OR LESS.

The VillagesSM
DAILY SUN

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

Before the undersigned authority personally appeared **Joseph Szabo**, 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 #1091730 in the matter of

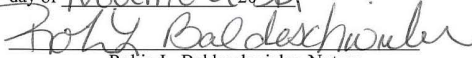
NOTICE OF PUBLIC HEARING
 was published in said newspaper in the issues of

**OCTOBER 26, 2022
 NOVEMBER 22, 2022**

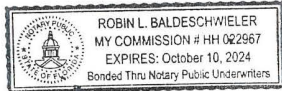
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, 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 29
 day of November 2022


 Robin L. Baldeschwieler, Notary

Personally Known or
 Production Identification _____
 Type of Identification Produced _____



**NOTICE OF
 PUBLIC HEARING**

ORDINANCE 2022-025

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 15.00 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466-A, EAST OF OLIVER LANE AND WEST OF MICRO RACETRACK ROAD; 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 SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2022-023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY RURAL TO CITY MULTI-FAMILY HIGH DENSITY ON 14.98 ± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND EAST 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.

ORDINANCE 2022-024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.56 ± ACRES OF PROPERTY FROM CITY OF FRUITLAND PARK C-2 AND LAKE COUNTY AGRICULTURE TO CITY OF FRUITLAND PARK MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK FOR RESIDENTIAL AND COMMERCIAL USE; 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.

RESOLUTION 2022-062

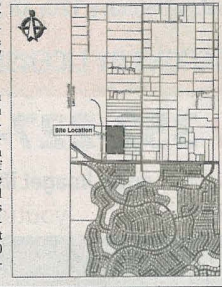
A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF UNITY OF TITLE UNIFYING AS AN INDIVISIBLE BUILDING SITE, TWO PROPERTIES LOCATED AT MICRO RACETRACK RD., FRUITLAND PARK, FLORIDA, OWNED BY FRUITLAND GROVE, LLC AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER AS ALTERNATE KEY NUMBER 1288151 AND ALTERNATE KEY NUMBER 1699665; PROVIDING FOR A DECLARATION OF UNITY OF TITLE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- Fruitland Park Planning & Zoning Board Meeting on November 3, 2022 at 6:00 p.m.
- Fruitland Park City Commission Hearing on November 10, 2022 at 6:00 p.m.
- Fruitland Park City Commission Hearing on December 8, 2022 at 6:00 p.m.

The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berkman Street, Fruitland Park FL 34731. These meetings are open to the public and hearings may be continued as determined by the P&Z Board and City Commission from time to time to a date certain. The proposed Ordinances/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 Ordinances/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.



The
 in O
 Tech
 On
 Lak

The first and c
 is customized
 cataract surg
 available in L
 only at Lake E
 Associates.

Call now and
 appointment
 are a candid
 Light Adjusta
 from RxSight-
 that can be c
 your lifestyle c

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

ITEM TITLE: Second Reading and Public Hearing - Ordinance 2022-023 SSCPA FLUP 14.98± Acres - North of CR 466A and East of Oliver Lane – Petitioner: T. D. Burke

MEETING DATE: December 8, 2022

DATE SUBMITTED: October 24, 2022

SUBMITTED BY: City Attorney/City Manager/Community Development Director

BRIEF NARRATIVE: Ordinance 2022-023 Small-Scale Comprehensive Plan Amendment to amend the future land use of approximately 14.98 ± acres located north of CR 466A, east of Oliver Lane and west of Micro Racetrack Road. The owner, via the applicant, Jose Kreutz of Luxury Leased Homes USA, LLC, is requesting a small-scale comprehensive plan amendment (SSCPA) of 14.98± acres; amending the future land use from Lake County Rural to Fruitland Park Multi-family High density. The applicant is proposing development of a 240 multi-family apartment complex. The annexation, comprehensive plan amendment, rezoning, and planned development applications were approved at the November 3, 2022 Planning and Zoning Board meeting. (The first reading was held on November 10, 2022.)

FUNDS REQUIRED: None

ATTACHMENTS: Ordinance, legal description, map and SSCPA Justification Narrative (See Item 5f for advertising affidavit.)

RECOMMENDATION: Staff recommends approval of Ordinance 2022-023.

ACTION: Enact Ordinance 2022-023 to become effective 31 days after adoption as provided by law.

ORDINANCE 2022-023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY RURAL TO CITY MULTI-FAMILY HIGH DENSITY ON 14.98 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND EAST OF OLIVER LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Luxury Leased Homes, applicant on behalf of T.D. Burke, as Owner, requesting that real property within the city limits of the City of Fruitland Park be assigned a land use designation of "Multi-Family High Density" under the Comprehensive Plan for the City of Fruitland Park; and

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

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

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

Section 1: The following described property consisting of approximately 14.98 ± acres generally located north of CR 466A and east of Oliver Lane as described and depicted as set forth on Exhibit "A" shall be assigned a land use designation of Multi-Family High Density under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "B" and incorporated herein by reference.

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

Section 3. Direction to the City Manager. Upon the effective date of this ordinance, the city manager is hereby authorized to amend the comprehensive plan and future land-use map as identified herein after compliance with F.S. 163.3187 and F.S. 163.3184(11).

Section 4: Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

Section 7. Adoption. After adoption, a copy hereof shall be forwarded to the Department of Economic Opportunity.

Section 8: This Ordinance shall become effective 31 days after its adoption by the City Commission. If this Ordinance is challenged within 30 days after its adoption, it may not become effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2022.

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

Passed First Reading November 10, 2022

Passed Second Reading _____

(SEAL)

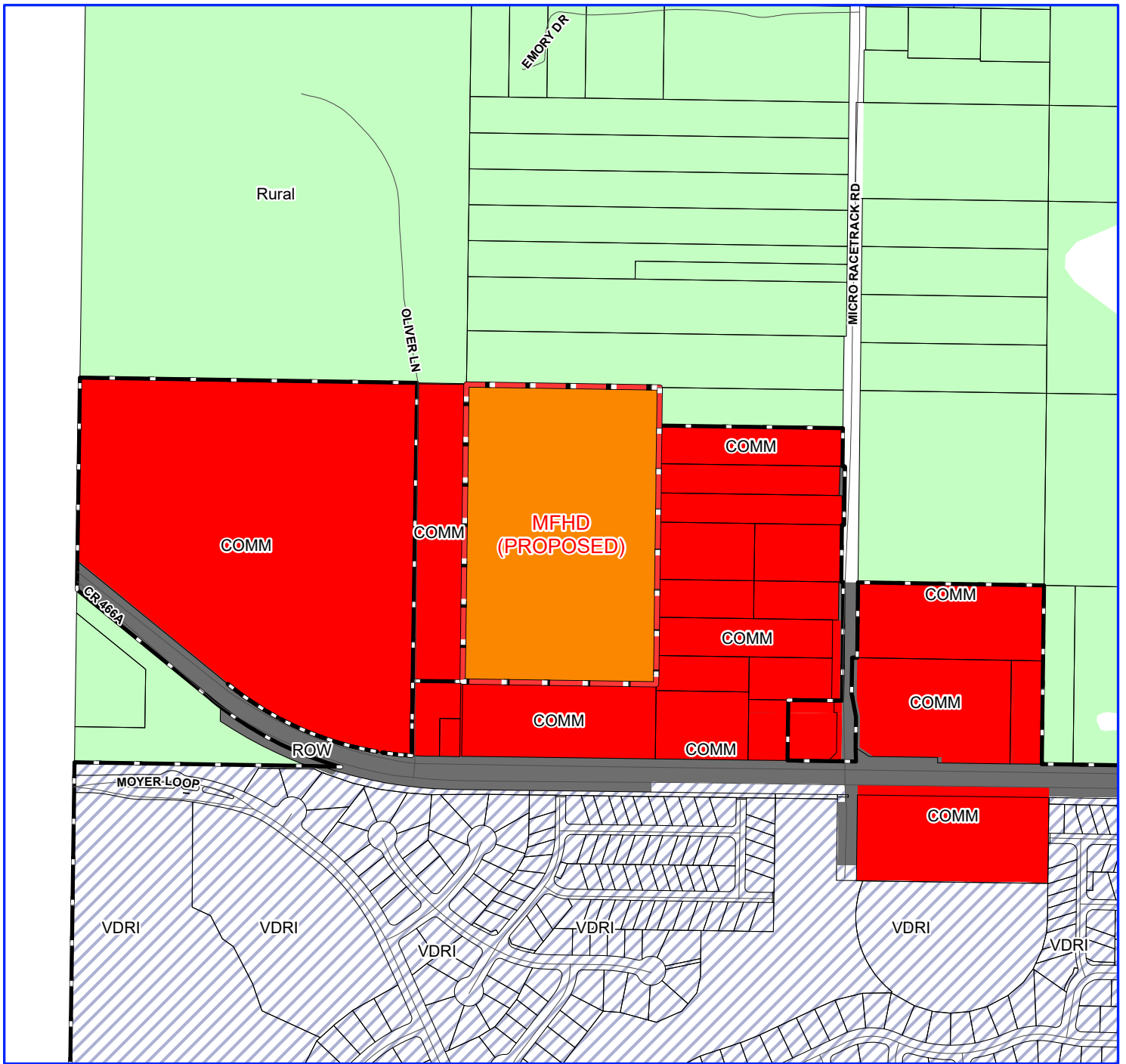
“EXHIBIT A”

A PARCEL OF LAND LYING IN A PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT A FOUND 4" X4" CONCRETE MONUMENT NO ID AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE NORTH 00°49'19" EAST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 1,326.69 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 89°07'47" EAST ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 1,327.37 FEET TO THE SOUTHWEST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE NORTH 00°51'56" EAST ALONG THE WEST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 41.38 FEET TO INTERSECT THE NORTH RIGHT OF WAY OF COUNTY ROAD 466-A (MILLER BOULEVARD) AS SHOWN ON THE LAKE COUNTY ROAD MAP BOOK 2, PAGE 118; THENCE CONTINUE NORTH 00°51'56" EAST, ALONG SAID LINE, FOR 300.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°51'56" EAST, ALONG SAID LINE, FOR 984.70 FEET TO THE NORTHWEST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 89°08'29" EAST ALONG THE NORTH LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 663.12 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 00°50'21" WEST ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 983.33 FEET; THENCE NORTH 89°15'33" WEST FOR 663.58 FEET TO THE POINT OF BEGINNING.

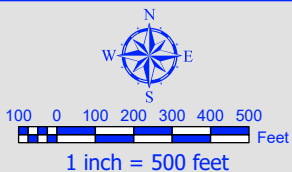
CONTAINING 652,744 SQUARE FEET OR 14.9849 ACRES, MORE OR LESS.

EXHIBIT B



Legend

- | | |
|---|--|
|  Site Boundary |  ROW, Transportation |
| Lake County Future Land Use |  VDRI, The Villages of Fruitland Park DRI |
|  Rural |  MFHD, Multiple Family/High Density |
| City of Fruitland Park Future Land Use |  COMM, Commercial |



City of Fruitland Park
The Hawthornes
 Lake County, Florida
Proposed Future Land Use Map

Project: 398-21-14
 File: The Hawthornes FLU
 Name: The Hawthornes
 PM: Sherie Lindh
 Date: October 5, 2022
 Created By: J. Wilson





The Hawthorns at Fruitland Park Small Scale Comprehensive Plan Map Amendment Justification Narrative

Subject Real Estate: The Project consist of two (2) parcels which combine for 19.58 acres:

- Alt Key 1699649 (the “South Parcel”) is located within the City of Fruitland Park, and shall retain the Commercial High Intensity FLU.
- Alt Key 3884325 (the “North Parcel”) is located in unincorporated Lake County, however if approved, shall be annexed into the City of Fruitland Park and this SCCPA assigns a Multi-Family High Density Residential FLU.

Applicant’s Request

The applicant, **LUXURY LEASED HOMES**, is filing for a Small-Scale Comprehensive Plan Amendment for the North Parcel (Alt Key 3884325) which would change the Future Land Use from Rural to Multi-Family High Density Residential Future Land Use. The South Parcel (Alt Key 1699649) is not a part of the SCCPA request, as the existing Commercial High Intensity FLU shall remain in effect.

Applicant requests a concurrent rezoning amendment to a Mixed Use PUD, which includes both the South and North Parcels, in order to construct a community which will offer traditional commercial uses along CR 466A, in the form of commercial buildings, and a proposed residential development consisting of multi-family apartment homes in a rental community providing a need within the City of Fruitland Park. The change in land use will allow a large density of residences for the City which may reduce the need to commute to adjacent municipalities for housing and/or employment and therefore capture the population base within the community boundaries.

The proposed amendment is not inconsistent with the goals, objectives, and policies of the comprehensive plan. The Comprehensive Plan Future Land Use Policy 1-1.7 Multi-Family High Density Residential allows the proposed residential use with a density not to exceed 15 units per acres, however the developer proposes a voluntary density not to exceed 240 apartment homes across the 19.58 acres. The Comprehensive Plan Table 1-1 indicates there is 204.98 acres of vacant Multi-Family High Density remaining. This request is within the allowable range of available land for this future land use.

The Applicant’s proposal to provide commercial uses along the CR 466A frontage maintains the commercial integrity of the corridor, a stated priority in Fruitland Park.

Compatibility with Adjacent Uses

To our West, the adjacent properties have a Commercial and Rural Future Land Use designations. A 140,000 Sq. ft. retail project (The Commons) has been approved.

333 North Alabama Street, Suite 350
Indianapolis, IN 46204
P: 317-677-7125



To our South exists the Villages of Fruitland, an age-restricted residential community of a housing density and home sizes similar to our proposed project.

To our East, the properties are designated Commercial.

The properties to the north are located within the unincorporated Lake County limits and have a Rural Future Land Use designation. The properties consist of 3- to 5-acre homesteads, accessible off Micro Racetrack Road. Applicant contends that its mixed-use project provides a transitional use between the high intensity retail project The Commons and proposes 35' deep landscaped buffer yards to mitigate the impact of the change in zoning. It is noteworthy that no existing homes are located within 500' of the Hawthorns.

The City of Fruitland Park encourages a mix of housing types and styles that provide residents with affordable housing choices that can accommodate changes in lifestyle. This development will provide workforce housing and add to the of housing options. The City's projects a demand for 5,460 housing units by 2035 with the established Future Land Use Map having sufficient vacant capacity to accommodate 8,371 housing units.

The proposed amendment should not be considered urban sprawl or exemplify an energy inefficient land use pattern. The proposed development is located within the City limits of The City of Fruitland Park along with the annexation request for the northern 15.00± acres, with public utilities available to the property.

The proposed amendment will not have an adverse effect on environmentally sensitive systems as the only wetlands identified on the property are part of the water detention system previously constructed as part of the "Burke's BBQ" restaurant. Six (6) gopher tortoise burrows were the only protected species of wildlife observed on the property and will be permitted through the proper agencies. A 100% survey will be completed within 90-days of a construction start. Attached is ecological and wildlife report conducted by Modica and Associates, as well as a follow-up note dated 3/7/22.

According to the FEMA Flood Map 12069C0305E, the property is located within Zone X, which indicates the property is in an area of minimal flood hazard.

Transportation – The Transportation Element of the Comprehensive Plan identifies CR 466A as being within the jurisdiction of Lake County as an arterial for the City of Fruitland Park.

A Traffic Impact Analysis conducted by Traffic Impact Group, LLC dated August 16, 2022 states the development proposes to generate 28 entering trips and 90 exiting trips in the AM peak hour and 100 entering and 66 exiting trips in the PM peak hour are attributed to the development. CR 466A analysis indicates the roadway segment is projected to continue to operate at an acceptable level of service. A right turn lane, along west-bound CR 466A, will be provided, which meets Lake County criteria.



Therefore, the report notes the development does not cause a capacity deficiency on the adjacent roadway and it is expected to continue to operate in acceptable level of service.

Potable Water & Sewer – The Comprehensive Plan Objectives 4-10 and 4-2 for water and sewer specify Goals and Policies for adherence for development connection to City of Fruitland Park public utilities. This development is currently served by well and septic facilities. There is an existing wastewater line running along CR 466A in front of the parcel which may be utilized to provide service to the development. However, the closest water facility is located to the east at the intersection of CR 466A and Micro Racetrack Road. Reclaimed water is not currently available for irrigation, however, current regulations require a dry line be installed for this service when it becomes available.

The estimated usage for the residential portion is calculated as follows:

240 Multi-Family Homes at a 0.75 Per Unit Factor = 180 ERU's
180 ERU's x 300 gpd (water) = 54,000 gpd total water increase for the development
180 ERU's x 250 gpd (sewer) = 45,000 gpd total wastewater increase for the development

Solid Waste – Objective 4-6 of the Comprehensive Plan outlines the City's Solid Waste policies. The City's Solid Waste is currently collected by a contracted carrier for curbside pickup on a weekly schedule. We anticipate the development to produce approximately:

240 dwelling units x 2.76 persons per unit = 663 persons
663 persons x 7 pounds/day = 4,637 pounds per day

The Public School Facilities Element (Chapter 10) – The proposed development will add up to 240 residential dwelling units to the City of Fruitland Park thus increasing the potential number of students in the nearby elementary, middle and high schools. The potential impact to the local school system is projected, by Lake County Schools, follows:

- Seventy-Two (72) students, based on an estimate of 255 new homes

A "School Concurrency Application & Service Provider" was submitted to Lake County Schools by the Applicant. On 2/16/22, Ms. Helen Lavalley of the Lake County School District issued a School Concurrency Capacity Reservation (attached) noting that **"The Analysis performed indicates the level of service standards for each school level will not be exceeded by the students generated from this residential development."**

Stormwater – The development will meet the City's code requirements and obtain permits from the St. Johns River Water Management District at the development approval/site plan approval review application in accordance with Policies put forth in Goal 4A. A copy of the approved permit will be supplied to the City.



Recreation and Open Space – The residential development is proposing to provide onsite amenities to provide recreational services and proper open space for their residents. A clubhouse with swimming pool, 24-hour fitness, coffee bar, pickle ball court, tot lot and dog park will be included.

The proposed plan amendment will not adversely affect transportation, potable water, sewer, schools or other public facilities without providing remedies to correct the system or facility as noted by the information provided above. The proposed plan amendment is consistent with and generally furthers the State Comprehensive Plan.

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

ITEM TITLE: Second Reading and Public Hearing – Ordinance
2022-024 Rezoning/MUPUD 19.56 ± Acres
– 305 CR 466A - MDA - Petitioner: T. D. Burke

MEETING DATE: December 8, 2022

DATE SUBMITTED: October 24, 2022

SUBMITTED BY: City Attorney/City Manager/Community Development
Director

BRIEF NARRATIVE: Ordinance 2022-024 Rezoning/MUPUD 19.56 ± acres from C-2 and Lake County Agriculture to City of Fruitland Park Mixed-Use Planned Unit Development; properties located north of CR 466A at 305 CR 466-A approving a master development agreement for said property. Petitioner: T.D. Burke Owner, via the applicant, Jose Kreutz of Luxury Leased Homes USA, LLC, is requesting rezoning from C-2 and Lake County Agriculture to a Mixed Use Planned Development to allow for residential and commercial use/development. Development applications for annexation, small scale comp plan amendment, rezoning/MUPUD was approved at the November 3, 2022 Planning and Zoning Board meeting. (The first reading was held on November 10, 2022.)

FUNDS REQUIRED: None

ATTACHMENTS: Ordinance 2022-024, legal description, maps, master development agreement, exhibits, and school concurrency. (See Agenda Item 5f. for affidavit).

RECOMMENDATION: Staff recommends approval of Ordinance 2022-024.

ACTION: Enact Ordinance 2022-024 to become effective immediately as provided by law.

ORDINANCE 2022-024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.56 ± ACRES OF PROPERTY FROM CITY OF FRUITLAND PARK C-2 AND LAKE COUNTY AGRICULTURE TO CITY OF FRUITLAND PARK MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK FOR RESIDENTIAL AND COMMERCIAL USE; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by Luxury Leased Homes, applicant on behalf of T. D. Burke, Owner, requesting that approximately 19.56 +/-acres of real property located north of CR-466A at 305 CR 466-A (the "Property") be rezoned from City of Fruitland Park C-2 and Lake County Agriculture to Mixed Use Planned Unit Development (MPUD) within the city limits of Fruitland Park; and

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

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

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

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

Section 1. The following described property consisting of approximately 19.56 ± acres of land generally located north of CR 466-A and located at 305 CR 466-A shall hereafter be designated as MPUD, Mixed Use Planned Unit Development, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described as set forth on **Exhibit "A"** and depicted on the map attached hereto as **Exhibit "B"**. The Property shall hereafter be developed according to Master Development Agreement attached hereto as **Exhibit "C"**, which includes, but is not limited to, the concept plans attached to the Master Development Agreement. An amendment to the Master Development Agreement shall not require an amendment to this MPUD zoning ordinance.

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

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

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

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

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

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2022.

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

Passed First Reading November 10, 2022
Passed Second Reading _____

(SEAL)

EXHIBIT "A"
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN A PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A FOUND 4" X4" CONCRETE MONUMENT NO ID AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE NORTH 00°49'19" EAST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 1,326.69 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 89°07'47" EAST ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 1,327.37 FEET TO THE SOUTHWEST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE NORTH 00°51'56" EAST ALONG THE WEST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 41.38 FEET TO INTERSECT THE NORTH RIGHT OF WAY OF COUNTY ROAD 466-A (MILLER BOULEVARD) AS SHOWN ON THE LAKE COUNTY ROAD MAP BOOK 2, PAGE 118 AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°51'56" EAST, ALONG SAID LINE FOR 300.30 FEET TO THE SOUTHWEST CORNER OF THE NORTH PARCEL; THENCE CONTINUE NORTH 00°51'56" EAST, ALONG SAID LINE, FOR 984.70 FEET TO THE NORTHWEST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 89°08'29" EAST ALONG THE NORTH LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 663.12 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 00°50'21" WEST ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 FOR 983.33 FEET TO THE SOUTHEAST CORNER OF THE NORTH PARCEL; THENCE SOUTH 00°50'21" WEST ALONG SAID EAST LINE FOR 300.30 FEET TO INTERSECTION WITH THE AFORESAID NORTH RIGHT OF WAY OF COUNTY ROAD 466-A (MILLER BOULEVARD) (SAID POINT BEING NORTH 00°50'21"E 42.88 FEET FROM THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6) ; THENCE NORTH 89°15'33" WEST ALONG SAID NORTH RIGHT OF WAY FOR 663.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 852,037 SQUARE FEET OR 19.5601 ACRES, MORE OR LESS.

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

MASTER DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into and made as of the ____th day of _____, 2022, between the **CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation**, (hereinafter referred to as the “City”), and **T.D. BURKE** (hereinafter referred to as the “Owner”).

RECITALS

1. The Owner desires to rezone approximately 19.56 ± acres of property within the City of Fruitland Park, described and depicted as set forth on **Exhibit “A”** attached to and incorporated in this Agreement (hereafter referred to as the “Property”).
2. The Property is currently located within the City of Fruitland Park and is currently zoned Lake County Agriculture and City General Commercial (C-2) with a future land use designation on the City of Fruitland Park Future Land Use Map of “Commercial High Intensity” and “Multi-Family High Density.”
3. Owner has filed applications for rezoning for the Property as a Mixed Use Planned Unit Development.
4. Owner represents that it is the sole legal owner of the Property and that it has the full power and authority to make, deliver, enter into, and perform pursuant to the terms and conditions of this Agreement and has taken all necessary action to authorize the execution, delivery, and performance of the terms and conditions of this Agreement.
5. The City of Fruitland Park has determined that the rezoning of the Property and the proposal for its development presents, among other things, an opportunity for the City to secure quality planning and growth, protection of the environment, and a strengthened and revitalized tax base.
6. Owner will fund certain public improvements and infrastructure to facilitate the development of the Property.
7. The Property is within the City’s Chapter 180, Florida Statutes, utility district, and Owner has requested and City desires to provide water and sewer as well as other municipal services to the Property.

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

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

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

Section 2. Conditions Precedent. Owner has filed an application for rezoning for the Property. It is understood and agreed to by the City and the Owner that this Agreement shall not be binding or enforceable as to any party unless and until: a) the City duly adopts the Agreement and adopts an ordinance rezoning the Property. The parties hereto understand and acknowledge that the City is in no way bound to rezone the Property. The City shall have the full and complete right to approve or deny the application for rezoning.

Section 3. Land Use/Development. Development of the Property shall be substantially consistent with the "PUD Conceptual Plan" prepared by Upham, Inc., dated October 13, 2022, and attached as **Composite Exhibit "B"** (which may be referred to as the "Plan" or the "PUD Master Plan" or "Development Plan"). The project shall be developed in accordance with the Permitted Uses set forth below. All development shall be consistent with City's "PUD" (Planned Unit Development) zoning district and, subject to City approval. As set forth further below, all land use issues addressed herein must be adopted by City through its regular procedures before being effective.

Section 4. Permitted Uses. Permitted Uses shall include:

- a. Multi-family apartments not to exceed 240 units.
- b. Recreation amenities.
- c. Day Care Center
- d. Bank
- e. Bars and Lounges
- f. Health and Exercise clubs
- g. Hotel
- h. Medical Office/Clinic
- i. Offices
- j. Restaurants
- k. Veterinary Clinic
- l. Retail Sales and Services

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

- a. Maximum Impervious Surface Ratio (ISR) 70%
- b. Minimum Open Space 25%, which may include all buffers, recreation and other pervious area not located within platted road right of way.
- c. Maximum Building Height of 45', measured to the mean height of hip or gabled roofs.
- d. Minimum distance between multi-family buildings shall be thirty-five feet (35') measured from building wall to building wall.
- e. Interior buildings shall have a setback of ten feet (10') from the edge of pavement (travel lane).
- f. Minimum Setback requirements, as measured from the PUD perimeter property lines shall be:

- i. North: Twenty-five feet (25')
 - ii. South: Fifty feet (50') from the right of way of CR 466-A
 - iii. East: Twenty-five feet (25')
 - iv. West: Twenty-five feet (25')
- g. Open space shall not be less than twenty-five (25) percent of the total property area. Stormwater ponds may not be included as open space unless designed as an amenity.
- h. Parking: The Owner will be required to meet the parking requirements of the Fruitland Park Land Development Regulations.
- i. Type "C" Landscape buffers of twenty-five feet (25') shall be provided along the PUD perimeter property boundaries.

Section 6. Commercial Design Standards.

All non-residential development shall meet the design standards of Chapter 154, Section 154.050 through Section 154.070 (inclusive).

Section 7. Multi-Family Design Standards. Design Standards shall be as follows:

- a. Multi-family development shall meet the R-15 MFHDR zoning development standards.
- b. Architectural features - All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the multi-family units. Front doors shall incorporate the following decorative elements: raised decorative panels, decorative glass panels or panes, decorative handles, etc. Designs may vary throughout the development.
 - 1) Dormers
 - 2) Gables
 - 3) Recessed or raised entries
 - 4) Covered porch entries
 - 5) Cupolas
 - 6) Pillars or decorative posts
 - 7) Bay window (minimum 12 inch projections)
 - 8) Eaves (minimum 6-inch projections)
 - 9) Front windows with arched glass tops and minimum 4-inch trim
 - 10) Metal roofs
 - 11) Decorative Corbels and Brackets
- c. Building Materials - Exterior building materials contribute significantly to the visual impact of a building on the community. These materials shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:

- i. The exterior wall area may be any type of lap siding and/or stucco, including a “cementitious” lap siding. (A “cementitious” lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option.) The exterior may include full width or cast brick or stone.
 - ii. All textured stucco, provided there are unique design features such as recessed garages, tile or metal roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Community Development Director for compliance.
- c. Details, such as, brackets, corbels, decorative panels, may be made from alternative materials, such foam with a hard shell finish.
- d. Buildings shall have landscape areas planted with trees, shrubs or groundcovers, other than sod, around the building as follows:
 - i. Building Perimeter landscaping. A minimum three (3) foot wide landscape area, with an average of five (5) feet or more, around a minimum of forty (40) percent of the total building perimeter and within twenty-five (25) feet of the building walls.
 - ii. *Minimum planting requirement.* One (1) canopy tree or three (3) understory trees, and twenty-eight (28) shrubs shall be required for every three hundred and fifty (350) feet of planting area in c. 1) above. Trees installed for any other requirement of this subsection c. may be credited towards this requirement if in the required location.

Section 8. Development Phasing. The proposed project may be constructed in phases in accordance with the Planned Unit Development Master Plan (attached as part of these conditions). Changes to the Planned Unit Development Master Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process. If such changes are consistent with this Master Development Agreement, the amendment to the Planned Unit Development Master Plan will be processed as a Minor Development under LDC section 160.040.

Section 9. Site Access and Transportation Improvements. Vehicular access to the project site shall be provided by a minimum of one access point on CR 466-A. The access points shall be reviewed during the development review process.

- a. The Owner shall provide all necessary improvements within and adjacent to the development as required by Lake County and City of Fruitland Park.
- b. All roads within the development shall be designed and constructed by the developer to meet the City of Fruitland Park requirements. Drive aisles within parking areas shall not be required to be constructed to City street standards.
- c. Sidewalks shall be provided on both sides of the local internal roads and shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall be of sufficient width to contain the sidewalks. All sidewalks shall be constructed in accordance with City of Fruitland Park Codes.
- d. The City of Fruitland Park will not be responsible for the maintenance or repair of any of the roads or transportation improvements. The Owner shall establish an

appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements, inclusive of all sidewalks.

- e. A traffic/transportation study shall be submitted prior to preliminary plan approval for review and determination of any necessary access improvements if required by Lake County. Said improvements will be the responsibility of the Owner.
- f. At such time that traffic signals are warranted at the proposed project entrance, the Owner shall pay their pro rata share of the cost of the signal(s) as determined by Lake County or the City.

Section 10. Lighting. All exterior lighting shall be arranged to reflect light away from adjacent properties to the greatest extent possible while providing lighting adequate to ensure safety on road right of way and parking areas.

Section 11. Water, Wastewater, and Reuse Water. Subject to the terms herein, Owner and their successors and assigns agree to obtain water, reuse water, irrigation water, and wastewater service (hereafter, "Utilities") exclusively through purchase from City. Owner covenants and warrants to City that it will not engage in the business of providing such Utilities to the Property or within City's F.S. Chapter 180 utility district. Notwithstanding the foregoing, private wells for irrigation purposes will be allowed within the Property so long as such wells are approved and permitted by the St. Johns River Water Management District (the "District") and comply with the rules and regulations of the District. Owner shall construct, at Owner's expense, all on-site utility facilities (e.g. lift stations and lines) as well as pay for the extension of facilities from City's current point of connection. Owner shall also construct, at Owner's expense, "dry" utility lines for reclaimed water purposes. Except as otherwise provided herein, all such improvements must be constructed to City requirements and transferred to City as a contribution in aid of construction. Owner shall own and maintain all onsite water and wastewater improvements including any lift station(s) up to the point of connection at the property line for the wastewater improvements and up to the point of connection to the City water meter for the water utility improvements. Owner shall, at its expense, install fire hydrant(s) and extend utility line(s) as required by the Settlement Agreement entered into between the City of Fruitland Park and Owner in Lake County Case No. 2019-CA-001894.

Section 12. Impact Fees. Owner shall be required to pay impact fees as established by City from time to time, including water and wastewater impact fees. The amount to be paid shall be the adopted impact fee rate at the time the building permit is issued. Owner agrees to pay all impact fees and any impact fees adopted after the execution of this Agreement as building permits are issued. If impact fees increase from the time they are paid until the building permit is issued, Owner shall pay the incremental increased amount at the time building permits are issued.

Prepayment of utility impact fees and acceptance by City of such fees shall reserve capacity. No capacity is reserved until or unless such fees have been paid pursuant to an agreement with City. Owner agrees and understands that no capacity has been reserved and that Owner assumes the risk that capacity will be available. Accordingly, if capacity is available at the time of site plan and City is willing to allocate such capacity to Owner, Owner shall enter into a reservation agreement and any other utility agreements or easements related to the Property as requested by City from time to time.

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

Section 14. Landscaping/Buffers. Developer has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner shall install and maintain a twenty-five foot (25') landscape buffer along the PUD perimeter property boundaries. All landscaping and tree protection shall comply with Chapter 164 of the City of Fruitland Park Land Development Regulations.

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

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

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

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

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

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

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

Section 19. Title Opinion. Owner shall provide to City, in advance of the City's execution of this Agreement, a title opinion of an attorney licensed in the State of Florida, or a certification by an abstractor or title company authorized to do business in the State of Florida, showing marketable title to

the Property to be in the name of the Owner and showing all liens, mortgages, and other encumbrances not satisfied or released of record.

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

Section 21. Due Diligence.

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

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

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

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

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

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

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

As to City:	City Manager City of Fruitland Park
-------------	--

	506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone
Copy to:	Chris Cheshire, City Mayor City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone Anita Geraci-Carver Law Office of Anita Geraci-Carver, P.A. 1560 Bloxam Avenue Clermont, Florida 34711 352-243-2801 Telephone 352-243-2768 Facsimile
As to Owner:	T.D. Burke P.O. Box 816 Fruitland Park, FL 34731-0816
Copy to:	Jose Kreutz Luxury Leased Homes USA, LLC 333 N. Alabama Street, Suite 350 Indianapolis, IN 46204

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

Section 29. Term of Agreement. The term of this Agreement shall commence on the date this Agreement is executed by both the City and Owner, or the effective date of the annexation of the Property, whichever occurs later, and shall terminate twenty (20) years thereafter; provided, however, that the term of this Agreement may be extended by mutual consent of the City and the Owner, subject to a public hearing.

Section 30. Amendment. Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 31. Severability. If any part of this Developer’s Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not effect the other parts of this Developer’s Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be effected. To that end, this Developer’s Agreement is declared severable.

IN WITNESS WHEREOF, the Owner and the City have executed this Agreement as of the day and year first above written.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

OWNER:

Witness Signature

T.D. Burke

Print Name

Witness Signature

Print Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by [] physical presence or [] online notarization this ____ day of _____ by T.D. Burke, who is personally known to me or who have produced _____ as identification.

Notary Public
Notary Public - State of Florida
Commission No _____
My Commission Expires _____

ACCEPTED BY THE CITY OF FRUITLAND PARK

Approved as to form and
Legality for use and reliance
by the City of Fruitland Park

By: _____
Chris Cheshire, Mayor

Date: _____

Anita Geraci-Carver
City Attorney

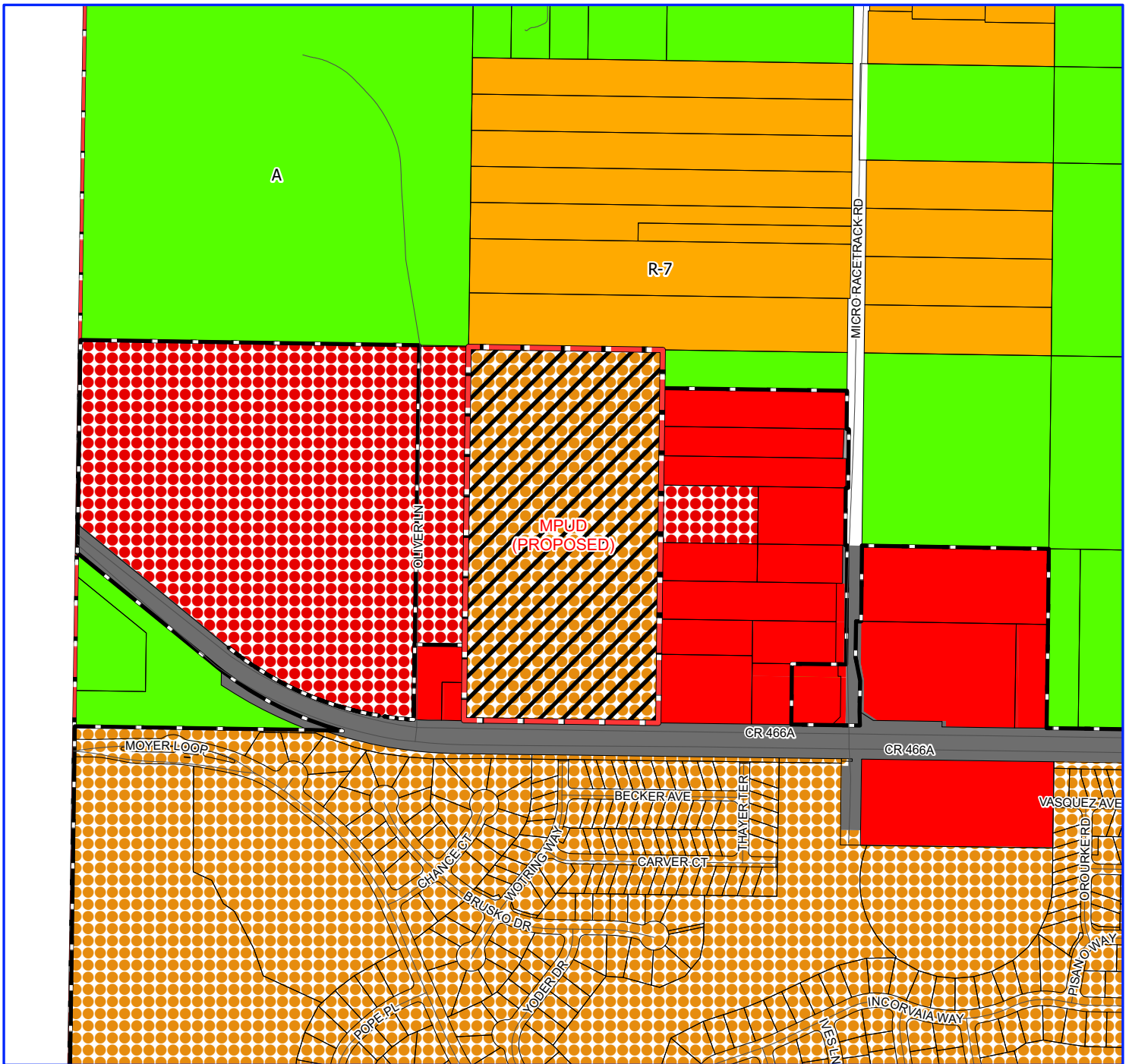
ATTEST: _____
Esther B. Coulson
City Clerk

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by physical present or online notarization this _____ day of _____ by Chris Cheshire, Mayor of the City of Fruitland Park, a Florida municipal corporation on behalf of the corporation and Esther B. Coulson, City Clerk of the City of Fruitland Park, Florida, on behalf of the corporation, who are personally known to be me or produced _____ as identification.

Notary Public
Notary Public - State of Florida
Commission No _____

My Commission Expires _____



Legend

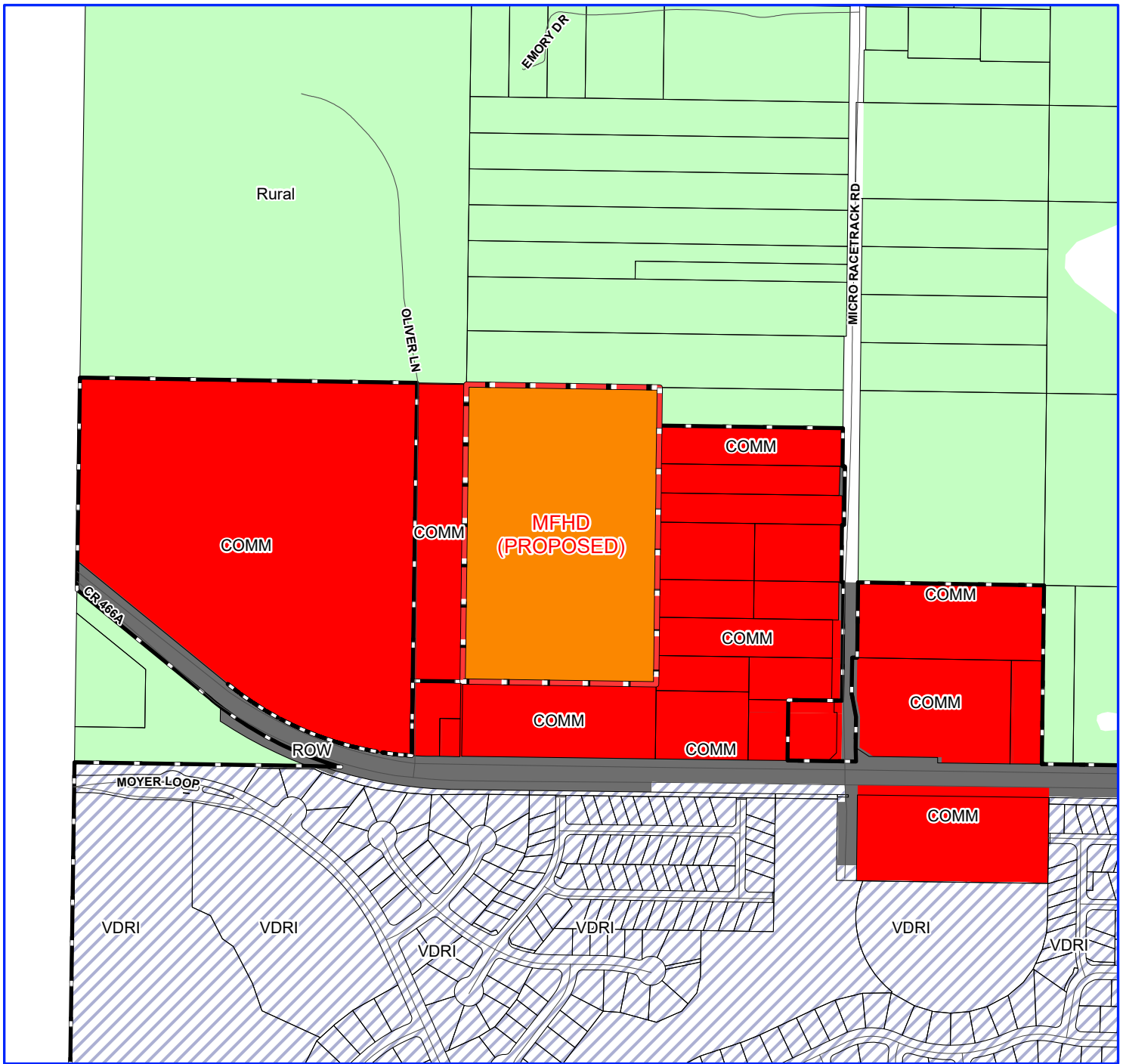
Site Boundary	PUD, Planned Unit Development
Lake County Zoning	CPUD, Commercial Planned Unit Development District
Agriculture	ROW, Right-of-Way
Residential	MPUD, Mixed Use PUD
City of Fruitland Park Zoning	
C-2, General Commercial	

1 inch = 500 feet


**City of Fruitland Park
The Hawthornes**
Lake County, Florida
Proposed Zoning Map

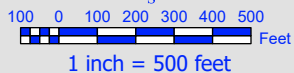
Project: 398-21-14
File: Proposed Zoning
Name: The Hawthornes
PM: Sherie Lindh
Date: October 6, 2022
Created By: J. Wilson

LPG Urban & Regional Planners, Inc.
1162 Camp Avenue, Mount Dora, Florida 32757
Office: (352) 385-1940 / Fax: (352) 383-4824



Legend

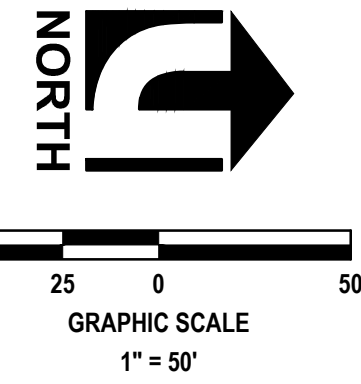
- | | |
|--|--|
|  Site Boundary |  ROW, Transportation |
| Lake County Future Land Use |  VDRI, The Villages of Fruitland Park DRI |
|  Rural |  MFHD, Multiple Family/High Density |
| City of Fruitland Park Future Land Use | |
|  COMM, Commercial | |



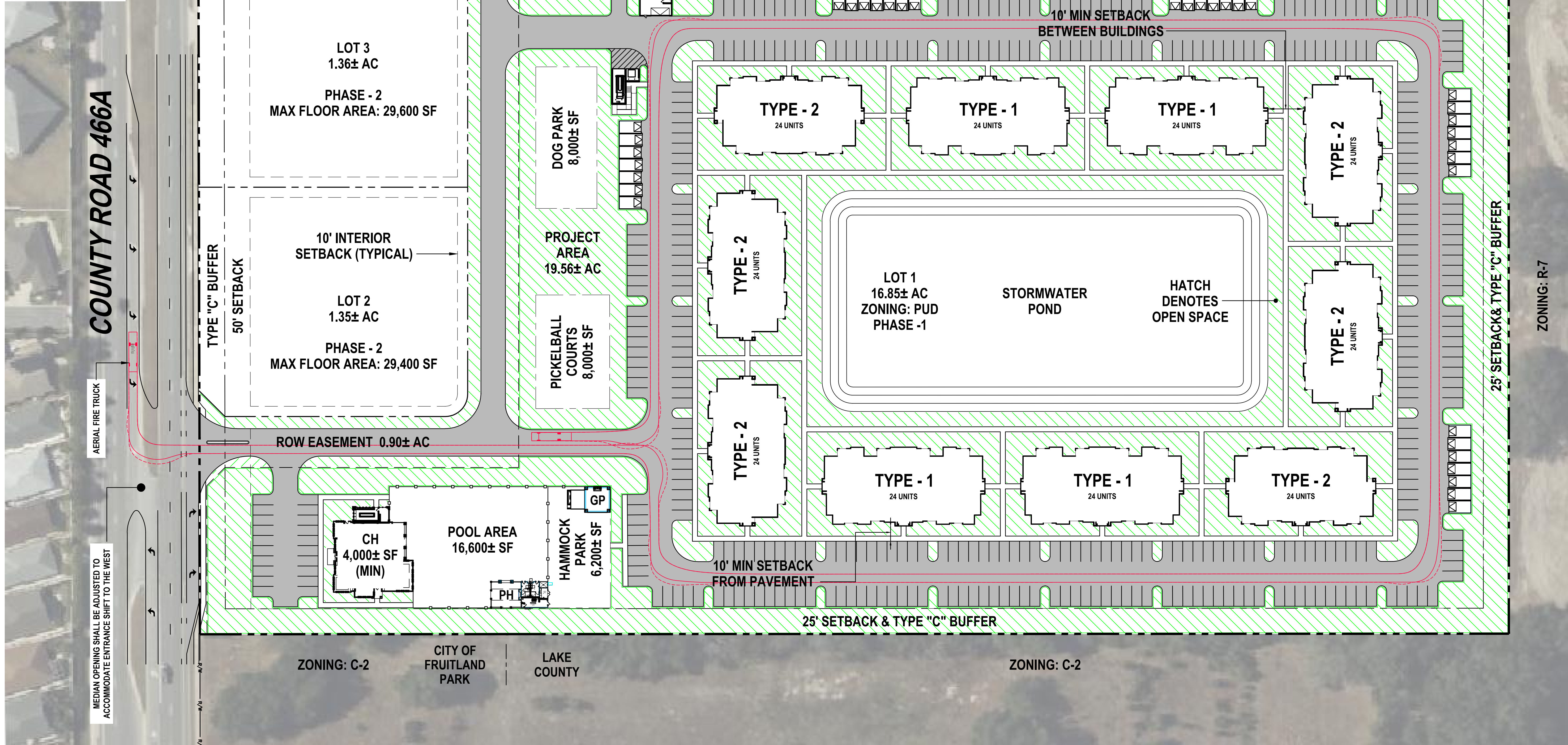
**City of Fruitland Park
The Hawthornes
Lake County, Florida
Proposed Future Land Use Map**

Project: 398-21-14
File: The Hawthornes FLU
Name: The Hawthornes
PM: Sherie Lindh
Date: October 5, 2022
Created By: J. Wilson





NOTE:
BUILDINGS OR STRUCTURES LOCATED IN THE COMMERCIAL HIGH INTENSITY FLU WILL ADHERE TO THE CITY'S NON-RESIDENTIAL DESIGN CRITERIA



PAVING LEGEND:

- ASPHALT PAVEMENT
- 1.5" SUPERPAVE FDOT SP-9.5, PER FDOT - SSRBC, SECTION 234
- 6" LIMEROCK BASE (LBR 100) MIN OF 98% MOD. PROCTOR MAX DRY DENSITY PER FDOT - SSRBC, SECTION 200 & 230 & SECTION 911 LATEST VERSION ALTERNATIVELY, CRUSH CONCRETE OF EQUAL THICKNESS. GRADATION SHOULD MEET FDOT SSRBC, SECTION 334-5.2.4
- 12" STABILIZED SUBGRADE (LBR 40) PER FDOT - SSRBC, SECTION 160, PAGE 196 (TYPE B) AND COMPACTED TO 98% (MIN) MOD. PROCTOR MAX DRY DENSITY PER AASHTO T-180 (SEE DETAIL ON SHEET C410)

REVISIONS

DATE	DESCRIPTION

NOT VALID UNLESS SIGNED AND DATED

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY ROGER W. STROULA, PE ON THE DATE ADJACENT TO THE SEAL PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

LUPHAM INC.
 CIVIL ENGINEERING-SURVEYING-LANDSCAPE ARCHITECTURE
 265 Kenilworth Avenue • Ormond Beach • Florida 32174
 Voice: 386.672.9515 • Fax: 386.673.6554 • luphaminc.com
 LE # 0003612 LC # 0000357

THIS DRAWING IS THE PROPERTY OF LUPHAM, INC. ANY USE OR REPRODUCTION IN WHOLE OR PART IS PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF LUPHAM, INC. COPYRIGHT 2022 ALL RIGHTS RESERVED.



CONCEPTUAL SITE PLAN
 COUNTY ROAD 466A
 FRUITLAND PARK

PROJECT No: 220802
 DATE: NOVEMBER 15, 2022
 DESIGN BY: RWS
 DRAWN BY: JMB
 CHECKED BY: RWS
 SCALE: 1" = 50'
 SHEET NUMBER: **2**



Superintendent:
Diane S. Kornegay, M.Ed.

School Board Members:
District 1
Bill Mathias
District 2
Tyler Brandenburg
District 3
Marc Dodd
District 4
Mollie Cunningham
District 5
Stephanie Luke

201 West Burleigh Boulevard · Tavares · FL 32778-2496
(352) 253-6500 · Fax: (352) 253-6503 · www.lake.k12.fl.us

August 23, 2022

Mr. Jose Kreutz
Luxury Leased Homes USA
333 N. Alabama Street, #350
Indianapolis, IN 46204

**RE: The Hawthorns at Fruitland Park – City of Fruitland Park
School Concurrency Capacity Reservation Amendment (Case#LCS2022-06A)
Alternate Keys: 1699649, 3884325**

Dear Mr. Kreutz:

The School Board of Lake County has reviewed the application information for the above referenced residential development. The application indicates an amendment to convert to 255 multi-family dwelling units. The proposed change in unit type is estimated to generate approximately seventy-two (72) which results in an additional three (3) students. These additional 3 students would be considered a de minimus impact.

Based on the information provided in the application the property is located within Concurrency Service Area (CSA) #9. The analysis performed indicates the level of service standards for each school level will **not** be exceeded by the students generated from this residential development.

It has been determined at this time that school capacity is available and will be reserved for total 315 single family units. **This capacity reservation amendment is valid for one year from date of issuance.** In the event, a final development order is obtained within the year this capacity reservation will be valid for the life of the project. Please notify the school district when the final development order is obtained in order to update the project records.

If you should require additional time to obtain the final development order approval, please notify District staff prior to the expiration date to discuss time extension options. Once the reservation expires, the capacity will be released and a new completed application and fee will be required. If you have any questions, please contact me at (352) 253-6694 or at lavalleyh@lake.k12.fl.us.

Sincerely,

Helen LaValley
Growth Planning Department

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

ITEM TITLE: Second Reading and Quasi-Judicial Public Hearing - Resolution 2022-062 Unity of Title Indivisible Building Site 305 CR 466A –Petitioner: T.D. Burke

MEETING DATE: December 8, 2022

DATE SUBMITTED: October 24, 2022

SUBMITTED BY: City Attorney/City Manager/Community Development Director

BRIEF NARRATIVE: Owner, via the applicant Jose Kreutz of Luxury Leased Homes USA, LLC, is requesting a unity of title for two parcels: Alternate Keys: 1699649 (4.57± acres) and 3884325 (14.98± acres). The applicant is proposing development of a 240 multi-family apartment complex. Annexation, comprehensive plan amendment, rezoning, and planned development applications were approved during the Planning and Zoning Board meeting held on November 3, 2022. The first reading was held on November 10, 2022.

FUNDS REQUIRED: None

ATTACHMENTS: Resolution 2022-062, Notice of Declaration of Unity of Title, and legal description (sketch forthcoming). (See Agenda Item 5f for affidavit.)

RECOMMENDATION: Staff recommends approval of Resolution 2022-062.

ACTION: **Adopt Resolution 2022-062.**

RESOLUTION 2022-062

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF UNITY OF TITLE UNIFYING AS AN INDIVISIBLE BUILDING SITE, TWO PROPERTIES LOCATED AT 305 COUNTY ROAD 466-A, FRUITLAND PARK, FLORIDA, OWNED BY T.D. BURKE AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER AS ALTERNATE KEY NUMBER 3884325 AND ALTERNATE KEY NUMBER 1699649; PROVIDING FOR A DECLARATION OF UNITY OF TITLE TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, T. D. Burke owns two parcels of real property more particularly described below which it desires to unify as one indivisible building site; and

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

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

Section 1. Authorization.

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

LEGAL DESCRIPTION:

PARCEL A

The West ½ of the Northeast ¼ of the Southwest ¼ of Section 6, Township 19 South, Range 24 East.

TOGETHER WITH

PARCEL B

South 300 feet of West ½ of Northeast ¼ of Southwest ¼ Lying North of CR 466A

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

Section 3. Effective Date.

This resolution shall become effective immediately upon its passage.

PASSED and ADOPTED at a regular meeting of the City Commission of the City of Fruitland Park, Lake County, Florida this 10th day of November 2022.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

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

Approved as to form:

Anita Geraci-Carver, City Attorney

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

NOTICE OF DECLARATION OF UNITY OF TITLE

This Declaration of Unity of Title, made this 10th day of November 2022, by T.D. BURKE, having an address of P.O. BOX 816, Fruitland Park, FL 34731-0816, hereinafter referred to as the “Declarant” being the fee owner of the following described real property located in Lake County, Florida:

Alt. Key Numbers: **3884325 & 1699649**

Parcel Id. Numbers: 06-19-24-0003-000-08500 and
06-19-24-0003-000-01600

LEGAL DESCRIPTION:

PARCEL A

The West ½ of the Northeast ¼ of the Southwest ¼ of Section 6, Township 19 South, Range 24 East.

TOGETHER WITH

PARCEL B

South 300 feet of West ½ of Northeast ¼ of Southwest ¼ Lying North of CR 466A

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

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

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

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

WITNESSES

CITY OF FRUITLAND PARK

Signature of Witness #1

Chris Cheshire, Mayor

Print Name of Witness #1

Attest:

Signature of Witness #2

Esther Coulson, City Clerk, MMC

Print Name of Witness #2

State of Florida
County of Lake

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 8th day of November 2022, by Chris Cheshire, as Mayor of the City of Fruitland Park, a Florida municipal corporation on behalf of the corporation. He is personally known to me or who produced _____ as identification.

Notary Stamp:

Signature of Notary

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

ITEM TITLE: Quasi-Judicial Public Hearing - Resolution 2022-040
Myrtle Breezes Variance - Petitioner: Crystal Lake
Land Holdings, LLC

MEETING DATE: December 8, 2022

DATE SUBMITTED: October 24, 2022

SUBMITTED BY: City Attorney/City Manager/Community Development
Director

BRIEF NARRATIVE: Resolution 2022-040 Variance of minimum lot width;
property located at 1108 Lake Myrtle Breezes. Petitioner: Crystal Lake Land Holdings, LLC.

Owner, via the applicant Angel Rivera of A&B Engineering Consultants, is requesting a variance of the minimum lot width from 80' to 70.3' for 1108 Myrtle Breezes Court. The city approved a lot line deviation between Lots 8, 9 and 10 in November 2009. This resulted in the remaining portion of Lot 10 not meeting the minimum requirement of an 80' width at the building setbacks lines on cul-de-sacs and curves pursuant to the City's LDRs, Chapter 154, Section 154.040. The Planning and Zoning Board approved the subject item at its November 10th meeting. (The first reading was held on November 10, 2022.)

FUNDS REQUIRED: None

ATTACHMENTS: Resolution 2022-040, sketch of survey, legal
description, and affidavit.

RECOMMENDATION: Staff recommends approval of Resolution 2022-040.

ACTION: Adopt Resolution 2022-040.

RESOLUTION 2022-040

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATIONS (LDR) RULE OF MINIMUM LOT WIDTH AT BUILDING SETBACK LINE FROM 80' TO 70' ON THE DESCRIBED PROPERTY LOCATED AT 1108 MYRTLE BREEZES COURT IN THE CITY OF FRUITLAND PARK, FLORIDA, OWNED BY CRYSTAL LAKE LAND HOLDINGS, LLC, PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, A & B Engineering Consultants, PA, has petitioned for a variance on behalf of the property owner Crystal Lake Land Holdings, LLC for the property located at 1108 Myrtle Breezes Court, in the City of Fruitland Park, Florida; and

WHEREAS, the owner desires to request a variance from the City of Fruitland Park requirement pertaining to the minimum lot width requirement at the building setback line;

WHEREAS, to accommodate the existing lot a variance from the minimum lot width requirements contained in the City of Fruitland Park's Land Development Regulations is required; and

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

- Chapter 154, Section 154.030(d)(2)(E)(ii) minimum lot width of 80' at the building setback line

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 A & B Engineering Consultants, PA. on behalf of the property owner, Crystal Lake Land Holdings, LLC for property located on Myrtle Breezes Court, in the City of Fruitland Park, Florida, more particularly described as:

LEGAL DESCRIPTION:

Lot 10 of Lake Myrtle Breezes, as shown on the plat Book 56, Page(s) 95 and 96, Public Records of Lake County, Florida. Less and Except that portion amended by the lot line deviation recorded in Official Records Book 3902, Page 307, Public Records of Lake County, described as follows: Begin at the Northwesterly corner of said Lot 10; thence run South 05°52 '29" West a distance of 457.82 feet to Southwest corner of said Lot 10, thence run North 0°26 '17" East along said west line of Lot 10 a distance of 393.43 feet, thence run North 35°16 '12" East a distance of 75.93 feet to the Point of Beginning.

is granted as follows:

1. A variance to Chapter 154, Section 154.030(d)(2)(E)(ii) minimum lot width requirements at the building setback line from 80' to 70'.
2. This variance shall become effective immediately on its approval and adoption by the City Commission of the City of Fruitland Park, Florida.
3. If the variance has not been utilized within two (2) years of being granted it shall expire.

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

 Chris Cheshire, Mayor
 City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

 Esther Coulson, MMC, City Clerk
 (SEAL)

 Anita Geraci-Carver, City Attorney

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

Passed First Reading November 10 2022

BOUNDARY SKETCH FOR LOT LINE DEVIATION

LEGAL DESCRIPTION:

PARENT PARCELS:

LOTS 8, 9 AND 10 LAKE MYRTLE BREEZES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGES 95 AND 96, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL A:

LOT 8, LAKE MYRTLE BREEZES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGES 95 AND 96, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LESS THE SOUTH 15.00 FEET THEREOF.

PARCEL B:

LOT 9, LAKE MYRTLE BREEZES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGES 95 AND 96, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

THAT PORTION OF LOT 10, LAKE MYRTLE BREEZES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGES 95 AND 96, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWESTERLY CORNER OF SAID LOT 10, THENCE RUN S05°52'29"W, A DISTANCE OF 457.82 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10; THENCE RUN ALONG THE WEST LINE OF SAID LOT 10 THE FOLLOWING TWO COURSES, N00°26'17"E A DISTANCE OF 393.43 FEET; THENCE RUN N35°16'12"E, A DISTANCE OF 75.93 FEET TO THE POINT OF BEGINNING.

AND ALSO

THE SOUTH 15.00 FEET OF LOT 8, LAKE MYRTLE BREEZES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGES 95 AND 96, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL C:

LOT 10, LAKE MYRTLE BREEZES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGES 95 AND 96, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA;

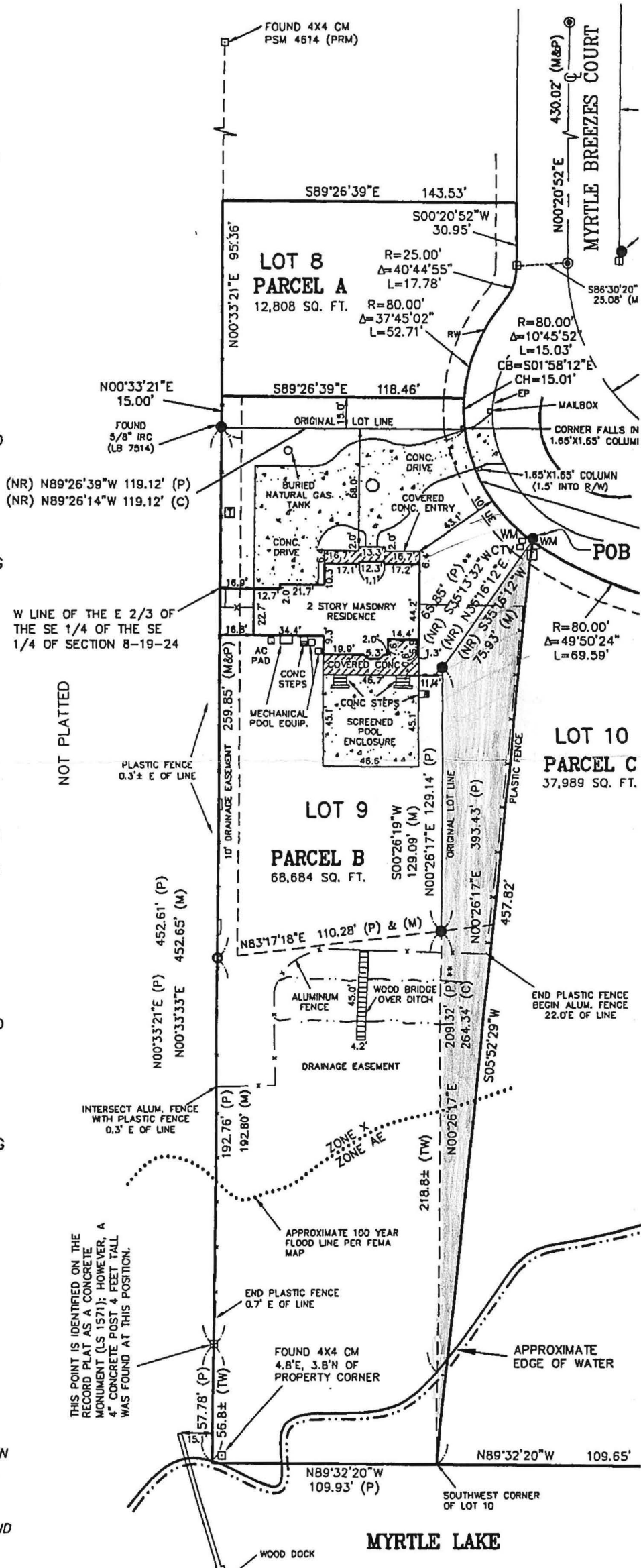
LESS:

THAT PORTION OF LOT 10, LAKE MYRTLE BREEZES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGES 95 AND 96, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWESTERLY CORNER OF SAID LOT 10, THENCE RUN S05°52'29"W, A DISTANCE OF 457.82 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10; THENCE RUN ALONG THE WEST LINE OF SAID LOT 10 THE FOLLOWING TWO COURSES, N00°26'17"E A DISTANCE OF 393.43 FEET; THENCE RUN N35°16'12"E, A DISTANCE OF 75.93 FEET TO THE POINT OF BEGINNING.

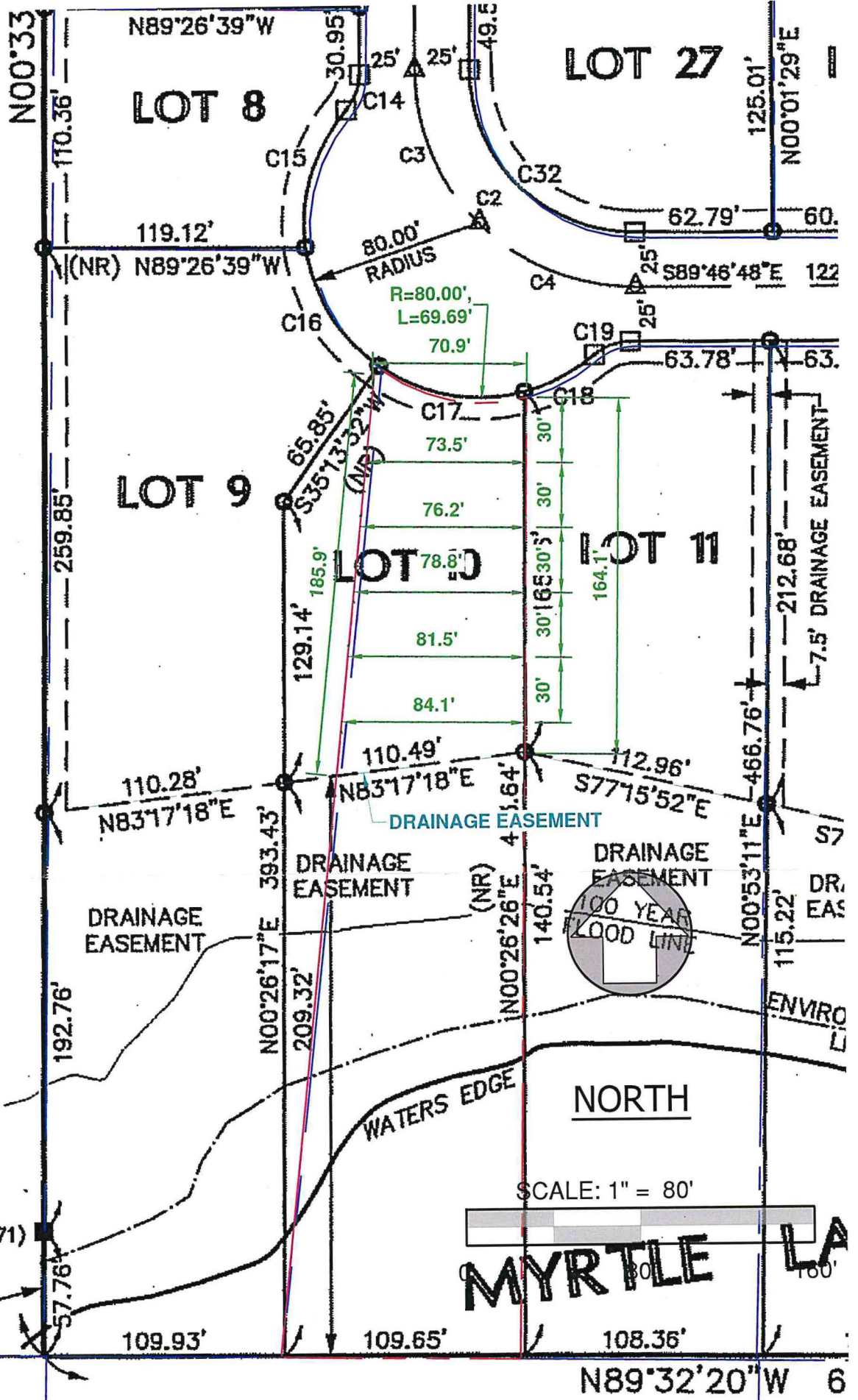
SURVEYOR'S NOTE:

THERE APPEAR TO BE SEVERAL DISCREPANCIES BETWEEN THE RECORD PLAT DISTANCES AND THE DISTANCES BETWEEN FIELD MONUMENTATION FOUND, AS NOTED BY ASTERISK (**). AFTER CONSULTING WITH THE PLATTING SURVEYOR, BILL FARNER, PSM 4614, HE INFORMED ME THAT THE FIELD MONUMENTATION IS SET CORRECTLY AND THAT HE IS IN THE PROCESS OF PREPARING AN AFFIDAVIT CORRECTING ERRORS ON THE RECORD PLAT.



W. LINE 0
S.E. 1/4
SECTION

NOT PLATTED



NOT PLATTED

LEGEND

- LOT LIMITS PER PROPERTY APPRAISER
- LOT 9 PROPERTY LIMIT PER SURVEY
- LOT 10 BNDY PER PROPERTY APPRAISER

Legal Description:

Lot 10 of Lake Myrtle Breezes, as shown on the plat Book 56 , Page(s) 95 and 96 , Public Records of Lake County, Florida. Less and Except that portion amended by the lot line deviation recorded in Official Records Book 3902, Page 307, Public Records of Lake County, described as follows: Begin at the Northwesterly corner of said Lot 10; thence run South 05°52 '29" West a distance of 457.82 feet to Southwest corner of said Lot 10, thence run North 0°26 '17" East along said West line of Lot 10 a distance of 393.43 feet , thence run North 35°16 '12" East a distance of 75.93 feet to the Point of Beginning.

Property Address:

1108 Myrtle Breezes Court, Fruitland Park, Florida 34731

The Villages[®] DAILY SUN

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

Before the undersigned authority personally appeared **Joseph Szabo**, 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 #1091629 in the matter of

NOTICE OF PUBLIC HEARING

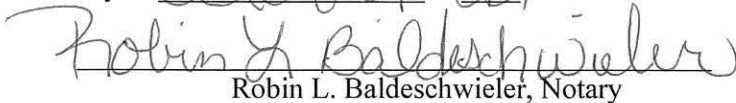
was published in said newspaper in the issues of

OCTOBER 26, 2022
NOVEMBER 22, 2022

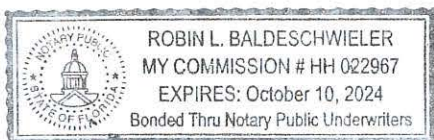
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, 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 28
day of October 2022


Robin L. Baldeschwieler, Notary

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



NOTICE OF PUBLIC HEARING RESOLUTION 2022-040

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATIONS (LDR) RULE OF MINIMUM LOT WIDTH AT BUILDING SETBACK LINE FROM 80' TO 70' ON THE DESCRIBED PROPERTY LOCATED AT 1108 MYRTLE BREEZES COURT IN THE CITY OF FRUITLAND PARK, FLORIDA, OWNED BY CRYSTAL LAKE LAND HOLDINGS, LLC, PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE.

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

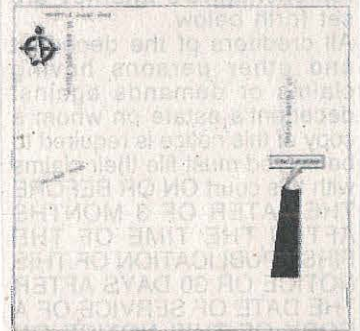
Fruitland Park Planning & Zoning Board Meeting on November 3, 2022 at 6:00 p.m.

Fruitland Park City Commission Hearing on November 10, 2022 at 6:00 p.m.

Fruitland Park City Commission Hearing on December 8, 2022 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. These meetings are open to the public and hearings may be continued as determined by the P&Z Board and/or City Commission from time to time to a date certain. The 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.



#1091629 **October 26, 2022**
November 22, 2022

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

ITEM TITLE: CITY MANAGER'S REPORT

MEETING DATE: Thursday, December 8, 2022

DATE SUBMITTED: Tuesday, **November 29**, 2022

SUBMITTED BY: City Manager

BRIEF NARRATIVE: City Manager's Report

(i) Economic Development Status Update

(ii) Lemon Street Baffle Box - LCWA 2022-23 Cooperative Stormwater Initiative Grant

FUNDS REQUIRED: None

ATTACHMENTS:

RECOMMENDATION:

ACTION: None

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

ITEM TITLE:	City Attorney Report
MEETING DATE:	Thursday, December 8, 2022
DATE SUBMITTED:	Thursday, December 1, 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. The insurance company is communicating directly with the Department of Management Services as to the amount due. In November DMS provided additional information to the insurance company. Work consistent with direction of the Commission continues.

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. On August 18, 2022 Plaintiffs served the City with a Proposal for Settlement a copy of which has been provided to the Commission. On August 31, 2022 Attorney Thomas provided information requested by the City's insurance company. Work consistent with direction of the Commission continues.

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. Attorney Mark K. McCulloch, Roper & Roper, P.A. has been appointed by the City's insurance company to defend the City. The City's Answer to the Complaint was filed June 22, 2022. On June 23, 2022 Judge Baxley entered a Differentiated Civil Case Management Order as to Streamlined case types. The Order requires a non-jury trial to occur no later than 12 months from filing the original Complaint, if not sooner resolved. The trial must be held by May 10, 2023. On July 29, 2022 the Plaintiff's Motion for Leave to Amend Complaint was granted by the Court. A Guardian Ad Litem was ordered to represent those who may have an interest in the property due to Mr. Moore's death. The Guardian Ad Litem filed an answer on their behalf on November 14, 2022.

Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628: The City was served with a lawsuit on September 8, 2022. A copy has been provided to the Commission. Plaintiffs file a two-count Verified Complaint. Count I – Inverse Condemnation and Count II – Trespass. Plaintiffs allege the City's construction of the library has caused storm water to flood across Rose Avenue onto their property located at 100 Rose Ave., Fruitland Park and have converted their property into a storm water retention system. Public Risk Management

(PRM) retained attorney Donovan A. Roper and Mark K. McCulloch of Roper & Roper, P.A. to defend the City. An answer and affirmative defenses were filed on behalf of the City. On October 27, 2022 Plaintiff filed a reply to the City's affirmative defenses. A Civil Case Management Order Requiring Disclosures was entered by Judge Takac. The Order requires a non-jury trial to occur no later than 18 months from filing the original Complaint, if not sooner resolved. The trial must be held by March 2, 2024.

Code of Ordinances Codification: Staff is in process of providing input on the various outstanding items. Once all input has been received, responses can be provided to CivicPlus so the final manuscript can be provided for adoption.

FUNDS REQUIRED: No

ATTACHMENT None

RECOMMENDATION: N/A

ACTION: N/A

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 8**

ITEM TITLE: Public Comments

MEETING DATE: Thursday, December 8, 2022

DATE SUBMITTED: Monday, November 29, 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:

RECOMMENDATION: None

ACTION: None