

**FRUITLAND PARK CITY COMMISSION  
REGULAR MEETING AGENDA**

**January 12, 2023**

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 – Church

Pledge of Allegiance – Police Chief Erik Luce

**2. ROLL CALL**

**3. COMMUNITY REDEVELOPMENT AGENCY** (city clerk)

On or before 6:15p.m. recess to the community redevelopment agency.

**4. CONSENT AGENDA**

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

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

Motion to consider the approval of the following regular meeting minutes:

- December 8, 2022
- November 10, 2022

**(b) Resolution 2023-004 Lemon Street Baffle Box - LCWA 2022-23 Cooperative Stormwater Initiative Grant** (city attorney/city manager)

Forthcoming (Ratified at the November 10, 2022 regular meeting.)

**5. REGULAR AGENDA**

**(a) Resolution 2023-001 and Budget Amendment BT2023-002 Spring Lake Road Line Extension and Patricia Avenue Water Main Line Extension Construction Projects – FY 2022-23** (city attorney/city treasurer)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2022/2023 FISCAL YEAR BUDGET PURSUANT TO

SEC. 6.07 OF THE CITY CHARTER TO INCREASE TRANSFER IN FROM WATER IMPACT FUND REVENUE BUDGET AND THE WATER MAIN CONSTRUCTION AND LINE EXTENSION EXPENSE BUDGETS; AND PROVIDING FOR AN EFFECTIVE DATE.

**(b) Resolution 2023-002 Civil Engineering and Surveying - Spring Lake Road Water Line Extension - Half Inc. Agreement/Proposal** (city attorney/city manager)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AGREEMENT/PROPOSAL FOR SPRING LAKE ROAD WATER LINE EXTENSION DATED NOVEMBER 1, 2022 FROM HALFF IN AN AMOUNT NOT TO EXCEED \$26,500.00 FOR ENGINEERING AND SURVEYING SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE.

**(c) Resolution 2023-003 Patricia Avenue Water Main - Half Inc. Agreement/Proposal** (city attorney/city manager)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AGREEMENT/PROPOSAL FOR PATRICIA AVENUE DATED NOVEMBER 1, 2022 FROM HALFF IN AN AMOUNT NOT TO EXCEED \$35,577.50 FOR ENGINEERING AND SURVEYING SERVICES FOR THE PATRICIA AVENUE WATER MAIN; AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE.

**(d) Resolution 2023-009 Gazebo for Fruitland Park Community Center's Courtyard** (City Attorney/City Manager/Parks and Recreation Director)  
Forthcoming

**(e) Resolution 2023-008 - Gardenia Park and Veterans Park Pavilions Roof Replacements** (city manager/parks and recreation director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE SALES CONTRACT FROM ROOFING COVENANT CONSTRUCTION IN THE AMOUNT OF \$41,547.00 TO REPLACE TWO PAVILION ROOFS; AUTHORIZING THE MAYOR TO EXECUTE THE SALES CONTRACT; PROVIDING FOR AN EFFECTIVE DATE.

- (f) **CRA Redevelopment Taxes FY 2023** (city treasurer)  
Motion to consider the approval of payment of invoices from the general fund for CRA FY 2023 redevelopment taxes.
  
- (g) **Comprehensive Plan and Redistricting Map - LPG Professional Consulting Services Proposal Discussion** (city manager/community development)  
Motion to consider LPG Urban & Regional Planners Inc.'s proposal for the City of Fruitland Park's Comprehensive Plan Updates and Redistricting Map.

**PUBLIC HEARING**

- (h) **Second Reading and Public Hearing - Ordinance 2022-015 LSCPA - 68.55± Acres Timbertop Lane - Petitioners: Stephanie Bailey Bouis and Patricia Bouis Thompson**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM CITY OF FRUITLAND PARK COMMUNITY MIXED USE TO GENERAL MIXED USE OF 68.55 +/- ACRES OF PROPERTY GENERALLY LOCATED ON TIMBERTOP 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 October 13, 2022.)
  
- (i) **Second Reading and Public Hearing - Ordinance 2022-014 Rezoning 68.55± Acres Timbertop Lane — Petitioners: Stephanie Bailey Bouis and Patricia Bouis Thompson**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 68.55 ± ACRES OF PROPERTY FROM CITY OF FRUITLAND PARK PUD TO CITY OF FRUITLAND PARK MIXED USE PLANNED UNIT DEVELOPMENT (MUPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING AN AMENDED MASTER DEVELOPMENT

AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on October 13, 2022.)

**END OF PUBLIC HEARING**

- 6. (a) City Manager –**
  - i. Economic Development Status Update**
  - ii. Land Development Regulations – Signs**
- (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**

- January 13, 2023 *Grant Opportunities and Alternative Funding Programs*, Lake County League of Cities, Fruitland Park Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 12:00 p.m.;
- January 16, 2023, City Hall Closed - Dr. Martin Luther King Jr. Holiday;
- January 20, 2023, Comedy Night, Fruitland Park Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 8:00 p.m.;
- January 22, 2023, City Commission regular at 6:00 p.m.;
  
- February 9, 2023, City Commission regular at 6:00 p.m.;
- February 10, 2023, LCLC, *TBD*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida at 12:00 p.m.;
- February 13, 2023, Parks, Recreation and Trails Advisory Board, Office of Parks and Trails Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;
- February 14, 2023 – *Love Week*
- February 17, 2023, Comedy Night, Fruitland Park Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 8:00 p.m.;
- February 22, 2023 - Lake~Sumter Metropolitan Planning Organization, Governing Board Meeting, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida 34748 at 2:00 p.m.;
- February 23, 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:** Community Redevelopment Agency (CRA) Meeting

**MEETING DATE:** Thursday, January 12, 2023

**DATE SUBMITTED:** Thursday, January 5, 2023

**SUBMITTED BY:** City Clerk

**BRIEF NARRATIVE:** CRA Chapter 163, Florida Statutes.

**FUNDS REQUIRED:** No

**ATTACHMENT**

**RECOMMENDATION:** As soon as practical, recess to the Community Redevelopment Agency meeting.

**ACTION:** None

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET**

**Item Number: 4a-b**

**ITEM TITLE:** Draft Meeting Minutes and Resolution 2023-004 Lemon Street Baffle Box - LCWA 2022-23 Cooperative Stormwater Initiative Grant

**MEETING DATE:** Thursday, January 12, 2023

**DATE SUBMITTED:** Thursday, January 5, 2023

**SUBMITTED BY:** See below

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

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

- December 8, 2022
- November 10, 2022

**(b) Resolution 2023-004 Lemon Street Baffle Box - LCWA 2022-23 Cooperative Stormwater Initiative Grant** (city attorney/city manager)  
Forthcoming. (Ratified at the November 10, 2022 regular meeting.)

**FUNDS REQUIRED:**

**ATTACHMENTS:** Draft minutes, proposed resolution (forthcoming), and submitted application.

**RECOMMENDATION:** Approve the minutes as submitted and adopt Resolution 2023-004.

**ACTION:** Approve the consent agenda items.



**FRUITLAND PARK CITY COMMISSION REGULAR  
DRAFT MEETING MINUTES  
December 8, 2022**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, December 8, 2022 at 6:00 p.m.

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

**Also present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Messrs. Michael “Mike” Rankin (Interim Community Development Director) and Ryan Solstice, LPG Urban Regional Planners Inc. (consultant retained by the city); Public Works Director Robb Dicus; Parks and Recreation Director Michelle Yoder; Deputy Finance Director Gary Bachman; Deputy City Clerk Candice Dennis, and City Clerk Esther B. Coulson.

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

Mayor Cheshire called the meeting to order; Pastor Fred Miller, Mount Pleasant AME Church, gave the invocation and Vice Mayor DeGrave led in the pledge of allegiance to the flag.

ACTION: 6:04:01 p.m. No action was taken.

**2. ROLL CALL**

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

ACTION: 6:05:59 p.m. No action was taken.

**3. WREATHS ACROSS AMERICA PROCLAMATION**

On behalf of the city commission, Mayor Cheshire read into the record a proclamation declaring 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.

ACTION 6:06:15 p.m. Ms. Diane Rousseau and Commander Larry Miller, John Gella Memorial Unit 219 Inc., accepted the proclamation with gratitude.

**6. COMMUNITY REDEVELOPMENT AGENCY**

On or before 6:15 p.m. recess to the community redevelopment agency.

ACTION 6:11:26 p.m. **By unanimous consent, the city commission recessed its meeting at 6:11 p.m. to the community redevelopment agency and reconvened at 6:23 p.m.**

**5. REGULAR AGENDA**

**(a) Resolution 2022-071 - Engineering and Surveying Services 2022-23 Hourly Rate Schedule – Halff Associates Inc.**

Ms. Geraci-Carver read into the record proposed Resolution 2022-071, the substance of which is as follows:

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.

Ms. Geraci-Carver recognized that the subject resolution is an amendment to the October 27, 2011 agreement (with the hourly rate schedule) from Booth, Ern, Straughan & Hiott Inc. and referred to the assignment of the agreement (adopting the review fees) on July 23, 2020 to Halff Associates Inc. She pointed out her earlier conversations with Mr. Duane K. Booth, Halff Associates Inc., regarding the third whereas provision (*commission consented to and approved the letter agreement dated September 3, 2022*) and addressed the intent to communicate with the city clerk's office where, if different, said paragraph would be stricken.

After discussion, Mr. Booth recalled the approval of the review fees; described the hourly rate and addressed the purpose of same.

**ACTION: 6:23:38 p.m. A motion was made by Commissioner Mobilian and seconded by Vice Mayor DeGrave that the city commission adopt Resolution 2022-071 as previously cited.**

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

**(b) Resolution 2022-073 Auction Services - George Gideon Auctioneers Inc.**

Ms. Geraci-Carver read into the record proposed Resolution 2022-073, the substance of which is as follows:

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.

**ACTION:** 6:27:51 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by that the city commission adopt Resolution 2022-073 as previously cited and authorized the city manager to use discretion to transport the vehicles in the most expeditious and economical fashion to George Gideon Auctioneers Inc., in Zellwood, Florida.

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

**(c) Resolution 2022-068 – Declaring Certain Personal Property**

Ms. Geraci-Carver read into the record proposed Resolution 2022-068, the substance of which is as follows:

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.

Mr. La Venia relayed the advice of various computer companies on the disposition of surplus computers and related equipment (with the exception of public works' motor vehicles) before placing them in the refuse.

**ACTION:** 6:31:15 p.m. A motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2022-068 as previously cited.

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

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

Ms. Geraci-Carver read into the record proposed Resolution 2022-072, the substance of which is as follows:

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.

**ACTION:** 6:33:22 p.m. After discussion, a motion was made by Commissioner Mobilian and seconded by Vice Mayor DeGrave that the city commission adopt Resolution 2022-072 as previously cited.

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

(e) **Resolution 2022-070 - AV Audio System for Community Center Quotes**

Ms. Geraci-Carver read into the record proposed Resolution 2022-070, the substance of which is as follows:

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.

**ACTION:** 6:354:09 p.m. After Mayor Cheshire conveyed the CRA's recommendation of approval, a motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission adopt Resolution 2022-070.

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

**By unanimous consent, Mayor Cheshire opened the public hearings.**

**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**

It now being the time advertised to hold a public hearing to consider Ordinance 2022-025, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET

FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 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.)

**ACTION:** 6:36:29 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission enact Ordinance 2022-025 to become effective immediately as provided by law.

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

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

- (g) **Second Reading and Public Hearing – Ordinance 2022-023 – SSCP 14.98± Acres – North of CR 466A and East of Oliver Lane - Petitioner: T. D. Burke**  
It now being the time advertised to hold a public hearing on Ordinance 2022-023, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

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

In response to several questions posed by Vice Mayor DeGrave, Ms. Geraci-Carver explained the changes since the first reading where the future land use designation will be high density and no residential dwelling units can be calculated on the 4.98± to which Mr. Jose Kreutz, Luxury Leased Homes USA LLC representing the applicant, acknowledged his awareness of same and outlined, based on the reduction of 16 units, plans to redesign one building from 240 to 224 dwelling units.

**ACTION:** 6:38:45 pm. After further discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission enact previously cited Ordinance 2022-023 to become effective immediately as provided by law.

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

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

**(h) Second Reading and Public Hearing – Ordinance 2022-024 – Rezoning 19.56± Acres – 305 CR 466A MDA – Petitioner: T. D. Burke**

It now being the time advertised to hold a public hearing on Ordinance 2022-024, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

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.)

Ms. Geraci-Carver addressed the purpose of the following changes:

- in the subject title, the body of Ordinance 2022-024 and under section 3, recitals of the master development agreement, striking the words “mixed use” and correcting it to read: “planned unit development”;
- subsection 4.a., permitted uses of the master development agreement, strike out “240 units” and replace with “224 units”, and

- section 3, land use/development, change the date to read: “December 8, 2022” and strike out the date of “October 13, 2022”.

**ACTION:** 6:45:39 p.m. After further discussion, a motion was made by Commissioner Mobilian and seconded by Vice Mayor DeGrave that the city commission enact aforementioned Ordinance 2022-024 to become effective immediately as provided by law with the changes as previously cited by the city attorney.

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

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

### QUASI-JUDICIAL PUBLIC HEARING

(i) **Second Reading and Quasi-Judicial Public Hearing - Resolution 2022-062 Unity of Title Hawthorns – Petitioner: T. D. Burke**

It now being the time advertised to hold a public hearing on Resolution 2022-062, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

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.)

**ACTION:** 6:53:17 p.m. A motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2022-062 as previously cited.

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

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

- (j) **Second Reading and Quasi-Judicial Public Hearing – Resolution 2022-040 Lake Myrtle Breezes Variance – Petitioner: Crystal Lake Land Holdings LLC**  
It now being the time advertised to hold a public hearing on Resolution 2022-040, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

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.)

**ACTION:** 6:54:50 p.m. **A motion was made by Commissioner Mobilian and seconded by Commissioner Gunter that the city commission adopt Resolution 2022-040 as previously cited.**

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

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

**END OF QUASI-JUDICIAL PUBLIC HEARING**

**END OF PUBLIC HEARING**

10. (a) **City Manager –**
- i. **Economic Development Status Update**  
Mr. La Venia had nothing to report on economic development.  
  
**ACTION:** 8:25:12 p.m. No action was taken.
  - ii. **Lemon Street Baffle Box – LCWA 2022-23 Cooperative Stormwater Initiative Grant**  
Mr. La Venia requested the city commission's authorization to submit Lake County Water Authority's 2022-23 Cooperative Funding Stormwater Initiative Grant Application for the Lemon Street Baffle Box which is due on December 9, 2022.



**ACTION:** 8:25:13 p.m. **On motion of Commissioner Bell, seconded by Vice Mayor Gunter and unanimously carried, the city commission authorized the city manager to submit Lake County Water Authority's application as previously cited and directed the city attorney to draft a resolution supporting same for consideration at the next meeting.**

**(b) City Attorney**

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

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

**ACTION:** 6:57:23 p.m. No action was taken.

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

Ms. Geraci-Carver anticipated providing an updated report on the Michael and Laurie Fewless case at the next meeting.

**ACTION:** 6:57:23 p.m. No action was taken.

**iii. U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845**

Ms. Geraci-Carver had nothing to report on the U.S. Bank National Association v. Robert Moore Case No. 2022-CA-00845.

**ACTION:** 6:57:23 p.m. No action was taken.

**iv. Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628**

Ms. Geraci-Carver had nothing to report on the Wayne Goodridge and Tammy Goodridge Case No. 2022-CA-1628.

**ACTION:** 6:57:23 p.m. No action was taken.

**v. Fruitland Park Official City Code**

Ms. Geraci-Carver referred to comments received from staff on the city code and addressed her intent to work on providing suggested revisions in that regard.

**ACTION:** 6:57:23 p.m. No action was taken.

**11. UNFINISHED BUSINESS**

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

**ACTION:** 6:57:57 p.m. No action was taken.

**12. PUBLIC COMMENTS**

There were no public comments before the city commission at this time.

ACTION: 6:57:59 p.m. No action was taken.

**13. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

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

ACTION: 6:58:19 p.m. No action was taken.

**(b) Commissioner Bell**

**i. Internet Service Provider**

Commissioner Bell gave a report on an internet services provider, Quantum Fire, servicing the Berckman Street and in future the surrounding areas.

ACTION: 6:58:26 p.m. No action was taken.

**ii. CRA Redevelopment**

As a business owner and resident, Commissioner Bell relayed, in response to a question posed earlier by Vice Mayor DeGrave at the CRA Workshop, the current features of the downtown/Berckman Street which are visualized as quiet especially for small businesses which ought to be taken into consideration.

**iii. Church Fire Assessment**

Commissioner Bell referred to his recent conversations with Pastor Chuck Padgett, Trinity Assembly of God Church, regarding the imposition of fire rescue assessment rates to churches.

After Commissioner Bell concurred with Mr. La Venia's suggestion to write a letter to the Lake County Board of County Commissioners requesting consideration of relieving the churches of said assessment, Ms. Geraci-Carver recommended initially reviewing the county's code of ordinances to determine whether there is a percentage applied, any existing hardship programs and so forth before she communicates with Mr. La Venia.

ACTION: 7:00:13 p.m. No action was taken.

(c) **Commissioner Gunter, Jr. – Annual School Concurrency Meeting**

Commissioner Gunter reported on his attendance at the December 7, 2022 Lake County Educational Concurrency Review Committee's Annual School Concurrency meeting where he received assurance that the construction of the Fruitland Park Elementary School is currently on schedule for Fall 2024 and mentioned his reservations on the availability of construction materials and the awarding of the architect planned for January 2023.

ACTION: 7:02:32 p.m. No action was taken.

(d) **Vice Mayor DeGrave**

i. **Excused Absence**

Vice Mayor DeGrave wished everyone Merry Christmas and reported that he will not be attending the second meeting of April 2023.

ACTION: 7:03:17 p.m. No action was taken.

ii. **Public Works Building Construction**

In response to Vice Mayor DeGrave's inquiry on the status of the public works building construction, Mr. La Venia reported that according to a previous meeting Mr. Dicus and him attended, the contractor informed them that procurement plans will begin during the second week in January with the final certificate of occupancy by late Fall 2023; addressed the cost-effective savings on supplies and materials.

ACTION: 7:03:41 p.m. No action was taken.

iii. **Public Safety Building Construction**

In response to Vice Mayor DeGrave's inquiry on the status of the public safety building, Mr. La Venia anticipated the procurement process for the contractor to design said building to be scheduled for the first of the year. He referred to the Public Safety Complex Statement of Probable Hard Construction Cost from Mr. Mike Latham, GatorSkitch Inc., which he forwarded on to District 2 Lake County Board of County Commissioner Sean Parks at his request who believed that they may be able to help, and pointed out the email received from Lake County Manager Jennifer Baker in that regard. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:05:45 p.m. No action was taken.

14. **MAYOR'S COMMENTS - Dates to Remember**

Mayor Cheshire referred to the December 2, 2022 Employee Christmas party which he felt was an interesting and enjoyable concept.

Mayor Cheshire announced the following events:

- December 9, 2022 *Lake Technical College Update*, Lake County League of Cities Inc. (LCLC) 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, *10<sup>th</sup> 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;
  
- January 2, 2023, City Hall Closed – New Year’s Day;
  
- January 9, 2023, 2022 Lake County Legislative Delegation, Venetian Center, 1 Dozier Circle, Leesburg, Florida 34748 at 9:00 a.m.;
- January 12, 2023, CRA Workshop at 5:00 p.m.;
- January 12, 2023, City Commission regular at 6:00 p.m.;
- January 12, 2023 City Commission Workshop following the conclusion of the regular meeting;
- January 13, 2023 Organizational Meeting, LCLC, Recreation Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 12:00 p.m.;
- January 16, 2023, City Hall Closed - Dr. Martin Luther King Jr. Holiday;
- January 22, 2023, City Commission regular at 6:00 p.m.;

ACTION: 7:13:24 p.m. No action was taken.

**15. ADJOURNMENT**

The meeting adjourned at 7:15 p.m.

The minutes were approved at the January 12, 2023 regular meeting.

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

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

**FRUITLAND PARK CITY COMMISSION REGULAR  
DRAFT MEETING MINUTES  
November 10, 2022**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, November 10, 2022 at 6:00 p.m.

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

**Also present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Mr. Michael “Mike” Rankin Interim Community Development Director, LPG Urban Regional Planners Inc. (consultant retained by the city); Deputy Finance Director Gary Bachman; and City Clerk Esther B. Coulson.

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

Mayor Cheshire called the meeting to order; Pastor Greg Yarbrough, Trinity Assembly of God, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

**ACTION:** 6:02.55 p.m. No action was taken.

**2. ROLL CALL**

After Mayor Cheshire requested that Ms. Coulson call the roll where a quorum was declared present, he announced the decorum for this evening’s meeting, and recognized the following agenda changes:

**9.(b) Resolution 2022-069 Executive Order 14074 - Letter of Notification**  
Addendum – Resolution

**9.(c) Audio System for Community Center Quotes**  
Postpone to the next meeting at staff’s request.

The following items ought to be considered in order and remove *Quasi-Judicial Public Hearing*:

**9.(h) Ordinance 2022-025 Boundary Amendment**

**9.(f) Ordinance 2022-023 – Small-Scale Comprehensive Plan Amendment**

**9.(g) Ordinance 2022-024 – Rezoning**

**9.(i) Resolution 2022-040 Lake Myrtle Breezes Variance**

Addendum – A&B Engineering Consultants, PA’s letter dated November 9, responding to neighbor’s comments and A&B Engineering’s letter November 7, 2022 letter regarding the tree removal request.

**ACTION:** 6:05:17 p.m. Upon Mayor Cheshire's recommendation and **by unanimous consent, the city commission accepted the previously cited changes on this evening's agenda.**

**3. SWEARING-IN AND INSTALLATION OF ELECTED OFFICIALS**

Ms. Coulson administered the oath of office to the following elected officials (who ran unopposed):

**District 1 - Patrick DeGrave**

**District 2 - John Mobilian**

**ACTION:** 6:07:10 p.m. No action was taken.

**4. ELECTION OF OFFICERS**

**(a) Mayor**

Mayor Cheshire recognized that the annual election for the position of mayor to be in order at this time and called for nominations for the mayor.

**ACTION:** 6:10:56 p.m. **Commissioner Mobilian placed in the nomination the name of Chris Cheshire as mayor for 2022/2023. The nomination was seconded by Commissioner Bell.**

**There being no further names placed for nomination and by unanimous consent, it was declared closed.**

**Mayor Cheshire called for a roll call vote to appoint Chris Cheshire as mayor for 2022/2023 and declared it carried unanimously carried.**

**(b) Vice Mayor**

Mayor Cheshire recognized that the annual election for the position of vice mayor to be in order at this time and called for nominations for the vice mayor.

**ACTION:** 6:12:00 p.m. **Commissioner Mobilian placed in the nomination the name of Patrick DeGrave as vice mayor for 2022/2023. The nomination was seconded by Vice Mayor Gunter.**

**There being no further names placed for nomination and by unanimous consent, it was declared closed.**

**Mayor Cheshire called for a roll call vote to appoint Patrick DeGrave as vice mayor for 2022/2023 and declared it carried unanimously carried.**

**5. SPECIAL PRESENTATIONS**

**(a) November 11, 2022 Veterans Day Proclamation**

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming November 11, 2022 as *Veteran's Day* and jointly with

The John Gella Memorial Unit 219, Inc., of the American Legion Auxiliary invited all our citizens to solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air and on foreign shores to preserve our heritage of freedom on Friday, November 11, 2022 at 11:00 a.m. outside city hall so that their efforts shall have not been in vain.

**ACTION** 6:12:52 p.m. Commander Larry Miller, The John Gella Memorial Unit 219, Inc. of the American Legion, accepted the proclamation with much gratitude. He advised that due to the inclement weather, the November 11, 2022 veteran's ceremony scheduled at 11:00 a.m. has been moved to the American Legion with a luncheon immediately following at 12:00 p.m.

Mayor Cheshire encouraged residents in the city as well as The Villages of Fruitland Park (VOFP) who are veterans to contact Ms. Coulson in order for their names to be placed on the plaque at city hall.

**(b) October 31 to November 4, 2022 - National Veteran Small Business Week Proclamation**

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming "*October 31 to November 4, 2022 National Veteran Small Business Week*" in the City of Fruitland Park and call upon all residents to recognize the contributions of our community's local veteran-owned businesses and the key role they play in keeping our economy strong.

**ACTION** 6:17:52 p.m. There was no one in attendance to accept the proclamation; however, it was previously mailed to Mr. Steve Fulmer, Chairman of the Legislative Affairs Committee of the Florida Association of Veteran Owned Businesses.

**6. LOCAL PLANNING AGENCY**

On or before 6:30 p.m. recess to the local planning agency.

**ACTION** 6:18:36 p.m. **By unanimous consent, the city commission recessed its meeting at 6:18 p.m. to the local planning agency.**

**7. COMMUNITY REDEVELOPMENT AGENCY**

On or before 6:45 p.m. recess to the community redevelopment agency.

**ACTION** 6:47:08 p.m. **By unanimous consent, the city commission recessed its meeting to at 6:47 p.m. to the community redevelopment agency and reconvened at 6:51 p.m.**

**8. CONSENT AGENDA**

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

**By unanimous consent, the city commission accepted Mayor Cheshire's suggestion to pull item 8.(f) from the consent agenda for consideration.**

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

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

Upon Commissioner Gunter's acceptance and **on motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission appointed Commissioner John L. Gunter Jr. to serve on the Lake County Educational Concurrency Review Committee for 2023.**

**(a) Approval of Minutes**

**October 13, regular and August 8, 2022 workshop**

**(b) Resolution 2022-056 Employees' Deferred Compensation Plan Renewal**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, RENEWING AND ADOPTING A DEFERRED COMPENSATION PLAN FOR THE EMPLOYEES OF THE CITY OF FRUITLAND PARK, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

**(c) Resolution 2022-064 SRO Program Amendment – Fruitland Park Elementary School – Lake County School Board Agreement**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE AMENDED AND RESTATED AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK, FLORIDA FOR THE SCHOOL RESOURCE OFFICER PROGRAM 2022/2023; INCREASING COMPENSATION TO THE CITY OF FRUITLAND PARK IN THE AMOUNT OF \$5,101.00 FOR TOTAL ANNUAL COMPENSATION OF \$65,063.00; PROVIDING FOR AN EFFECTIVE DATE.

**(d) Resolution 2022-065 – Urick Street Force Main Extension - Clean Water State Revolving Fund Administrative Services Proposal – Halff Associates Inc.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING ADMINISTRATIVE SERVICES PROPOSAL DATED OCTOBER 11, 2022 FROM HALFF IN AN AMOUNT NOT TO EXCEED \$24,500; AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE.



(e) **Resolution 2022-066 – Urick Street Force Main Extension - 60-Day Time Extension - Cathcart Construction Company LLC**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING 60-DAY EXTENSION TO CONSTRUCTION TIME REQUESTED BY CATHCART CONSTRUCTION COMPANY FLORIDA LLC, OVIEDO; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

(g) **2023 Proposed Meeting Schedule**

Proposed 2023 city commission meeting schedule.

**ACTION:** 6:51:16 p.m. **On motion of Vice Mayor DeGrave, seconded by Commissioner Mobilian and carried unanimously, the city commission approved the previously cited consent agenda items as amended to include the appointment of Commissioner John L. Gunter Jr.**

**9. REGULAR AGENDA**

(a) **Resolution 2022-067 and Budget Amendment BT2023-001 Urick Street Sewer Extension Project Construction SRF Loan**

Ms. Geraci-Carver read into the record proposed Resolution 2022-067, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2022/2023 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE SRF SEWER LOAN REVENUE BUDGET AND THE SEWER SYSTEM IMPROVEMENT URICK STREET SEWER EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:51:37 p.m. After Ms. Racine gave an overview on the subject item, she addressed the need to transfer \$600,000 from the general fund to the utility fund to pay the \$1.1 million invoice; referenced her previous request for reimbursement from the State Revolving Fund (SRF) program and indicated that once the expected reimbursement from SRF, she previously requested, has been received, the \$600,000 will be restored into the general fund.

**A motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2022-067 as previously cited. (The city commission acknowledged the transfer of funds as previously cited by the city treasurer.)**

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

**(b) Resolution 2022-069 Executive Order 14074 Letter of Notification – Law Enforcement Support Office Surplus Program Participation**

Ms. Geraci-Carver read into the record proposed Resolution 2022-069, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ACKNOWLEDGING RECEIPT OF NOTICE TO REQUEST CONTROLLED ITEMS FROM THE FEDERAL GOVERNMENT CONSISTENT WITH EXECUTIVE ORDER 14074; PROVIDING DIRECTIONS TO THE CITY MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:54:16 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2022-069 as previously cited.

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

**(c) Audio System for Community Center Quotes**

The city commission considered its action on the itemized quotes for the installation of an audio system to include speakers, main panel control system, microphones and amplifiers from the following vendors:

- Control Freak \$45,711.82
- Casaplex \$57,142.07

**ACTION:** 6:56:36 p.m. On motion of Commissioner Gunter, seconded by Commissioner Mobilian and unanimously carried, the city commission postponed its action to approve the audio system for the community center to the December 8, 2022 meeting at staff's request.

**By unanimous consent, Mayor Cheshire opened the public hearings.**

**PUBLIC HEARING**

**(d) Second Reading and Public Hearing – Ordinance 2022-020 Water Rate Increase**

It now being the time advertised to hold a public hearing to consider Ordinance 2022-020, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AMENDING SECTION 50.30 IN CHAPTER 50 OF THE FRUITLAND PARK CODE OF

ORDINANCES TO ADJUST THE WATER UTILITY RATES BASED ON JANUARY 2022 CONSUMER PRICE INDEX; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on October 13, 2022.)

Mayor Cheshire recalled the city commission's consensus at its October 13, 2022 meeting to reduce the water usage rate of 7.5% to three and a half percent (3.5%) for 2022; to review at mid-FY 2022-23 the electric tax fund received, and to identify how the rate could be lowered to a reduced revenue source.

In response to a question posed by Ms. Kathleen Salt, VOF (Pine Ridge) resident, Mr. La Venia explained the bulk water rate for the VOF Pine Ridge and Pine Hills (enacted by Ordinance 2014-003) and established as an interlocal agreement with the North Sumter County Utility Dependent District).

After Mr. David J. Klemann Sr., City of Fruitland Park resident, gave an historical account of the connection of his property to the city's water and wastewater; the problems experienced with the septic system's grinder system, and the previous rates he has been paying in comparison to other neighboring households, Mayor Cheshire gave an overview of city's overhaul of same and suggested that arrangements be made for him to meet with Ms. Racine to address his concerns.

**ACTION:** 6:56:55 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission enact Ordinance 2022-020 as previously cited to become effective immediately as provided by law.

Earlier in the meeting and by unanimous consent, Mayor Cheshire closed the public hearing.

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

(e) **Second Reading and Public Hearing – Ordinance 2022-021 Water and Wastewater Rate Increase**

It now being the time advertised to hold a public hearing to consider Ordinance 2022-021, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 99.60 IN CHAPTER 50 OF THE FRUITLAND PARK CODE OF ORDINANCES TO ADJUST THE WASTEWATER UTILITY RATES BASED ON JANUARY 2022 CONSUMER PRICE INDEX; PROVIDING

FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on October 13, 2022.)

Mayor Cheshire recalled the city commission's discussions at its October 13, 2022 regular meeting to increase the wastewater usage rates by 7.5%; based on the consumer price index.

Upon Commissioner Bell's suggestion and **by unanimous consent, the city commission agreed to consider its review, during the mid-year 2022-23 budget of the water rate and wastewater rate and accepted Mayor Cheshire's recommendation that the electric franchise fee ought to be reviewed.**

**ACTION: 7:10:04 p.m. A motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission enact Ordinance 2022-021 as previously cited to become effective immediately as provided by law.**

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

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

**(h) First 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**

It now being the time advertised to hold a public hearing to consider the approval of Ordinance 2022-025, after Ms. Geraci-Carver read into the record the title, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 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 second reading will be held on December 8, 2022.)

**ACTION:** 7:12:55 p.m. After Mr. Rankin described the subject proposed annexation, **a motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter the city commission approve Ordinance 2022-025 as previously cited.**

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

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

- (f) **First Reading and Public Hearing – Ordinance 2022-023 – SSCPA 14.98± Acres – North of CR 466A and East of Oliver Lane - Petitioner: T. D. Burke**  
It now being the time advertised to hold a public hearing to consider the approval of Ordinance 2022-023, after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A 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 second reading will be held on December 8, 2022.)

After Mr. Rankin and Commissioner Gunter outlined the subject project's process, Mr. Jose Kreutz, Luxury Leased Homes USA LLC, representing the applicant, relayed the commitment to the C-2 zoning designation and described the following comparisons referenced by Vice Mayor DeGrave:

- The Hawthorns at Fruitland Park justification narrative for the comprehensive plan map amendment, second page, fourth paragraph and last sentence . . . *No right turn lanes from CR 466A are needed . . .* ; however, the justification narrative for the SSCPA, second page, last paragraph and last sentence . . . A

*right turn lane, along west-bound CR 466A, will be provided . . . to which Mr. Kreutz indicated has since been revised;*

- second and third pages of the narrative for the SSCPA showing 204 dwelling units and the outcome of said number to which Mr. Kreutz stated has since been updated;
- the narrative for the comprehensive plan map amendment revealing the number of trips generated *21 entering and 72 exiting trips in a.m. peak hour and 69 entering and 41 exiting*; however, the SSCPA the second page shows *28 entering and 90 exiting in the a.m. peak* to which Mr. Kreutz confirmed 29 entering and 90 exiting a.m. peak and 110 entering and 66 exiting in the p.m. peak to be the correct number, and
- the first paragraph of the February 16, 2022 letter regarding the school concurrency application from Ms. Helen LaValley, Lake County School District, showing 183 single-family dwelling units; the third page of the SSCPA justification narrative showing 240 multi-family dwelling units, and the outcome of same to which Mr. Kreutz explained has since been updated in Ms. LaValley's August 23, 2022 letter.

At Mayor Cheshire's request, Mr. Eric Nelson, Luxury Leased Homes USA LLC, gave a power-point presentation on the Hawthorns at Fruitland Park Site Plan, Location, and Concept Photos and verified the commitment to said project. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

Following some discussion, and after Mr. Rankin addressed his willingness to research the connection of the Oliver Lane roadway between the Benchmark Development property and the acquisition of the right-of-way, Vice Mayor DeGrave proffered a motion to approve the aforementioned Ordinance 2022-023 with the direction to staff to provide the revised documents, previously cited, to the city commission in advance of the second public hearing.

After Mr. La Venia concurred with Mayor Cheshire's suggestion for a vegetative barrier at the front of the subject property to which Mr. Rankin addressed staff's plan to take care of same, Ms. Geraci-Carver reiterated that if it is the city commission's desire for a high-density multi-family designation on 15 acres, the motion ought to include a site-specific text amendment language to be included in the comprehensive plan with a limit of no more than 240 dwelling units on 14.98 acres.

Earlier in the meeting, the following VOFP Pine Ridges residents appeared voicing concerns on the impacts the subject proposed project would have to the area:

- Ms. Theresa Moreman compared and questioned the differences of the proposed units approved at the November 3, 2022 Planning and Zoning Board's meeting to this evening's agenda item;
- Mr. Carl Yauk referred to his email sent earlier this day regarding inconsistencies in the subject backup -- to which Vice Mayor DeGrave pointed out his response to same -- and questioned whether consideration could be given to change the designation to residential -- copies of the respective documents are filed with the supplemental papers to the minutes of this meeting;
- Ms. Cynthia Mueller pointed out her statements earlier this evening at the LPA meeting confirming that the approved funding for the Micro Racetrack Road/CR 466A roadway project improvements were adopted on June 22, 2022 by Lake-Sumter Metropolitan Planning Organization (LS-MPO) and requested that the city commission consider the traffic impacts, and
- after Mr. Philip T. Salt questioned the impact of the roadway to the east of the proposed development to Micro Racetrack Road, Mayor Cheshire identified said roadway to be Lake County's jurisdiction; outlined how the county determines the traffic's level of service, and explained that the outcome is unknown.

**ACTION:** 7:15:34 p.m. Later in the meeting and after much discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission approve Ordinance 2022-023 as previously cited with the provision that the density of multi-family dwelling units not exceed 240 units per acre.

**By unanimous consent, Mayor Cheshire closed the public hearing.**

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

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

- (g) **First Reading and Quasi-Judicial Public Hearing – Ordinance 2022-024 – Rezoning 19.56± Acres – 305 CR 466A MDA – Petitioner: T. D. Burke**

It now being the time advertised to hold a public hearing to consider the approval of Ordinance 2022-024, after Ms. Geraci-Carver read into the record the title, Mayor Cheshire called for interested parties to be heard:

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 second reading will be held on December 8, 2022.)

Later in the meeting, Ms. Mueller voiced concerns on the increasing traffic impacts in the area to which the city commission addressed Lake County's awareness of the existing problem and the growing development.

Mr. Yauk voiced his concurrence with Ms. Muller's concerns.

**ACTION:** 8:11:30 p.m. **A motion was made by Commissioner Gunter and seconded by Commissioner Bell that the city commission approve Ordinance 2022-024 as previously cited.**

**By unanimous consent, Mayor Cheshire closed the public hearing.**

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

**(i) Quasi-Judicial Public Hearing – Resolution 2022-040 Lake Myrtle Breezes Variance – Petitioner: Crystal Lake Land Holdings LLC**

It now being the time advertised to hold a public hearing to consider the adoption of Resolution 2022-040, after Ms. Geraci-Carver read into the record the title, Mayor Cheshire called for interested parties to be heard:

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 second reading will be held on December 8, 2022.)

**ACTION:** 8:20:02 p.m. **After discussion, a motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission adopt Resolution 2022-040 as previously cited.**



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

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

**END OF QUASI-JUDICIAL PUBLIC HEARING**

**(j) Public Hearing - Resolution 2022-062 Unity of Title – Indivisible Building Site 305 CR 466A – Petitioner: T. D. Burke**

It now being the time advertised to hold a public hearing to consider the adoption of Resolution 2022-062, after Ms. Geraci-Carver read into the record the title, Mayor Cheshire called for interested parties to be heard:

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 second reading will be held on December 8, 2022.)

Ms. Geraci-Carver voiced her concurrence and Vice Mayor DeGrave agreed with Mr. La Venia's statements on the need to limit no more than 240 dwelling units of high-density multi-family on 15 acres. She addressed the need to review the future land use designation in the comprehensive plan

**ACTION: 8:22:00 p.m. A motion was made by Vice Mayor DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2022-062 as previously cited.**

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

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

**END OF PUBLIC HEARING**

**10. (a) City Manager –**

**i. Economic Development Status Update**

Mr. La Venia had nothing to report on economic development.

Later in the meeting, Mr. La Venia recalled the February 9, 2022 letter from City of Leesburg City Manager Al Miner and himself to the Lake County Board of County Commissioners regarding the Planned Development and Engineering Study for CR 468; highlighted LS-MPO rating and review process of the roadways, and pointed out the meeting he had with county staff in that regard.

ACTION: 8:25:12 p.m. and 8:26:05 p.m. No action was taken.

**ii. LCWA 2022-023 Cooperative Stormwater Initiative**

With reference to the Lake County Water Authority's (LCWA's) 2022-2023 Cooperative Stormwater Initiative, Mr. La Venia requested that the city proceed with the LCWA's grant to fund the baffle box at the end of Lemon Street.

ACTION: 8:25:22 p.m. After discussion and **by unanimous consent, the city commission accepted the city manager's request to proceed with the grant funding as previously cited.**

**(b) City Attorney**

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

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

ACTION: 8:34:11 p.m. No action was taken.

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

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

ACTION: 8:34:11 p.m. No action was taken.

**iii. U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845**

Ms. Geraci-Carver had nothing to report on the U.S. Bank National Association v. Robert Moore Case No. 2022-CA-00845.

ACTION: 8:34:11 p.m. No action was taken.

**iv. Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628**

Ms. Geraci-Carver had nothing to report on the Wayne Goodridge and Tammy Goodridge Case No. 2022-CA-1628.

ACTION: 8:34:11 p.m. No action was taken.

**v. Fruitland Park Official City Code**

Ms. Geraci-Carver had nothing to report on the city code.

ACTION: 8:34:11 p.m. No action was taken.

**11. UNFINISHED BUSINESS**

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

ACTION: 8:34:16 p.m. No action was taken.

**12. PUBLIC COMMENTS**

There were no public comments at this time.

ACTION: 8:34:18 p.m. No action was taken.

**13. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

Commissioner Mobilian reported that construction workers currently working on the city roads recently broke into a resident's home and requested that the police chief increase law enforcement presence in the Moyer Loop area.

ACTION: 8:34:24 p.m. No action was taken.

**(b) Vice Mayor DeGrave – Meeting Agenda and City Charter**

**i. City Charter**

Vice Mayor DeGrave relayed recent discussions he had with Mr. La Venia on the city commission's initial discussions to update and change the city's charter and scheduling same as a workshop prior to the city commission's regular meetings.

ACTION: 8:35:23 p.m. **By unanimous consent, the city commission accepted Vice Mayor DeGrave's recommendation to conduct a workshop on January 12, 2022 to review the city's charter.**

**ii. Meeting Agenda**

Vice Mayor DeGrave addressed concerns on the accuracy of the agenda and package and when it is posted on the city's website.

**ACTION:** 8:35:59 p.m. After much discussion and **by unanimous consent, the city commission agreed for staff to provide concise and up-to-date agenda supplemental materials to include staff's final report, approved budgetary amounts with account numbers, and advertising affidavit domain to the topic at-hand where appropriate.** (The city attorney concurred in the affirmative to Vice Mayor DeGrave's request that when including items in the agenda to assist the city clerk when seeking advice and remain in communications if there are any questions relative to preparations in that regard.)

**(c) Commissioner Bell**

Commissioner Bell stated that he had nothing to report at this time.

**ACTION:** 8:48:10 p.m. No action was taken.

**(d) Commissioner Gunter, Jr. - Redistricting**

In response to Commissioner Gunter's inquiry regarding the need to review redistricting, Mr. La Venia relayed his recent discussions with Mr. Rankin to provide a proposal on the city's official zoning map, redistricting, revisions to the comprehensive plan and a detailed map of the cemetery with the request for markers.

**ACTION:** 8:48:17 p.m. No action was taken.

**14. MAYOR'S COMMENTS - Dates to Remember**

Mayor Cheshire announced the following events:

- November 11, 2022 Veterans' Day - City Hall Closed
- November 11, 2022 American Legion Post 219 Veterans' Day Service, 194 Fountain Street, Fruitland Park, Florida 34731) at 11:00 a.m.;
- November 14, 2022, Lake County Parks, Recreation and Trails Advisory Board, Office of Parks and Trails, Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;
- November 17, 2022, Employee Thanksgiving Lunch, 205 West Berckman Street, Fruitland Park, Florida 34731 at 12:00 p.m.;
- November 18, 2022, Comedy Night, 205 West Berckman Street, Fruitland Park, Florida 34731 at 8:00 p.m.;
- November 19, 2022, Brews, Blues and BBQ, 205 West Berckman Street, Fruitland Park, Florida 34731 at 5:00 p.m.;
- November 24, 2022, Thanksgiving – City Hall Closed;
- November 24, 2022, Day After Thanksgiving – City Hall Closed;
- November 25, 2022, City Commission regular at 6:00 p.m. – Cancelled;

- December 2, 2022, Employee Christmas Party 205 West Berckman Street, Fruitland Park, Florida 34731 at 6:00 p.m.;
- December 7, 2022, Annual School Concurrency Committee Meeting, Lake County School District, Board Room, at 10:00 a.m.;
- December 8, 2022 Heritage Community Church Christmas Luncheon, 509 West Berckman Street, Fruitland Park, Florida 34731 at 11:00 a.m.;
- December 8, 2022, City Commission regular at 6:00 p.m.;
- December 9, 2022 Hometown Christmas at 5:30 p.m.;
- December 17, 2022, *10<sup>th</sup> 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 – New Year’s Eve,
- December 26, 2022, City Hall Closed – Christmas Day, and
- December 30, 2022, City Hall Closed – New Year’s Day

**ACTION:** 8:50:36 p.m. After discussion and **by unanimous consent, the city commission agreed to hold the December 8, 2022 5:00 p.m. workshop and invited Mr. Ryan Solstice, LPG Urban Regional Planners Inc.; to address the overlays, planned unit developments and master development agreements to determine developments within certain distance of other multi-family development units before considering the charette.**

**15. ADJOURNMENT**

The meeting adjourned at 8:55 p.m.

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

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

## Applicant Information

Municipality or Community Name City of Fruitland Park	Contact Gary F. La Venia
Phone Number 352-360-3727	Title City Manager
Project Name Lemon Street Baffle Box	E-mail glavenia@fruitlandpark.org
Mailing Address 506 W. Berckman Street, Fruitland Park, FL 34731	
Federal ID Number 59-6031169	

## Location Maps

**Please provide the following required information**

- Location of proposed stormwater treatment (attach legible aerial photographs, maps or other materials to adequately depict the watershed, receiving water, and area of the proposed treatment including names of affected water bodies and street names where appropriate).

see attached











**Please provide input on the following criteria that will be evaluated:**

- Overall Project:** Description of proposed stormwater treatment project. Discuss the technical merits of the project. Provide the associated cost estimate for portion related to water quality treatment. Include an estimate for any additional work if the stormwater element is part of a larger project, the schedule with a completion date, and the estimated operation/maintenance plan for the proposed project. **(14 points max)**

The City of Fruitland Park proposes to install one baffle box, a second in a series of
three (3) planned in and around 15.6 acre Mirror Lake.
Mirror Lake is in a large residential area of the city with little to no stormwater treatment.
Three areas around the lake have direct access to lake concrete drainageways.
The city identified these areas as ideal locations for nutrient separating baffle boxes.
Baffle box # 1 has construction has already been facilitated with LCWA grant dollars this
will be phase 2 of a 3 part project.
the location noted has easy access for installation as well as future maintenance.
City Public Works will maintain the box as part of their regular inspections.
Cost estimate:
Engineering and project management \$30,000
1 baffle box \$100,000
Installation of 1 baffle box \$100,000
Additional curbing, inlet piping and outfall \$100,000
Total requested: \$330,000
The City would expect the project to be finished by September 30, 2024

- Status of Project:** Which phases of the project have been completed? Provide realistic completion dates for the remaining phases. Requested contract time from the date of award to the completion of the project. **(5 points max)**

Conceptual Complete
Study Complete
Design Contingent of award of grant
Permits No
Bid Packages Prepared No
Time from Award to Project Completion Contingent on award of grant

- Public Benefit:** Identify the receiving waterbody. Explain the type of existing public access to the receiving waterbody (Public Ramps, Public Docks, Adjacent Public Parks, etc.). Discuss the expected public benefit by implementing the project. **(19 points max)**

The City of Fruitland Park has minimal stormwater infrastructure. With a high density
of homes surrounding Mirror Lake the addition of baffle boxes will greatly improve
water quality of the lake as well as preventing a substantial amount trash & debris
from entering the lake
Because homes on East Mirror Lake are across the street from the lake this affords the
driver and pedestrians views of the lake itself which is deemed to the city. There are
currently no public boat ramps on the lake.
It is the city's goal to insure the lake stays clean and environmentally vibrant and viable
for future generations to enjoy.

**Pollutant Removal:** Identify the size of the area (in acres) proposed for treatment, the percent of the watershed that is impervious, the types of pollutants targeted for removal, and the type and percent efficiency of the treatment method selected. Estimate the pounds of the target pollutants that will be removed per year and identify the method used to calculate these totals. Include the acreage and volume of any retention ponds as well as any soil information that may be available. **(29 points max)**

Target pollutants TKN & TP
Expected efficiencies are up to 20% TKN & 19 % TP
Estimated pounds of target pollutants, 5lbs TP per year
Method based on study by Dr. Daniel Smith of Applied Environmental Technology
There are no retentions ponds on site
Soils are generally Astatula-Apopka association

**Type of Project:** What type of project is proposed by the applicant? **(15 points max)**

(Circle appropriate answer)

<input type="checkbox"/>	Stormwater Construction Only	15 points
<input checked="checked" type="checkbox"/>	Engineering Design and Construction	9 points
<input type="checkbox"/>	Engineering Design, Construction, and Land Acquisition	6 points
<input checked="checked" type="checkbox"/>	Stormwater Study	3 points
<input type="checkbox"/>	Other Pollutant Removal Items	0 points

- Cost Sharing:** What level of cost sharing is requested (stormwater element only)?  
**(15 points max)**

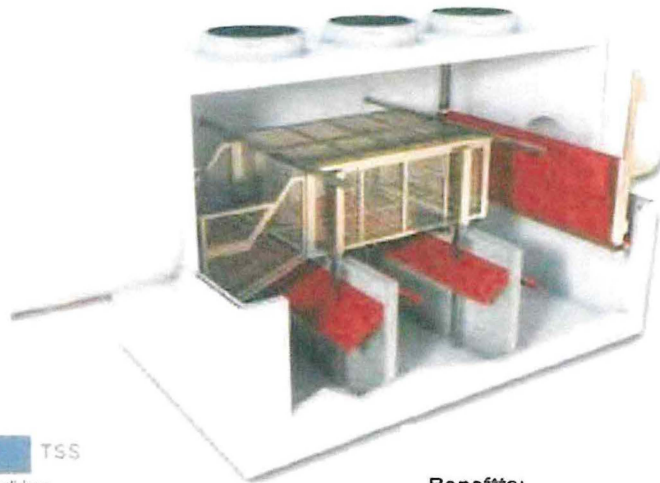
(Enter appropriate percentage in correct category)

<input type="checkbox"/>	%	0 to 25% LCWA reimbursement of project cost	15 points
<input type="checkbox"/>	%	26 to 50% LCWA reimbursement of project cost	12 points
<input type="checkbox"/>	%	51 to 75% LCWA reimbursement of project cost	6 points
<input checked="" type="checkbox"/>	%	76 to 100% LCWA reimbursement of project cost	3 points

- List additional funding partners and amount of proposed funding (stormwater element only)

Agency	Amount	Percentage
none		
<b>Total</b>		100

# NSBB™ Nutrient Separating Baffle Box®



NSBB™ Removal Efficiency



Nitrogen



Values based on sizing & design conditions

The Nutrient Separating Baffle Box (NSBB) is an advanced vault treatment system for stormwater runoff. Its patented screen system is designed to capture and store debris in a dry state to minimize nutrient leaching and allow for easy servicing. The N300's triple chamber design affords high TSS removal over a wide range of particle sizes, while patented deflectors ensure no sediment scouring occurs during high flows. This allows for on-line installation without the need for separate diversion structures. The NSBB is a widely accepted stormwater treatment BMP among developers, civil engineers and municipalities nationwide.

#### Benefits:

- Retrofits existing watersheds
- Patented screens maximize storage and prevent debris loss
- Easy vacuum truck servicing
- Dry state storage separates debris and trash from water and sediment
- Will not go septic between storms
- Captures thousands of pounds of debris, sediment and nutrients
- Pretreatment for rainwater harvesting and detention areas
- Meets requirements for Full Trash Capture TMDL Programs



LEED Credit Eligible:  
6.2 Stormwater Design  
Quality Control

**NUTRIENT SEPARATING BAFFLE BOX:  
LEAF AND NUTRIENT REMOVAL SYNOPSIS**

Prepared By:

Daniel P. Smith, Ph.D., P.E., DEE  
Applied Environmental Technology

10809 Cedar Cove Drive  
Thonotosassa, FL 33592-2250

11207 Kenilworth Avenue  
P.O. Box 576  
Garrett Park, MD 20896-0576

Prepared For:

Suntree Technologies Inc.  
798 Clearlake Road  
Cocoa, FL 32922

April 10, 2007



Source:

[https://www.suntretech.com/uploads/1/1/4/5/114586811/nsbb\\_leaf\\_nutrient\\_removal.pdf](https://www.suntretech.com/uploads/1/1/4/5/114586811/nsbb_leaf_nutrient_removal.pdf)



Removal efficiencies and flow rates from manufacturer Old Castle Infrastructure based on NSBB-5-10 model.

Removal Efficiencies and Flow Rates

NSBB Model#	Maximum Recommended Treatment Capacity	Typical recommended Treatment Capacity	80% TSS Removal For 150µm Particle Size	80% TSS Removal For 125µm Particle Size	80% TSS Removal For 75µm Particle Size	80% TSS Removal For 50µm Particle Size
NSBB-2-4	3 cfs	1 cfs	1 cfs	0.81 cfs	0.45 cfs	0.27 cfs
NSBB-3-6	6 cfs	3 cfs	3 cfs	2.47 cfs	1.35 cfs	0.63 cfs
NSBB-4-8	12 cfs	8 cfs	8 cfs	6.51 cfs	3.6 cfs	1.74 cfs
NSBB-5-10	30 cfs	15 cfs	15 cfs	12.45 cfs	7.5 cfs	3.82 cfs
NSBB-6-12	46 cfs	24 cfs	24 cfs	19.55 cfs	10.8 cfs	5.4 cfs
NSBB-8-14	60 cfs	32 cfs	32 cfs	26.09 cfs	14.4 cfs	7.7 cfs
NSBB-8-16	75 cfs	40 cfs	40 cfs	32.31 cfs	18 cfs	8.2 cfs

## Statewide Best Management Practice (BMP) Efficiencies for Nonpoint Source Management of Surface Waters *Draft – July 2018*

BMP Type	Standard BMPs	TP % Reduction	TN % Reduction	Data Source
<b>Baffle Boxes</b>	Baffle boxes—First generation (hydrodynamic separator) <sup>1</sup>	2.30 %	0.50 %	Final report, Contract S0236, <i>Effectiveness of baffle boxes plus media filter</i> , by GPI Southeast 2010; <i>Demonstration bio media for ultra-urban stormwater treatment</i> , by University of Central Florida (UCF) for Florida Department of Transportation (FDOT); and Final report, Contract S0497, <i>Baffle box with media filtration installation and effectiveness evaluation</i> by City of Casselberry.
	Baffle boxes—Second generation <sup>1</sup>	15.5 %	19.05 %	
	Baffle boxes—Second generation plus media filter <sup>1</sup>	BMPTRAINs model	BMPTRAINs model	

Source: <https://floridadep.gov/dear/water-quality-restoration/documents/statewide-best-management-practice-bmp-efficiencies>



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

**ITEM TITLE:** Resolution 2023-001 and Budget Amendment BT2023-002 - Patricia Avenue Water Main and Spring Lake Road Line Extension Construction Projects – FY 2022-23

**MEETING DATE:** January 12, 2023

**DATE SUBMITTED:** December 28, 2022

**SUBMITTED BY:** City Attorney/City Treasurer

**BRIEF NARRATIVE:** Budget Amendment BT2023-002 adds \$62,078 to transfer in from Water Impact Fund revenue (40001-38006); increases Water Main Construction expense (40533-60612) by \$35,578 and increases Line Extension expense (40533-60619) by \$26,500. This budget amendment will increase the FY 2022-23 budget by \$62,078. This will cover the engineering cost of the two construction projects and is coming out of water impact fees.

**FUNDS REQUIRED:** See above.

**ATTACHMENTS:** Proposed resolution and budget amendment. (See Agenda Items 5(b) and 5(c) agreement proposals.)

**RECOMMENDATION:** Approve Resolution 2023-0001 and Budget Amendment BT2023-002 Patricia Avenue Water Main and Spring Lake Road Line Extension Construction Projects.

**ACTION:** Adopt Resolution 2023-001.

RESOLUTION 2023-001

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2022/2023 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE TRANSFER IN FROM WATER IMPACT FUND REVENUE BUDGET AND THE WATER MAIN CONSTRUCTION AND LINE EXTENSION EXPENSE BUDGETS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fiscal Year 2022-2023 budget of the City of Fruitland Park was adopted on September 22, 2022; and

WHEREAS, funds are required for engineering and surveying for construction of the Patricia Avenue Water Main and Spring Lake Road Water Line Extension projects; and

WHEREAS, it is necessary to increase revenues in Transfer in from Water Impact Fund by \$62,078, and increase Water Main Construction expense and Line Extension expense; and:

WHEREAS, the City Commission desires to amend the 2022-2023 Fiscal Year budget to increase the Water Main Construction by \$35,578 and Water Line Extension Expense Budget by \$26,500;

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

Section 1. The 2022/2023 budget adopted on September 22, 2022 is amended as set forth in Exhibit "A" attached hereto.

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

PASSED AND RESOLVED this 12<sup>th</sup> day of January 2023, by the City Commission of the City of Fruitland Park, Florida.

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City of Fruitland Park  
Chris Cheshire, Mayor

Attest:

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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

CITY OF FRUITLAND PARK

Interfund Budget Amendment: #

BT2023-002

To: CITY MANAGER

Date: 28-Dec-2028

Prepared by: Finance Director  
Department Head

Approved: City Manager

REVENUES:

Object name & # 40001-38006 Transfer in from Water Impact Fund Amount: 62,078 Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

EXPENDITURES:

Object name & # 40533-60612-PATAV Watermain Construction Patricia Ave Amount: 35,578 Inc/Dec

Object name & # 40533-60619-SPGLK Spring Lake Road Line Extension Amount: 26,500 Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Explanation: Establish a budget for Patricia Avenue Watermain Construction and Spring Lake Road Water Line

Extension for Half Civil Engineering and surveying services necessary to complete the projects.

Water Impact Fund current balance is \$893,503.

Approved by Commission: 1/12/2023  
Date

City Clerk

City Finance Director

Mayor

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

**ITEM TITLE:** Resolution 2023-002 Civil Engineering and Surveying - Spring Lake Road Water Line Extension – Halff Inc. Agreement/Proposal

**MEETING DATE:** January 12, 2023

**DATE SUBMITTED:** December 28, 2022

**SUBMITTED BY:** City Attorney/City Manager

**BRIEF NARRATIVE:** Resolution 2023-002 Civil Engineering and Surveying - Spring Lake Road Water Line Extension

**FUNDS REQUIRED:** See Agenda Item 5(a)

**ATTACHMENTS:** Proposed resolution and agreement proposal

**RECOMMENDATION:** Approval.

**ACTION:** Adopt Resolution 2023-002.

**RESOLUTION 2023-002**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AGREEMENT/PROPOSAL FOR SPRING LAKE ROAD WATER LINE EXTENSION DATED NOVEMBER 1, 2022 FROM HALFF IN AN AMOUNT NOT TO EXCEED \$26,500.00 FOR ENGINEERING AND SURVEYING SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Fruitland Park will be extending and installing a 12” water main on the north side of Spring Lake Road between US Hwy 441 and Tommy Lane, and surveying, engineering, permitting, bidding and contract administration services are needed; and

**WHEREAS**, Halff offers the services needed by the City and a proposal in an amount not to exceed \$26,500.00 has been submitted by Halff; and

**WHEREAS**, the City Commission of the City of Fruitland Park, Florida finds it is in the best interest of the City to approve the proposal from Halff.

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

Section 1. The Agreement/Proposal for Spring Lake Road Water Line Extension dated November 1, 2022 from Halff in the amount not to exceed \$26,500.00, **a copy of which is attached**, is approved.

Section 2. The Commission authorizes the Mayor to execute the proposal.

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 12<sup>th</sup> day of January, 2023, 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



VIA EMAIL [glavenia@fruitlandpark.org](mailto:glavenia@fruitlandpark.org)

November 1, 2022

Gary LaVenia  
City Manager  
City of Fruitland Park  
506 W. Berckman Street  
Fruitland Park, FL 34731

**RE: AGREEMENT/PROPOSAL FOR SPRING LAKE ROAD WATER LINE EXTENSION,  
FRUITLAND PARK, FLORIDA, LAKE COUNTY  
(HALFF AVO 043866.098)**

Dear Mr. LaVenia:

Scope of Services – Halff Associates, Inc.

**SCOPE OF SERVICES:**

Provide civil engineering and surveying support for installation of a 12" water main on the north side of Spring Lake Road between US Hwy 441 and Tommy Lane. Services will include verification of previous surveying, modification of civil site plan, permitting with the Florida Department of Environmental Protection (FDEP) as well as final clearances for FDEP.

**SCOPE OF WORK:**

**PHASE 100 MISCELLANEOUS SURVEYING SERVICES (AS NEEDED)**

At a minimum, survey field crew will visit subject site and inspect if there has been any new construction since original survey. Survey crew will pick up any new improvements. Task may also include Sketches and Legal Descriptions, hardscape lay-out, walls, fences, columns and electric utility staking. These services will be billed at standard hourly rates **not to exceed \$5,000.00 without written authorization**. This line item eliminates the need for administrative change orders, purchase orders, etc. as through the platting process, there are unforeseen services required to meet the needs of the developer, engineers and/or municipalities.

**FEE: \$5,000.00 (NOT TO EXCEED)**

**PHASE 200 REVISE EXISTING PLANS TO REMOVE DIRECTIONAL BORE ON U.S. 27**

Halff will modify existing plans to account for the utilities constructed along US 441 since the project was last surveyed and will change the line work and callouts to be project accurate. Halff will include any survey revisions found and located from Phase 100 within the revised plans set.

**FEE: \$3,500.00**

### **PHASE 300 FDEP WATER PERMITTING**

Prepare and submit FDEP General Permit application for water distribution system. Coordinate with the City of Fruitland Park for review of potable water system and signing of FDEP application as utility provider, attend meeting(s) with the City, and respond to request for additional information (RAI) from FDEP.

**FEE: \$2,500.00**

### **PHASE 400 LAKE COUNTY RIGHT OF WAY UTILIZATION PERMITTING**

Prepare and submit application to Lake County Public Works for Right of Way Utilization permit. Attend meeting(s) with County staff and respond to request for additional information (RAI) in order to obtain permit (if required).

**FEE: \$2,500.00**

### **PHASE 500 BIDDING**

HALFF will prepare Specifications and Contract Documents, conduct pre-bid meeting, respond to bidder's questions during the bidding process, issue bid addenda as required, review bids for completeness and recommendation of qualified bidders, conduct a pre-construction meeting, prepare final Contract Documents between the Owner and the Contractors, prepare Notice of Award and Notice to Proceed.

**FEE: \$5,000.00**

### **PHASE 600 PROJECT ADMINISTRATION**

The scope of services shall include administrative services necessary to coordinate all aspects of the project through the planning, design and permitting phase. These services shall include project scheduling with all regulatory agencies and public utility companies during the design and permitting phase of the project.

**FEE: \$2,000.00**

### **PHASE 700 CONSTRUCTION ADMINISTRATION**

All necessary inspections, final certifications and as-builts as required by permit conditions which consist of the following:

HALFF will advise and consult with Owner and act as its representative during construction. HALFF will make monthly visit to the site to observe the progress and quality of the executed site work and to determine in general if the work is proceeding in accordance with the construction drawings. HALFF will review and approve shop drawings, results of tests and inspections and other data that the contractor is required to submit.

Review Contractor's Pay Requests and address any questions with client. Review As-Built drawings and coordinate final inspection with the County or City. Coordinate final inspection with Lake County.

Based upon the on-site observations and a signed and sealed as-built survey provided by a Florida Registered Surveyor, HALFF shall prepare and submit as-built construction drawings and certifications of completions to the owner and the following State and local agencies as required:

- A. Lake County
- B. Florida Department of Environmental Protection

**FEE: \$5,000.00**

**PHASE 9999 REIMBURSABLES**

Costs for reimbursables, including printing, copying, blueprints, binding, mileage, etc., shall be billed at the rates shown in the below Rate Schedule, or at cost.

**FEE: \$1,000.00 (BUDGET, TO BE BILLED AT COST)**

Our fees for the described services are outlined in the following table. We have provided “Lump Sum Fees” for the services identified in the Scope of Work. Lump Sum Fees do not include Reimbursable Expenses directly associated with the project (travel, mileage, reproduction, supplies, and other non-labor reimbursable costs.) Our fee schedule is as follows:

**FEE SUMMARY**

<b>TASK</b>	<b>AMOUNT</b>
PHASE 100	\$ 5,000.00
PHASE 200	\$ 3,500.00
PHASE 300	\$ 2,500.00
PHASE 400	\$ 2,500.00
PHASE 500	\$ 5,000.00
PHASE 600	\$ 2,000.00
PHASE 700	\$ 5,000.00
PHASE 9999	\$ 1,000.00
<b>TOTAL</b>	<b>\$ 26,500.00</b>

**THIS PROPOSAL DOES NOT INCLUDE THE FOLLOWING ITEMS:**

- 1. Boundary Survey
- 2. Topography Survey
- 3. Soil Boring Location and Elevation Survey
- 4. Monumentation of wetlands for Conservation Easement
- 5. Platting
- 6. Sketch and Descriptions for Conservation Easements

7. Offsite Right-of-Way survey for utilities.
8. Tree Survey
9. As-built Survey
10. Off-site Roadway or Transportation Improvements
11. Boat Dock and Ramp Design/Permitting
12. CADD support for environmentalist.
13. FEMA CLOMR
14. FEMA Map Amendment
15. NPDES Permitting
16. Conditional Use Permit
17. Earthwork Calculations
18. Rezoning
19. Land Use Changes
20. Franchise Utility Coordination
21. Conversion of AutoCad Files to any other format
22. Signing and Pavement Marking Plans
23. Written Specifications
24. Cost Estimating
25. Environmental Assessment (Threatened and Endangered Assessment)
26. Army Corp. of Engineers Dredge and Fill
27. Florida Fish and Wildlife Conservation Commission Permit
28. Wetland Flagging/Delineation
29. Landscape/Irrigation Plans
30. Hardscape, Walls, Entry Features
31. Lighting/Photometric Design
32. Electrical Controls for Lift Stations
33. Geotechnical Investigations
34. Traffic Study / Impact Analysis
35. Retaining Wall Structural Design
36. Noise Study
37. Reimbursables to be billed based upon direct expense incurred by HALFF for blueprints, copies, mylars, reproductions, postage, etc.
38. Advance of permit fees, impact fees, title search fees, recording or advertising fees.
39. The above prices allow for up to two (2) response submittals for any request for additional information letters from referenced agencies. Any additional request's will be billed on an hourly basis based on the attached hourly rate schedule.

## 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: 5c**

**ITEM TITLE:** Resolution 2023-003 Patricia Avenue Water Main – Halff Inc. Agreement/Proposal

**MEETING DATE:** January 12, 2023

**DATE SUBMITTED:** December 28, 2022

**SUBMITTED BY:** City Attorney/City Manager

**BRIEF NARRATIVE:** Resolution 2023-003 Patricia Avenue Water Main

**FUNDS REQUIRED:** See Agenda Item 5(a)

**ATTACHMENTS:** Proposed resolution and agreement proposal

**RECOMMENDATION:** Approval.

**ACTION:** Adopt Resolution 2023-003.

**RESOLUTION 2023-003**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AGREEMENT/PROPOSAL FOR PATRICIA AVENUE DATED NOVEMBER 1, 2022 FROM HALFF IN AN AMOUNT NOT TO EXCEED \$35,577.50 FOR ENGINEERING AND SURVEYING SERVICES FOR THE PATRICIA AVENUE WATER MAIN; AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Fruitland Park will be installing a 8” water main along Patricia Avenue between Shiloh Street at the north, and Lewis Street to the south, and surveying, engineering, permitting, bidding and contract administration services are needed; and

**WHEREAS**, Halff offers the services needed by the City and a proposal in an amount not to exceed \$35,577.50 has been submitted by Halff; and

**WHEREAS**, the City Commission of the City of Fruitland Park, Florida finds it is in the best interest of the City to approve the proposal from Halff.

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

Section 1. The Agreement/Proposal for Patricia Avenue dated November 1, 2022 from Halff in the amount not to exceed \$35,577.50 for surveying and engineering for a 8” water main, **a copy of which is attached**, is approved.

Section 2. The Commission authorizes the Mayor to execute the proposal.

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 12<sup>th</sup> day of January 2023, by the City Commission of the City of Fruitland Park, Florida.



**SEAL**

**CITY COMMISSION OF THE CITY OF  
FRUITLAND PARK, FLORIDA**

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CHRIS CHESHIRE, MAYOR

ATTEST:

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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:

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Anita Geraci-Carver, City Attorney



VIA EMAIL [glavenia@fruitlandpark.org](mailto:glavenia@fruitlandpark.org)

November 1, 2022

Gary LaVenia  
City Manager  
City of Fruitland Park  
506 W. Berckman Street  
Fruitland Park, FL 34731

**RE: AGREEMENT/PROPOSAL FOR PATRICIA AVENUE, FRUITLAND PARK, FLORIDA,  
LAKE COUNTY (HALFF AVO 043866.096)**

Dear Mr. LaVenia:

Scope of Services – Halff Associates, Inc.

**SCOPE OF SERVICES:**

Provide civil engineering and surveying support for installation of an 8-inch water main along Patricia Ave. between Shiloh Street at the north, and Lewis Street to the south. Services will include a map of survey and subsurface utility locations, as well as engineering design and permitting for the proposed water main. Permitting shall be with FDEP.

**SCOPE OF WORK:**

**PHASE 100 MAP OF SURVEY**

Prepare a Map of Survey of Patricia Avenue, Fruitland Park (approximately 1000 linear feet). All improvements including surface evidence of utilities along with utilities flagged by an underground locating company, trees (size and designation), pavement, and fences within the right of way will be shown. The survey will include right of way determination. Scope includes horizontal location only, and additions/changes to the scope of work will be subject to a change order.

**FEE: \$8,720.00**

## GENERAL SITE AERIAL



ESTIMATED COMPLETION TIME IS 60-75 BUSINESS DAYS UPON RECEIPT OF SIGNED CONTRACT.

DELIVERABLES: UPON COMPLETION OF SURVEY, ENGINEER WILL RECEIVE AN ELECTRONIC VERSION OF SURVEYED INFORMATION IN CIVIL 3D.

### **PHASE 200 UTILITY LOCATION (PRECISE LOCATING SERVICES, INC.)**

Designate the horizontal positions for but not limited to Water, Gas, and Telephone as outlined on map provided on 10/28/22 from Shiloh Street to Lewis Street R/W to R/W on Patricia Avenue for approximately 975 feet.

This fee does not include lane closures, permits, or bonds.

Precise Locating Services equipment and methods for finding/locating underground utilities and features are the industry recognized procedures. Although effective and reliable, there is the possibility that all utilities may not be located or field verified due to environmental or soil conditions, water table, excessive depth, feature makeup and/or equipment limitation.

**FEE: \$2,357.50**

### **PHASE 300 CONSTRUCTION PLANS**

ENGINEER will prepare a set of plans for bidding, that demonstrates the installation of an 8-inch water main along Patricia Avenue. Plans will include location of water main to be installed, as well as the necessary construction details and notes for installation and bidding. Plans shall be sufficient for and used with FDEP permitting.

**FEE: \$6,500.00**

#### **PHASE 400 FDEP WATER PERMITTING**

Prepare and submit FDEP General Permit application for water distribution system. Coordinate with the City of Fruitland Park for review of potable water system and signing of FDEP application as utility provider, attend meeting(s) with the City, and respond to request for additional information (RAI) from FDEP.

**FEE: \$2,500.00**

#### **PHASE 500 LAKE COUNTY RIGHT OF WAY UTILIZATION PERMITTING**

Prepare and submit application to Lake County Public Works for Right of Way Utilization permit. Attend meeting(s) with County staff and respond to request for additional information (RAI) in order to obtain permit (if required).

**FEE: \$2,500.00**

#### **PHASE 600 BIDDING**

HALFF will prepare Specifications and Contract Documents, conduct pre-bid meeting, respond to bidder's questions during the bidding process, issue bid addenda as required, review bids for completeness and recommendation of qualified bidders, conduct a pre-construction meeting, prepare final Contract Documents between the Owner and the Contractors, prepare Notice of Award and Notice to Proceed.

**FEE: \$5,000.00**

#### **PHASE 700 PROJECT ADMINISTRATION**

The scope of services shall include administrative services necessary to coordinate all aspects of the project through the planning, design and permitting phase. These services shall include project scheduling with all regulatory agencies and public utility companies during the design and permitting phase of the project.

**FEE: \$2,000.00**

#### **PHASE 800 CONSTRUCTION ADMINISTRATION**

All necessary inspections, final certifications and as-builts as required by permit conditions which consist of the following:

HALFF will advise and consult with Owner and act as its representative during construction. HALFF will make monthly visit to the site to observe the progress and quality of the executed site work and to determine in general if the work is proceeding in accordance with the construction drawings. HALFF will review and approve shop drawings, results of tests and inspections and other data that the contractor is required to submit.

Review Contractor's Pay Requests and address any questions with client. Review As-Built drawings and coordinate final inspection with the County or City. Coordinate final inspection with Lake County.

Based upon the on-site observations and a signed and sealed as-built survey provided by a Florida Registered Surveyor, HALFF shall prepare and submit as-built construction drawings and certifications of completions to the owner and the following State and local agencies as required:

- A. Lake County
- B. Florida Department of Environmental Protection

**FEE: \$5,000.00**

**PHASE 9999 REIMBURSABLES**

Costs for reimbursables, including printing, copying, blueprints, binding, mileage, etc., shall be billed at the rates shown in the below Rate Schedule, or at cost.

**FEE: \$1,000.00 (BUDGET, TO BE BILLED AT COST)**

Our fees for the described services are outlined in the following table. We have provided “Lump Sum Fees” for the services identified in the Scope of Work. Lump Sum Fees do not include Reimbursable Expenses directly associated with the project (travel, mileage, reproduction, supplies, and other non-labor reimbursable costs.) Our fee schedule is as follows:

**FEE SUMMARY**

<b>TASK</b>	<b>AMOUNT</b>
PHASE 100	\$ 8,720.00
PHASE 200	\$ 2,357.50
PHASE 300	\$ 6,500.00
PHASE 400	\$ 2,500.00
PHASE 500	\$ 2,500.00
PHASE 600	\$ 5,000.00
PHASE 700	\$ 2,000.00
PHASE 800	\$ 5,000.00
PHASE 9999	\$ 1,000.00
<b>TOTAL</b>	<b>\$ 35,577.50</b>

**THIS PROPOSAL DOES NOT INCLUDE THE FOLLOWING ITEMS:**

1. Boundary Survey
2. Topography Survey
3. Soil Boring Location and Elevation Survey
4. Monumentation of wetlands for Conservation Easement
5. Platting
6. Sketch and Descriptions for Conservation Easements
7. Tree Survey
8. As-built Survey
9. Off-site Roadway or Transportation Improvements
10. Boat Dock and Ramp Design/Permitting
11. CADD support for environmentalist.
12. FEMA CLOMR
13. FEMA Map Amendment
14. NPDES Permitting
15. Conditional Use Permit
16. Earthwork Calculations
17. Rezoning
18. Land Use Changes
19. Franchise Utility Coordination
20. Conversion of AutoCad Files to any other format
21. Signing and Pavement Marking Plans
22. Written Specifications
23. Cost Estimating
24. Environmental Assessment (Threatened and Endangered Assessment)

25. Army Corp. of Engineers Dredge and Fill
26. Florida Fish and Wildlife Conservation Commission Permit
27. Wetland Flagging/Delineation
28. Landscape/Irrigation Plans
29. Hardscape, Walls, Entry Features
30. Lighting/Photometric Design
31. Electrical Controls for Lift Stations
32. Geotechnical Investigations
33. Traffic Study / Impact Analysis
34. Retaining Wall Structural Design
35. Noise Study
36. Reimbursables to be billed based upon direct expense incurred by HALFF for blueprints, copies, mylars, reproductions, postage, etc.
37. Advance of permit fees, impact fees, title search fees, recording or advertising fees.
38. The above prices allow for up to two (2) response submittals for any request for additional information letters from referenced agencies. Any additional request's will be billed on an hourly basis based on the attached hourly rate schedule.

## 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: 5d**

**ITEM TITLE:** Resolution 2023-009 Gazebo for Fruitland Park  
Community Center's Courtyard

**MEETING DATE:** January 12, 2023

**DATE SUBMITTED:** January 4, 2023

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

**BRIEF NARRATIVE:** Resolution 2023-009 Gazebo for Fruitland Park  
Community Center's Courtyard

**FUNDS REQUIRED:** 20511-60636 CRA - \$33,018.00

**ATTACHMENTS:** Proposed Resolution (forthcoming) and Fifthroom.com  
quote

**RECOMMENDATION:** Approve the CRA's recommendation.

**ACTION:** Adopt Resolution 2023-009

**Quote**

**Quote #:** 3038599 - B  
**Date:** 5/9/22  
**Good Until:** 5/23/22

**Project Advisor**

**Name:** Robert Imbrogno  
**Phone:** 888-293-2339 x246  
**Fax:** 724-444-5301  
**Email:** Robert.Imbrogno@fifthroom.com

**Customer**

**Ref #:**  
**Job Name:**  
**PO #:**

Quantity	Product & Description	Unit Price	Total
1	20' Vinyl Dodecagon Double Roof Gazebo	\$29,799.00	\$29,799.00
1	Standard Roof	\$0.00	\$0.00
1	Top Railing Sections	\$0.00	\$0.00
1	Straight Posts	\$0.00	\$0.00
1	Standard Braces	\$0.00	\$0.00
1	Cupola	\$0.00	\$0.00
1	Old English Pewter Asphalt Shingles	\$0.00	\$0.00
1	1 x 1 Standard Railings	\$0.00	\$0.00
1	Standard White Vinyl	\$0.00	\$0.00
1	Engineered Drawings, with Stamp; Drawing State: FL; Permit to be acquired by Customer	\$1,599.00	\$1,599.00
0	Excluded: Fan, Screens, Ceiling, Deck		

Subtotal	\$31,398.00
Shipping	\$1,620.00
Pre-Tax Total	\$33,018.00
Sales Tax	\$0.00
<b>TOTAL</b>	<b>\$33,018.00</b>



**Billing Details**

**Company:** City of Fruitland Park  
**Name:** Michelle Yoder  
**Address:** -  
**City:** Fruitland Park  
**State:** Florida  
**Zip Code:** 34731  
**Phone:** 352-771-3417  
**Email:** myoder@fruitlandpark.org

**Shipping Details**

**Company:** City of Fruitland Park  
**Name:** Michelle Yoder  
**Address:** -  
**City:** Fruitland Park  
**State:** Florida  
**Zip Code:** 34731  
**Phone:** 352-771-3417  
**Email:** myoder@fruitlandpark.org

**Payment Terms**

50% down payment to start production.  
Balance due prior to shipping

**Notes**

\*Production will Not Begin until Stamped Engineered Drawings are Approved  
\*Stamped Engineered Drawings are Currently taking 2-3 Weeks to Complete

**Shipping Notes**

Shipping As a kit  
Method: Motor Freight  
Estimated shipping 7-9 Weeks after Drawing Approval.  
Estimated transit time 2-3 days.

\*No Touch Delivery Service Available = Additional \$399

• Size or number of members, types of fastener and other design items could be affected by engineering or local ordinances. Fifthroom.com reserves the right to adjust pricing based on Engineering and local code compliance.  
• Fasteners: All Fasteners Included



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

**ITEM TITLE:** Resolution 2023-008 Gardenia Park and Veterans Park Pavilions Roof Replacements

**MEETING DATE:** January 12, 2023

**DATE SUBMITTED:** January 4, 2023

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

**BRIEF NARRATIVE:** Resolution 2023-008 Gardenia Park and Veterans Park Pavilions Roof Replacements.

**FUNDS REQUIRED:** 20511-60665 (Parks Improvements) \$61,500

**ATTACHMENTS:** Proposed resolution and Covenant Roofing quote.

**RECOMMENDATION:** Approve the Community Redevelopment Agency's recommendation.

**ACTION:** Adopt Resolution 2023-008.

**RESOLUTION 2023-008**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE SALES CONTRACT FROM ROOFING COVENANT CONSTRUCTION IN THE AMOUNT OF \$41,547.00 TO REPLACE TWO PAVILION ROOFS; AUTHORIZING THE MAYOR TO EXECUTE THE SALES CONTRACT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Fruitland Park budgeted in its 2022/2023 fiscal year budget to replace two pavilion roofs, Gardenia Park Pavilion and Veteran's Park Pavilion;

**WHEREAS**, the City obtained three quotes as each roof replacement is less than \$35,000.00; and

**WHEREAS**, the City Commission of the City of Fruitland Park, Florida finds it is in the best interest of the City to accept the Sales Contract from Roofing Covenant Construction in the total amount of \$41,547.00.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Sales Contract from Roofing Covenant Construction in the amount of \$41,547.00, **a copy of which is attached hereto**, is approved.

Section 2. The Commission authorizes the Mayor to execute the Sales Contract.

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 12<sup>th</sup> day of January 2023, by the City Commission of the City of Fruitland Park, Florida.

**SEAL**

**CITY COMMISSION OF THE CITY OF  
FRUITLAND PARK, FLORIDA**

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CHRIS CHESHIRE, MAYOR

ATTEST:

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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:

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Anita Geraci-Carver, City Attorney

THE DIFFERENCE IS  
THE PROMISE



1410 Emerson Street, Leesburg, FL 34748  
Phone: 352-314-3625 • Toll Free: 855-314-3625 • Fax: 352-240-3439  
www.CovenantRoofFL.com • State Roofing License: CCC 1332763

## Sales Contract

Covenant Roofing & Construction, Inc. agrees to furnish all materials and labor necessary to do the modernization work at the following address:

Name: City of Fruitland Park Date: 12/15/2022  
Address: 810 W Berckman St (Vet park pavilion)  
City: Fruitland Park State: FL Zip: 34731  
Email: myoder@fruitlandpark.org Phone: \_\_\_\_\_ Mobile: 3527713417

In accordance with specifications given below:

REROOF:

SHINGLE ROOF

- REMOVE OLD ROOF TO WORKABLE SURFACE.
- RENAIL ROOF DECK WITH RING SHANK NAILS.
- REPLACE ANY ROTTED WOOD WITH STANDARD SHEATHING @ \$ 9 PER FOOT AND \$ 120 PER SHEET OF PLYWOOD, IF ANY. (INITIAL)Line 3
- INSTALL High temp peel and stick UNDERLAYMENT OVER ENTIRE ROOF.
- INSTALL FHA/VA EAVES DRIP. COLOR Galvalume
- INSTALL NEW VALLEY METAL AND FLASHINGS AS NECESSARY.
- INSTALL NEW PLUMBING BOOTS OVER VENT PIPES AND RESEAL VENTS.
- INSTALL FIBERGLASS SHINGLES. COLOR \_\_\_\_\_
- INSTALL 0 FEET OF RIDGE VENT. COLOR \_\_\_\_\_
- CLEAN-UP JOB SITE OF ALL WORK DEBRIS AND HAUL AWAY ALL RELATED DEBRIS AND LEAVE JOB SITE CLEAN.
- CONTRACTOR WILL COORDINATE REMOVAL AND REINSTALLATION OF ROOF RELATED PERIPHERALS SUCH AS (BUT NOT LIMITED TO) SOLAR UNITS, SKYLIGHTS, TV. DISH AND AIR CONDITIONERS, ETC. REMOVE AND REINSTALL EXISTING SOFFIT AND FASCIA@ A TIME AND MATERIAL PRICE IN ADDITION TO CONTRACT PRICE, IF REQUIRED. THE COST FOR SUCH WORK WILL BE IN ADDITION TO CONTRACT PRICE AND HEREIN APPROVED BY HOMEOWNER (INITIAL)Line 11
- ALL WORK COVERED BY A 5 YEAR WORKMANSHIP WARRANTY.

Upgraded CRC warranty

Install 26G GulfRib metal in galvalume

**Contract Price** \$ 41,347.00

**Permit** \$ 200.00

**Total** \$ 41,547.00

**1/3 Deposit** \$ 13,849.00

**Subtotal** \$ 27,698.00

**BALANCE DUE** \$ 27,698.00

**UPON COMPLETION** (Plus Total from Item 3 above)

- Contract Documents. This contract consists of this document, extra work/wood authorizations, if any, and if payments hereunder are to be financed, all financing documents. No promises other than those specifically set forth in the contract documents shall be recognized by either party. The entire understanding and agreement of the parties is contained in the contract documents.
- It is understood and agreed that this contract shall not become binding upon Covenant Roofing & Construction, Inc. until it is duly approved, accepted, signed and witnessed by an officer or officers of the Seller. ASAP
- Work on the job described in the contract documents will commence on approximately \_\_\_\_\_ and be completed on approximately ASAP. The recited dates are approximations and are subject to scheduling difficulties of Seller, labor and/or material shortages, acts of God and other events not foreseen by Seller. Seller reserves the right to employ any sub-contractor for the completion of the work described in the contract documents.
- Covenant Roofing & construction, Inc. reserves the right to substitute materials of equal or greater value and kind. Any required materials such as fire retardant plywood, tongue and groove board, etc. will be billed on a time and material basis. All other changes required by New Jurisdictional Code Enforcement Laws may result in additional charges.
- Interest at the rate of eighteen (18%) per cent per annum will be charged on all balances not paid as per the terms specified above. Reasonable attorney's fees will be charged to the Purchaser if it is necessary to place this contract in the hands of an attorney for collection, and this charge becomes a part of the contract and obligation of the Purchaser to pay.
- Parties agree that this agreement shall be construed according to the laws of the State of Florida and any action brought thereon may be brought in the State of Florida. Venue is hereby agreed to be in Lake County Florida.
- BUYERS RIGHT TO CANCEL (SOLICITED SALES ONLY) If you do not want the goods or services, you may cancel this agreement by providing written notice to the seller in person, by telegram, or by mail. This notice must indicate that you do not want the goods or services and must be delivered or postmarked before midnight of the third business day after you sign this agreement.
- Both worker's compensation and public liability insurance are carried by the Seller and they are applicable to the work to be performed.
- It is understood and agreed that the buyer hold harmless, Covenant Roofing & Construction, Inc., for any damages that may occur to the buyer's driveway(s) during delivery of materials and/or removal of the work related debris that may be required to perform this home improvement contract. Furthermore, the buyer herein gives permission for typical delivery vehicles and typical waste removal vehicles to enter said driveway(s) for the purpose of expediting this sales contract. (INITIAL)Line 9
- Contractor will coordinate removal and reinstallation of roof related peripherals such as (but not limited to) solar units, skylights, T.V. dishes and air conditioners, etc. The cost for such work will be in addition to contract price and approved by homeowner.
- Covenant Roofing & Construction, Inc. shall not be held responsible for damage to electrical lines, water lines, refrigerant lines or other mechanical components that have been improperly installed near roof decking and may be damaged while performing installation of roofing materials. Covenant Roofing & Construction, Inc. shall not be responsible for any additional costs due to roof decking that may have old materials adhered in such a way that requires redecking of structure. (INITIAL)Line 11
- Construction Industries Recovery Fund payment may be available from the CIRF if you lose money on a project performed under contract, where the loss results from specified violations of Florida law by a state-licensed contractor. For information about the recovery fund and filing a claim, contact the Florida Construction Industry Licensing Board at the following telephone number and address: 7960 Arlington Expressway, Suite 300, Jacksonville, FL 32211-7467 or call (904) 727-6530.
- Chapter 558, Florida Statutes contains important requirements you must follow before you may bring any legal action for an alleged construction defect in your home. Sixty days before you bring any legal action, you must deliver to the other party to this contract a written notice referring to chapter 558 of any alleged construction defects and to consider making an offer to repair or pay for the alleged construction defects. You are not obligated to accept any offer which may be made. There are strict deadlines under this Florida Law which must be met and followed to protect your interests.

Executed in triplicate, one copy of which was delivered to, and receipt is hereby acknowledged by Buyer, this 15 day of Dec, 2022

Approved and Accepted:

### NOTICE TO OWNER

- Do not sign this home improvement contract in blank.
- You are entitled to a copy of the contract at the time you sign. Keep it to protect your rights.

\_\_\_\_\_  
(Dealer-Seller) (Seal)

\_\_\_\_\_  
(Purchaser Sign Here) (Seal)

By: \_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Purchaser Sign Here) (Seal)

Salesman

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

**ITEM TITLE:** CRA Redevelopment Taxes FY 2023

**MEETING DATE:** January 12, 2023

**DATE SUBMITTED:** December 5, 2023

**SUBMITTED BY:** City Treasurer

**BRIEF NARRATIVE:** **CRA Redevelopment Taxes FY 2023** - Approve payment from the General Fund to the Redevelopment Fund for the redevelopment taxes for FY 2023. Tax calculation are based on increase in property value over the base year 1994 for 00F1 (75,423,044 - 17,896,110 = 57,526,934) and 00F2 (108,572,278 - 67,646,734 = 40,925,544) divided by 1000 times the millage (3.9134) times 95%.

The total for 00F1 is \$213,870 and for 00F2 is \$152,150 for a total payment of \$366,020. Current budget in OGS is \$367,894.

**FUNDS REQUIRED:** Yes, Pay redevelopment tax 01519-30491.

**ATTACHMENTS:** CRA invoices.

**RECOMMENDATION:** Approve payment of invoices.

**ACTION:** **Approve payment of invoices.**



506 W. Berckman Street  
Fruitland Park, FL 34731

Tel. (352) 360-6727  
Fax. (352) 360-6686

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December 5, 2022

Christopher Cheshire, Mayor  
City of Fruitland Park  
506 W. Berckman St  
Fruitland Park, FL 34781

Re: Fruitland Park Community Redevelopment Agency (00F1)-FY2023 Taxes \$ 213,870

Dear Mayor Cheshire:

The Lake County Property Appraiser provided the City of Fruitland Park Community Redevelopment Agency (FPCRA-00F1) with a final taxable value of \$75,423,044 for the tax year 2022. This is an incremental increase of \$57,526,934 over the 1994 base year.

The amount due to the FPCRA from Fruitland Park is **\$213,870**, ( $\$57,526,934/1000 \times 3.9134$  mills  $\times .95$ ). Please remit this payment to the attention of the City Finance Director by January 15, 2023.

Sincerely,

*Jeannine Racine*

Jeannine Racine  
City Finance Director  
352-360-6545

Cc: File





506 W. Berckman Street  
Fruitland Park, FL 34731

Tel. (352) 360-6727  
Fax. (352) 360-6686

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December 5, 2022

Christopher Cheshire, Mayor  
City of Fruitland Park  
506 W. Berckman St  
Fruitland Park, FL 34781

Re: Fruitland Park Community Redevelopment Agency (00F2)-FY2023 Taxes \$ 152,150

Dear Mayor Cheshire:

The Lake County Property Appraiser provided the City of Fruitland Park Community Redevelopment Agency (FPCRA-00F2) with a final taxable value of \$108,572,278 for the tax year 2022. This is an incremental increase of \$40,925,544 over the 2006 base year.

The amount due to the FPCRA from Fruitland Park is **\$152,150**, ( $\$40,925,544/1000 \times 3.9134$  mills  $\times .95$ ). Please remit this payment to the attention of the City Finance Director by January 15, 2023.

Sincerely,

*Jeannine Racine*

Jeannine Racine  
City Finance Director  
352-360-6545

Cc: File

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

**ITEM TITLE:** Comprehensive Plan and Redistricting Map - LPG Professional Consulting Services Proposal Discussion

**MEETING DATE:** Thursday, January 12, 2023

**DATE SUBMITTED:** Friday, January 6, 2023

**SUBMITTED BY:** City Manager

**BRIEF NARRATIVE:** **Item Description:** Motion to consider LPG Urban & Regional Planners Inc.'s proposal for the City of Fruitland Park's Comprehensive Plan Updates and Redistricting Map.

**FUNDS REQUIRED:** Not to Exceed \$40,000 – (01524-30340)

**ATTACHMENTS:** Proposal

**RECOMMENDATION:** Approval

**ACTION:** City commission's discretion.



January 6, 2023

Mr. Gary LaVina, City Manager  
**City of Fruitland Park**  
506 W. Berckman St.  
Fruitland Park, FL 34731

**RE:                   PROPOSAL FOR PROFESSIONAL CONSULTING SERVICES (2023-P)**  
**PROJ:               CITY OF FRUITLAND PARK COMPREHENSIVE PLAN UPDATES AND CITY**  
**REDISTRICTING MAP**

Dear Mr. LaVina:

LPG Urban & Regional Planners, Inc. (LPGURP) appreciates the opportunity to provide professional consulting services. Updates to the Comprehensive Plan will need to be prepared based on the 2020 Census data, direction from the City Commissioners, and Workshops. More specifically, LPGURP will make recommendations for changes to the Comprehensive Plan to implement the recommendations and findings of the workshops and City Commission directives. LPGURP will prepare a summary of data revisions to the Comprehensive Plan elements as follows:

- Future Land Use Element
- Transportation Element
- Housing Element
- Recreation and Open Space Element
- Conservation Element
- Intergovernmental Coordination Element
- Capital Improvements Element
- Public Facilities Element

LPGURP will also prepare the proposed city-wide redistricting maps based on the 2020 Census population data, socio economic and ethnicity.

LPGURP shall provide these services on a time and material basis not to exceed \$40,000.00 under the Planning Services Agreement dated July 23, 2020.

Invoices for services will be rendered monthly. We will coordinate with you on all our activities and invoice you for the services.

Page Two  
Mr. Gary LaVina  
January 6, 2023

LPGURP appreciates the opportunity to provide you with consulting services and looks forward to working with you on these projects. Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M Rankin', with a long horizontal flourish extending to the right.

Michael Rankin  
Managing Member

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

**ITEM TITLE:** Second\_Reading and Public Hearing - Ordinance 2022-015 LSCPA - 68.55± Acres - Timbertop Lane - Petitioners: Stephanie Bailey Bouis and Patricia Bouis Thompson

**MEETING DATE:** Thursday, January 12, 2023

**DATE SUBMITTED:** Friday, January 6, 2023

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

**BRIEF NARRATIVE:** **Ordinance 2022-015** Large Scale Comprehensive Plan Amendment of approximately 68.55 +/- acres generally located at Timbertop Lane to amend the future land use from Community Mixed Use (six units per acre; maximum four/ac without sewer) to General Mixed Use (12 units per acre; maximum four/ac without sewer). Applicant proposes to develop 288 garden apartments and 198 townhomes with commercial frontage. The Planning and Zoning Board at its July 21 meeting recommended approval. (Continued from the July 28 and August 25, 2022 meetings. The first reading was held on October 13, 2022.)

**FUNDS REQUIRED:** None

**ATTACHMENTS:** Ordinance 2022-015 with legal description, proposed future land use zoning map, staff report, development application, Department of Economic Opportunity's November 21, 2022 response letter and advertising affidavit.

**RECOMMENDATION:** Approval.

**ACTION:** Enact Ordinance 2022-015 to become effective 31 days after adoption as provided by law.

**ORDINANCE 2022-015**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM CITY OF FRUITLAND PARK COMMUNITY MIXED USE TO GENERAL MIXED USE OF 68.55 +/- ACRES OF PROPERTY GENERALLY LOCATED ON TIMBERTOP 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 Tara Tedrow, Esq. as applicant, on behalf of Stephanie Bailey Bouis and Patricia Bouis Thompson as Owner, requesting that real property within the city limits of the City of Fruitland Park be assigned a land use designation of "General Mixed Use" under the Comprehensive Plan for the City of Fruitland Park; and

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

**WHEREAS**, the Planning and Zoning Board 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 68.55 ± acres generally located on Timbertop Lane as described and depicted as set forth on **Exhibit "A"** shall be assigned a land use designation of General Mixed Use 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: Transmittal.** After the first public hearing, a copy hereof shall be transmitted to the Department of Economic Opportunity and the East Central Florida Regional Planning Council, the water management district, the Department of Environmental Protection, the Department of

State, the Department of Transportation, Lake County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Fruitland Park, Florida.

**Section 4: Directions.** The City Manager or his designee, upon the effective date of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Fruitland Park.

**Section 5: Severability.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

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

**Section 7: Scrivener’s Errors.** Scrivener’s errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

**Section 8: Effective Date.** 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 October 13, 2022

Passed Second Reading \_\_\_\_\_  
(SEAL)



**EXHIBIT A  
LEGAL DESCRIPTION**

**The Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; and the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; and the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 5, Township 19 South, Range 24 East, in Lake County, Florida, LESS the right of way of State Road No. S-466A.**

**EXHIBIT B**  
**MAP**

**ORDINANCE 2022-015**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM CITY OF FRUITLAND PARK COMMUNITY MIXED USE TO GENERAL MIXED USE OF 68.55 +/- ACRES OF PROPERTY GENERALLY LOCATED ON TIMBERTOP 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 Tara Tedrow, Esq. as applicant, on behalf of Stephanie Bailey Bouis and Patricia Bouis Thompson as Owner, requesting that real property within the city limits of the City of Fruitland Park be assigned a land use designation of "General Mixed Use" under the Comprehensive Plan for the City of Fruitland Park; and

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

**WHEREAS**, the Planning and Zoning Board 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 68.55 ± acres generally located on Timbertop Lane as described and depicted as set forth on **Exhibit "A"** shall be assigned a land use designation of General Mixed Use 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: Transmittal.** After the first public hearing, a copy hereof shall be transmitted to the Department of Economic Opportunity and the East Central Florida Regional Planning Council, the water management district, the Department of Environmental Protection, the Department of

State, the Department of Transportation, Lake County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Fruitland Park, Florida.

**Section 4: Directions.** The City Manager or his designee, upon the effective date of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Fruitland Park.

**Section 5: Severability.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

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

**Section 7: Scrivener’s Errors.** Scrivener’s errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

**Section 8: Effective Date.** 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 Gunter	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner DeGrave	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Mobilian	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)

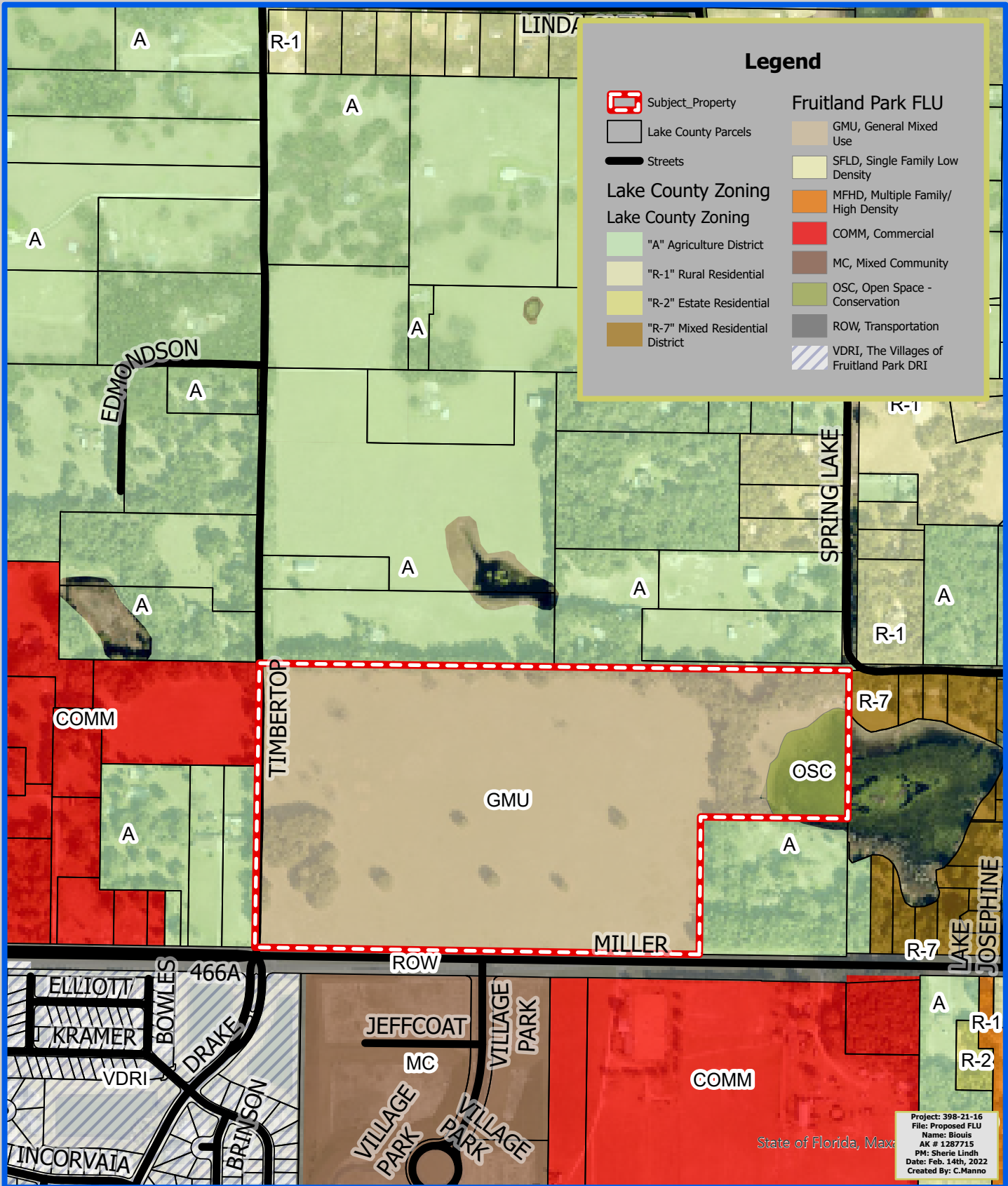
Passed First Reading October 13, 2022

Passed Second Reading \_\_\_\_\_  
(SEAL)

**EXHIBIT A  
LEGAL DESCRIPTION**

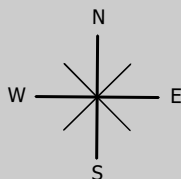
**The Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; and the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; and the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 5, Township 19 South, Range 24 East, in Lake County, Florida, LESS the right of way of State Road No. S-466A.**

**EXHIBIT B  
MAP**



Project: 398-21-16  
 File: Proposed FLU  
 Name: Bouis  
 AK # 1287715  
 PM: Sherie Lindh  
 Date: Feb. 14th, 2022  
 Created By: C.Manno

State of Florida, Max



# Bouis Property

Proposed FLU Map Lake County, FL

Urban & Regional Planners, Inc.  
 1162 CAMP AVENUE - MT. DORA, FL 32757  
 (352)385-1940 / FAX (352)383-4824



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 #1100664 in the matter of

**ORDINANCE 2022-014 & 2022-015**  
 was published in said newspaper in the issues of

**DECEMBER 29, 2022**

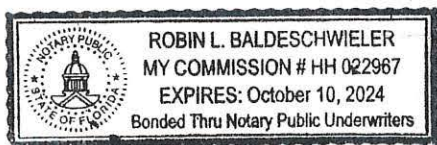
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake,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

*[Handwritten Signature]*  
 (Signature Of Affiant)

Sworn to and subscribed before me this 5  
 day of January 2023.

*[Handwritten Signature]*  
 Robin L. Baldeschwieler, Notary

Personally Known X or  
 Production Identification \_\_\_\_\_  
 Type of Identification Produced \_\_\_\_\_



**ORDINANCE 2022-014**

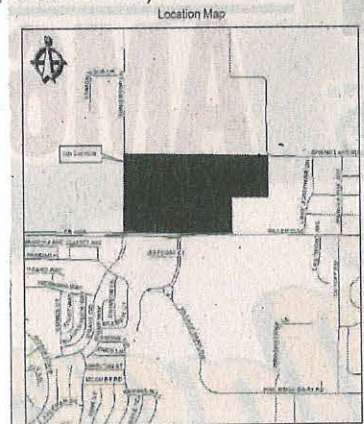
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 68.55 + ACRES OF PROPERTY FROM CITY OF FRUITLAND PARK PUD TO CITY OF FRUITLAND PARK MIXED USE PLANNED UNIT DEVELOPMENT (MUPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING 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.

**ORDINANCE 2022-015**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM CITY OF FRUITLAND PARK COMMUNITY MIXED USE TO GENERAL MIXED USE OF 68.55 +/- ACRES OF PROPERTY GENERALLY LOCATED ON TIMBERTOP 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.

All meetings will be held at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida, 34731. These meetings are open to the public and hearings may be continued as determined by the commission from time to time to a time/date certain. The proposed Ordinances and metes and bounds legal description of the property may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at the City Clerk's office at City Hall. For further information call (352) 360-6727.

Interested parties may appear at the meetings and be heard with respect to the proposed Ordinances. A person who decides to appeal any decision made by any board, agency or commission 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 which the appeal is based (Florida Statutes 286.0105).



#1100664 December 29, 2022

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

Fruitland Park City Commission  
 2nd Hearing/Meeting on  
 January 12, 2023 at 6:00 p.m.

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

**LARGE SCALE COMP PLAN AMENDMENT AND REZONING**

**Owner:** Stephanie Bailey Bouis & Patricia Bouis Thompson

**Applicant:** Tara Tedrow

**General Location:** North side of CR 466A & East of Timbertop Lane

**Number of Acres:** 68.55 ± acres

**Existing Zoning:** Planned Unit Development (PUD)

**Existing Land Use:** Community Mixed Use (6 units/acre)

**Proposed Land Use:** General Mixed Use (12 units/acre)

**Proposed Zoning:** Mixed Use Planned Unit Development (MUPUD)

**Date:** May 25, 2022

**Description of Project**

The proposed development consists of 18.88 ± acres (27.5%) of commercial uses (168,000 SF), 6.88 ± acres (10.1%) of institutional uses (209,785 SF), and 42.79 acres ± (62.4%) of multi-family consisting of 486 total units (288 apartment units and 198 townhomes) (42.79 ± acres). Total commercial/office/intuitional square footage is 377,785 square feet. The proposed maximum height is 4 stories (45 feet). The existing PUD known as Live Oak Center allowed for 120 units (townhomes/apartments – 10 acres), 300,000 (30 acres) SF of commercial, and 200,000 (20 acres) SF of office with a maximum building height of 45 feet.

	<b>Surrounding Zoning</b>	<b>Surrounding Land Use</b>
<b>North</b>	Lake County Agriculture (Ag)	Lake County Urban Medium (7 units/acre)
<b>South</b>	PUD and C-2	Mixed Community and Commercial
<b>East</b>	County R-7	Lake County Urban Medium (7 units/acre)
<b>West</b>	C-2 and County Agriculture (Ag)	Commercial and County Rural (1 unit/5 acres)

## **Assessment**

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### **Conceptual Plan**

The Concept Plan meets the minimum requirements per Chapter 154.

The proposed development consists of 18.88 acres (27.5%) of commercial/office uses of 168,000 square feet; 6.88 acres (10.1%) of institutional uses of 209,784 square feet; and 42.79 acres (62.4%) of residential uses consisting of 25 townhomes (2-story) with 198 units and 7 apartments (3 story and 4 story) consisting of 288 units. The proposed townhome minimum net living area is 1,480 SF and the proposed apartment minimum net living area is 1,200 SF. The gross density is 11.43 units per acre.

The applicant is proposing a 15', Type "B" landscape buffer with a 6' tall opaque fence along the northern, eastern and western property boundary adjacent to agricultural zoning and a 25' type "C" buffer along CR 466A. The type "B" buffer planting is 4 canopy trees, 2 understory trees and 15 shrubs per 100 linear feet. The 25' type "C" buffer is 5 canopy trees, 4 understory trees, and 30 shrubs per linear feet.

The proposed recreation open space is 25% (16.33 acres). The project at build out is anticipated to have a population of 1,176 residents (2.42 pph x 486 units). Chapter 154 requires a minimum of 20% of common open space of which portions should be suitably improved to meet the recreational needs of the community. The plan shows two (2) clubhouses, two (2) pools, playground, walking trail, benches and four (4) fountains. The plan indicates that the applicant is offering 25% open space and includes the proposed stormwater pond. It is the applicant's position that the proposed open space meets Chapter 154.

The concept plan identifies potential additional right of way for Timbertop Lane and a 15' pedestrian and bicycle trail within the proposed right of way to connect to CR 466A. Timbertop Lane is a planned major collector roadway with a minimum 100' right of way. The applicant is aware that CR 466A is under the jurisdiction of Lake County and proposed access are subject to their approval.

### **Comprehensive Plan Amendment**

Staff concurs with the justification submitted. The Public Works department indicates that there is sufficient water and sewer capacity to serve the proposed project. The traffic impact analysis indicates that the proposed development will not degrade the level of service of roadways.

### **Schools**

Lake County Schools indicates that there are adequate public facilities to serve the project.

## **Environmental Assessment**

The assessment indicates the presence of wetlands, potential presence of gopher tortoises and the site is within the sand skink consultation area. Prior to development, a relocation permit will need to be secured and a sand skink survey or exemption will need to be secured. Should sand skinks occupy the site and habitat set aside is not an option, mitigation will be required.

## **Recommendation**

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The proposed development meets FLU Policies 1-1.2, Table 1-1; 1-1.10 – General Mixed Use; 1-2.1 – Promote Orderly Growth and 1-2.2 – New Development. Staff recommends approval of the large-scale comp plan amendment.

The concept plan meets the minimum technical requirements of Chapter 154. Staff recommends approval of the PUD amendment and concept plan subject to the City Commission's concurrence with the applicant that the proposed open space meets the common open requirements of Chapter 154.

**Ron DeSantis**  
GOVERNOR



**Dane Eagle**  
SECRETARY

November 21, 2022

The Honorable Chris Cheshire  
Mayor, City of Fruitland Park  
506 West Berckman street  
Fruitland Park, Florida 34731

Dear Mayor Cheshire:

The Department of Economic Opportunity (“Department”) has reviewed the proposed comprehensive plan amendment for the City of Fruitland Park (Amendment No. 22-01ESR) received on October 24, 2022. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
(850) 245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org) | [www.Twitter.com/FLDEO](http://www.Twitter.com/FLDEO) | [www.Facebook.com/FLDEO](http://www.Facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Matthew Martinez, Planning Analyst, by telephone at (850) 717-8534 or by email at [Matthew.Martinez@deo.myflorida.com](mailto:Matthew.Martinez@deo.myflorida.com).

Sincerely,



Melissa Corbett, CFM, Regional Planning Administrator  
Bureau of Community Planning and Growth

MC/mm

Enclosure(s): Procedures for Adoption

cc: Gary Lavenia, City Manager

Tara McCue, AICP, Executive Director, East Central Florida Regional Planning Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

**FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit electronically using the Department’s electronic amendment submittal portal “**Comprehensive Plan and Amendment Upload**” (<https://floridajobs.secure.force.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ State Land Planning Agency identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

\_\_\_\_\_ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.





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

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

## Development Application

**Contact Information:**

**Owner Name:** Stephanie Bailey Bouis and Patricia Bouis Thompson  
**Address:** 31217 Overbrook Street, Mount Plymouth, FL 32776  
**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_  
**Applicant Name:** Tara Tedrow  
**Address:** 215 N. Eola Drive, Orlando, FL 32801  
**Phone:** 407-418-6361 **Email:** Tara.Tedrow@lowndes-law.com  
**Engineer Name:** Kimley Horn  
**Address:** 189 South Orange Avenue, Suite 1000, Orlando, FL 32801  
**Phone:** 407-427-1610 **Email:** Brent.Lenzen@kimley-horn.com

**Property and Project Information:**

**PROJECT NAME\*:** Timbertop Lane  
 \*A project name is required for all submissions. Please choose a name representative of the project for ease of reference.  
**Property Address:** The parcel has not been assigned an address but is located on Timbertop Lane.  
**Parcel Number(s):** 05-19-24-0003-000-02000 **Section:** \_\_\_\_\_ **Township:** \_\_\_\_\_ **Range:** \_\_\_\_\_  
**Area of Property:** Timbertop Lane **Nearest Intersection:** Timbertop Lane and Miller Blvd.  
**Existing Zoning:** PUD **Existing Future Land Use Designation:** Community Mixed Use  
**Proposed Zoning:** MUPUD **Proposed Future Land Use Designation:** General Mixed Use  
**ing:** Vacate land  
**The property is presently used for:** \_\_\_\_\_  
**The property is proposed to be used for:** 24.52 acres of commercial/retail use, 288 garden apartments and  
**Do you currently have City Utilities?** Yes \_\_\_\_\_ 198 townhomes

**Application Type:**

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

**Please describe your request in detail:** \*Please see attached justification statement.

**Required Data, Documents, Forms & Fees**

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

**Printed Name:** Tara L. Tedrow  
**Signature:**  **Date:** 4/12/22

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

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

**ITEM TITLE:** Second Reading and Public Hearing - Ordinance 2022-014 Rezoning and Amendment to MDA - PUD to MUPUD 68.55± Acres - Timbertop Lane - Petitioners: Stephanie Bailey Bouis and Patricia Bouis Thompson

**MEETING DATE:** Thursday, January 12, 2023

**DATE SUBMITTED:** Friday, January 6, 2023

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

**BRIEF NARRATIVE:** Ordinance 2022-014 to rezone 68.55± Acres generally located at Timbertop Lane from planned unit development to mixed-use planned unit development (PUD); adopt an amended planned development/master development agreement (existing PUD known as *Live Oak Center*), and amend the conceptual plan to allow for mixed use multi-family dwellings (288 garden apartments) and town home units (198 town homes). The current future land use designation is community mixed use (six units per acre, maximum four/ac without sewer).

The applicant is proposing future land use designation of general mixed use (12 units per acre; maximum four /ac without sewer). The maximum building height is 45 feet. Additionally, the applicant is seeking to further amend the phasing of the proposed development as open-ended. The Planning and Zoning Board at its July 21 meeting recommended approval. (Continued from the July 28 and August 25, 2022 meetings. The first reading was held on October 13, 2022.)

**FUNDS REQUIRED:** None

**ATTACHMENTS:** Ordinance 2022-014, PD/MDA amendment, conceptual plan, and existing and proposed future land use maps. (See legal description, staff report, development application and advertisement affidavit in agenda item 5(h).)

**RECOMMENDATION:** Approval.

**ACTION:** Enact Ordinance 2022-014 to become effective immediately as provided by law.

**ORDINANCE 2022-014**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 68.55 ± ACRES OF PROPERTY FROM CITY OF FRUITLAND PARK PUD TO CITY OF FRUITLAND PARK MIXED USE PLANNED UNIT DEVELOPMENT (MUPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING AN AMENDED MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER TO AMEND 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 Tara Tedrow, Esq., as Applicant, on behalf of Stephanie Bailey Bouis and Patricia Bouis Thompson, Owner, requesting that approximately 68.55 acres of real property generally located on Timbertop Lane (the "Property") be rezoned from City of Fruitland Park PUD to the City of Fruitland Park Mixed Use Planned Unit Development (MUPUD) within the city limits of Fruitland Park; and

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

**WHEREAS**, said property is the subject of the Live Oak Center Master Development Agreement dated January 27, 2010 recorded March 11, 2010 in Official Records Book 3881 Pages 761-772, of the Public Records of Lake County, Florida (the "Master Development Agreement"); 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 68.55 ± acres of land generally located on Timbertop Lane shall hereafter be designated as MUPUD, Mixed Use Planned Unit Development, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described and depicted as set forth on **Exhibit "A"**. The Property shall hereafter be developed according to the Amended Development Agreement attached hereto as **Exhibit "B"**, which includes, but is not limited to, the concept plans attached to the Amended Development Agreement.

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

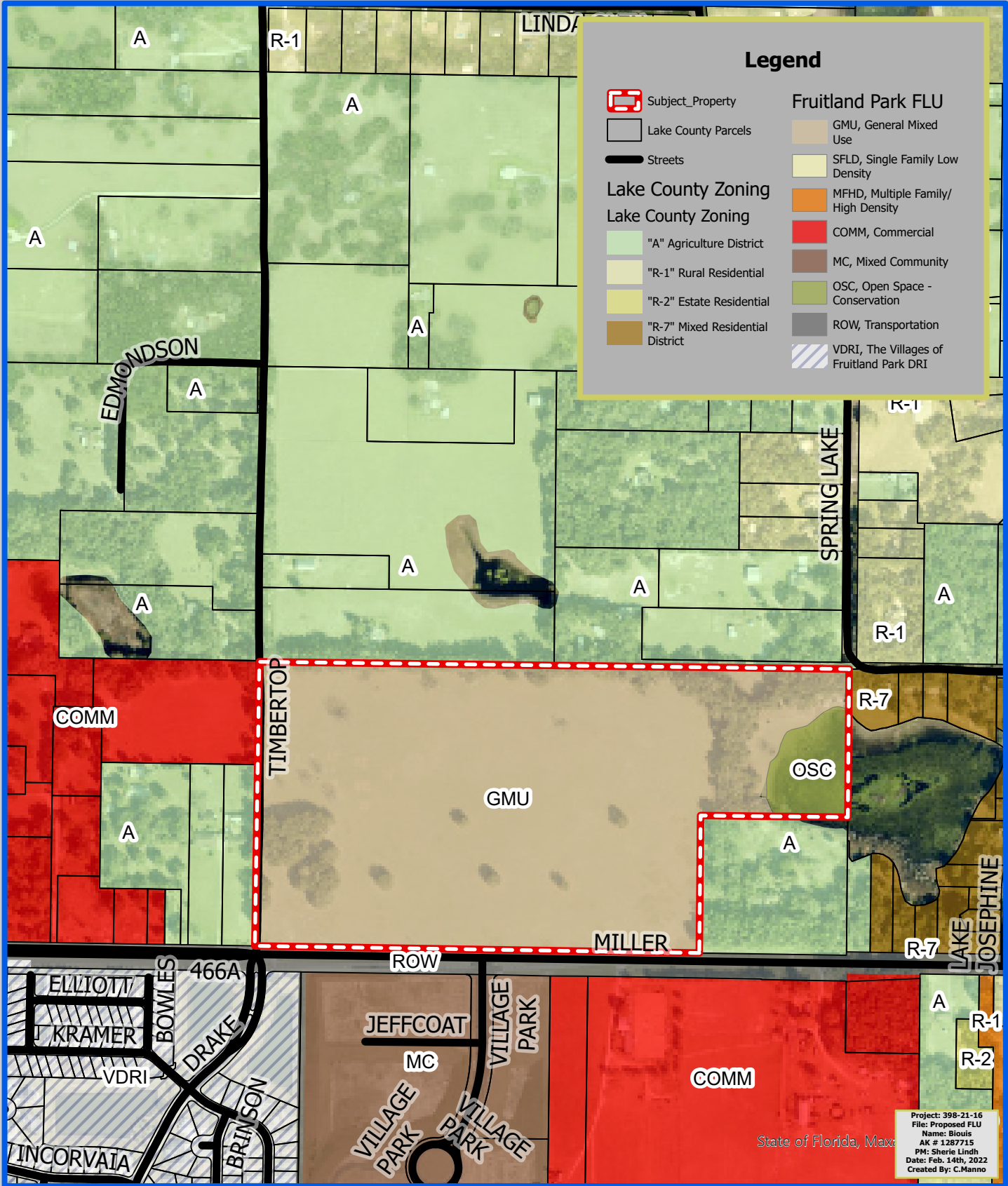
\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

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)

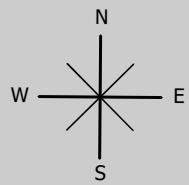
Passed First Reading October 13, 2022  
Passed Second Reading \_\_\_\_\_  
(SEAL)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION AND MAP**

**EXHIBIT "B"**  
**AMENDED DEVELOPMENT AGREEMENT**



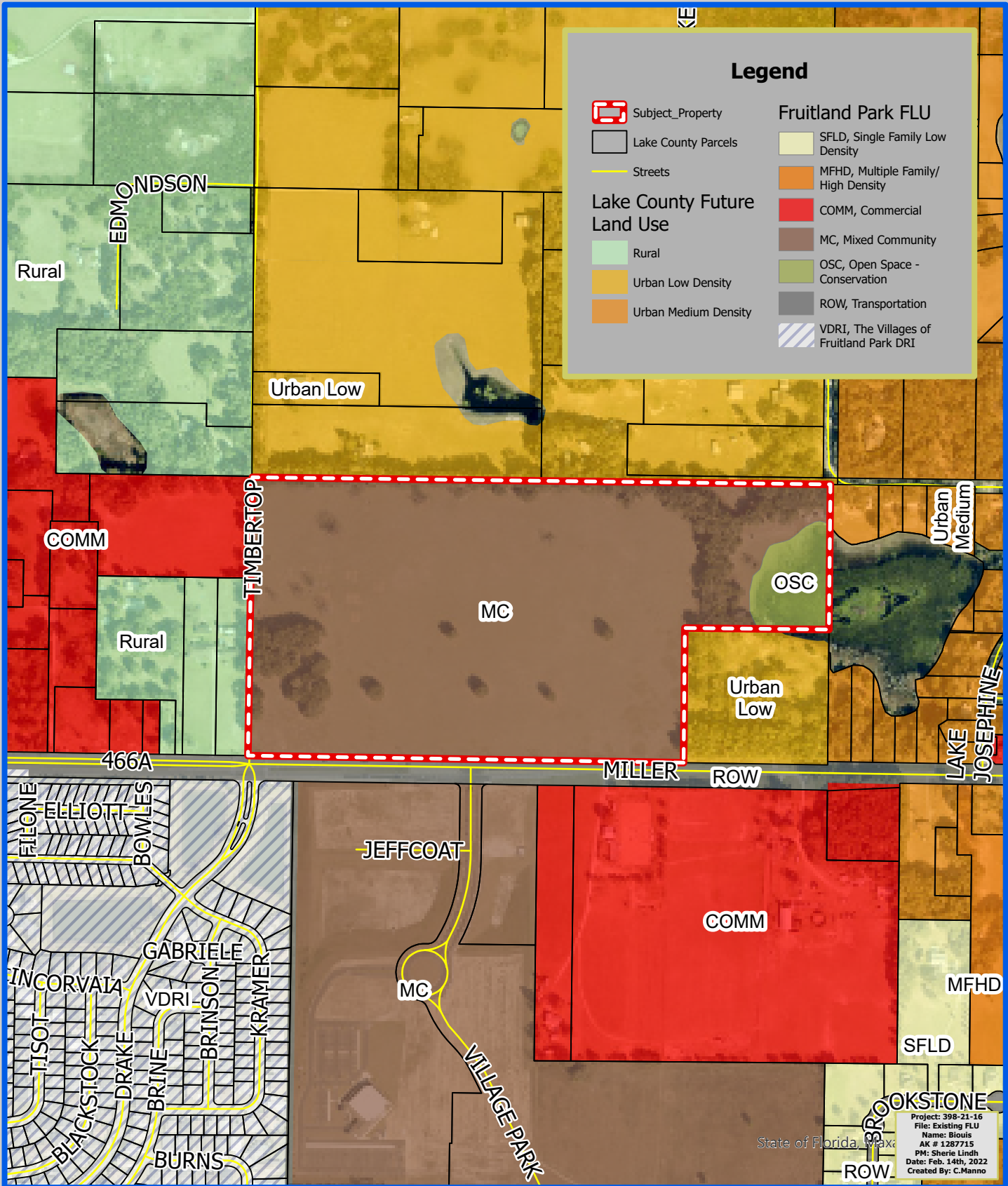
Project: 398-21-16  
 File: Proposed FLU  
 Name: Bouis  
 AK # 1287715  
 PM: Sherie Lindh  
 Date: Feb. 14th, 2022  
 Created By: C.Manno



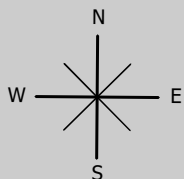
# Bouis Property

Proposed FLU Map Lake County, FL

Urban & Regional Planners, Inc.  
 1162 CAMP AVENUE - MT. DORA, FL 32757  
 (352)385-1940 / FAX (352)383-4824



Project: 398-21-36  
 File: Existing FLU  
 Name: Bouis  
 AK # 1287715  
 PM: Sherie Lindh  
 Date: Feb. 14th, 2022  
 Created By: C.Manno



# Bouis Property

Existing FLU Map Lake County, FL

Urban & Regional Planners, Inc.  
 1162 CAMP AVENUE - MT. DORA, FL 32757  
 (352)385-1940 / FAX (352)383-4824



## AMENDED MASTER DEVELOPMENT AGREEMENT

THIS AMENDED MASTER DEVELOPMENT AGREEMENT ("Amended Agreement") is entered into and made as of the \_\_\_\_ day of \_\_\_\_\_, 202\_\_ between the CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation, (hereinafter referred to as the "City"), and 27 MILLER INVESTORS, LLC, a Florida limited liability company (hereinafter referred to as the "Owner").

### RECITALS

1. The City and FRANK STEPHAN BOUIS, TRUSTEE OF THE FRANK STEPHAN BOUIS FAMILY TRUST DATED OCTOBER 16, 2008, entered into the Live Oak Center Master Development Agreement on January 27, 2010 (the "Original Agreement") regarding the annexation, rezoning and future land use designation for the property described and depicted as set forth on **Exhibit "A" attached to and incorporated** in this Amended Agreement (hereafter referred to as the "Property").

2. Owner has filed applications for an amendment to the Original Agreement to update the development program for the Property to maximize opportunities for development in line with the City's desired planning principles and current market demands.

3. 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 Amended Agreement and has taken all necessary action to authorize the execution, delivery, and performance of the terms and conditions of this Amended Agreement.

4. The City of Fruitland Park has determined that the development of the Property 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.

5. The City of Fruitland Park has determined that the proposed development is consistent with the City's comprehensive plan and land development regulations.

**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 Amended Agreement. All exhibits to this Amended Agreement are hereby deemed a part thereof.

**Section 2. Land Use/Development.** Development of the Property shall be substantially consistent with the amended "Miller Park Conceptual Site Plan" attached as Exhibit "B" (the "Plan").

**Section 3. Phasing.** Owner must develop the Property in the phases as set forth on the Plan to include: Phase 1A – MF with mass grading and utilities for commercial outparcels, and Phase 1B – Commercial. Townhomes and outparcel construction as dictated by market conditions.

**Section 4. Development Standards.** City and Owner agree that the land uses for the development of the Property shall be substantially as follows:

A.	<u>Commercial/Retail/Office</u>	168,000SF (proposed)*  <u>Approx. 18.88 Acres</u>	commercial	<u>*The project Plan proposes 168,000 SF of commercial uses, but 575,688 SF of commercial/retail/office uses total are permitted under a .70 FAR. However, Owner shall not exceed 300,000 SF max of commercial and 50,000 SF max of office uses.</u>
B.	<u>Institutional/Medical</u>	209,784 SF (proposed and max allowed)**  <u>Approx. 6.88 Acres</u>		<u>** In the event the FLU allows a greater % of commercial uses, institutional SF may be converted to commercial SF within such allowable limits</u>
C.	Maximum ISR: .80  <u>Maximum FAR: .70</u>			
D.	Garden Apartments	Approx. 23.75 Acres		288 Units Total
E.	Townhomes	Approx. 20.28 Acres		165 Units Total

**Section 5. Permitted Uses and Development Standards.**

**A. Non-Residential Uses: The following uses shall be permitted:**

- (1) Big box retail (i.e. commercial retail stores with over 40,000 square feet of floor area)
- (2) Offices for professional services
- (3) Personal services
- (4) Convenience stores without fuel operations
- (5) Laundry and dry-cleaning retail stores
- (6) Day care centers
- (7) Adult Congregate Living Facilities
- (8) Licensed Community Residential Homes, Group Homes, Foster Care Facilities with more than six (6) residents
- (9) Clubs, Lodges and Fraternal Organizations
- (10) Financial Services
- (11) Office Supply
- (12) Retail Sales & Services

- (13) Business Services
- (14) Bed & Breakfast Inn
- (15) Medical Office/Clinic
- (16) Convenience stores with fuel operations
- (17) Restaurants and coffee shops (drive in/up or sit down)
- (18) Banks
- (19) Athletic/Sports Facility
- (20) Game/Recreation Facility
- (21) Health/Exercise Club
- (22) Veterinary Office
- (23) Package liquor store
- (24) Pharmacy
- (25) Car wash (primary and incidental, including automated and self-service)
- (26) Retail sales of autoparts and incidental vehicle servicing
- (27) Hotel
- (28) Any use not listed may be allowed as a conditional use pursuant to Chapter 155 of the City Land Development Code (“LDC”).

**B. Residential Uses.** The following uses shall be permitted:

- (1) Single-family attached residential dwelling units (townhomes fee simple ownership)
- (2) Multi-family residential dwelling units (Garden Apartments)
- (3) Customary accessory structures incidental to the principal use not to exceed 30% of living area of the principal dwelling unit, or 450 square feet, whichever is greater.
- (4) All residential uses shall be required to include supportive amenities, at the Owner’s discretion, such as a dog park, tot lot, yoga lawn, clubhouse, gym, pool, cabana, and/or other active recreational amenity for use by the residents; however, at a minimum the Owner must provide two (2) clubhouses, two (2) pools, a playground, walking trail, dog park, benches and five (5) fountains.

- C. **Building Height.** Provided that prior to any building permits being issued, all applicable agencies and governmental entities with jurisdiction confirm, in writing, that adequate fire protection is available to the Property, the maximum building height within the Property shall be three stories, or thirty-five (35) feet.
- D. **Open Space.** Development must include 25% (16.33 acres) of open space.
- E. **Setbacks.** Perimeter building setbacks shall be 30' with the exception of CR 466A which will be 50'.

**Townhomes:**

- i. Minimum Building Setbacks
  - a. Front: 20 feet
  - b. Front-Garage: 25 feet
  - c. Side: 10 feet (between building pads)
  - d. Side: 12.5 feet (building to street)
  - e. Side: 0 feet (between units)
  - f. Rear: 15 feet, except 5' for patio, pool and screen structures
- ii. Minimum Living Area: 1,480 SF
- iii. Minimum Lot Width: 20 feet
- iv. Minimum Lot Area: 2,000 SF
- v. Maximum Impervious Surface Ratio (Lots): 75%
- vi. Maximum Number of Attached Units: 6

**Apartments:**

- i. Minimum Living Area: 600 SF
  - ii. Minimum Building Setback
    - a. Front: 20 feet from edge of pavement of the parking lot
    - b. Side: 20 feet between buildings
    - c. Rear: 35' from Ordinary High Water Line of Lake
- F. **Residential Design Standards and Architectural features.** All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the residential units. Garage vehicle doors shall incorporate the following elements: raised decorative panels, decorative glass panels or panes, decorative hinges, etc. 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

G. **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:

- 1) At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of cementitious lap siding and/or stucco. (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.)
- 2) At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a “cementitious” lap siding..
- 3) 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.

H. **Commercial Design Standards.** The Applicant shall be required to meet the nonresidential design standard requirements of the Fruitland Park Land Development Regulations.

**Section 6. Property Owners Association.** In the event there are multiple owners for separate portions of the Property, then the Owner shall establish a property owners association for each parcel with multiple owners of common areas, which shall be responsible for maintenance of common areas and infrastructure within the Property, including, but not limited to, parks and recreation areas, stormwater retention, open space areas, roads, and common areas. Owner shall record declarations satisfactory to City setting forth these requirements and detailing assessments in conjunction with the platting of the Property. A property owner association(s) shall be required to set up and maintain a reserve account for road maintenance, repair and replacement.

**Section 7. Pedestrian and Bicycle Trails.** Owner agrees to construct sidewalks to City standards on at least one side of a portion of the right of way within the Property. Additionally, Owner agrees to dedicate a 15-foot pedestrian and bicycle trail as set forth on the Plan and to maintain, or require the property owners' association to maintain, this area until and unless another entity suitable to City accepts maintenance responsibility. In this regard, if requested by City, Owner agrees to deed said property to City or some other governmental entity in conjunction with the use of that area as a pedestrian/bicycle trail after which the City or other deeded entity shall be reasonable to maintain such improvements. City agrees that this area shall be counted in determining setbacks for the Property, provided that no vertical improvements are constructed within the area that would conflict with the intended use as a pedestrian or bicycle trail. The pathways shall be separated from any and all roadway in a manner sufficient to ensure the maximum level of safety for those using such pathways. Further,

the pathways shall be located within the area so as not to interfere or obstruct the installation and maintenance of utilities.

**Section 8.** **Road Improvements.** Owner shall be responsible for conducting a traffic study, and subsequently designing and constructing all transportation improvements based on such study. The City shall, under no circumstances, be financially responsible for the study and/or improvements. Specifically, Owner acknowledges that City anticipates a second access to the Property from Timbertop Lane will be necessary. Owner shall accordingly be responsible for providing such additional access and for improving Timbertop Lane within the Property boundaries if required by City in conjunction with City's review of the site plan for the Property. All roads shall be constructed in accordance with applicable City standards, or where applicable, County standards. Additionally, Owner shall provide stormwater retention associated with the roads either within the right-of-way or on the Property. The roadway widths shall be constructed to meet City Code, or where applicable, County standards. At a minimum the Owner will dedicate forty (40') feet right of way for Timbertop Lane extension with a 15-ft. trail. All roads within the Property, other than roads within any gated residential portions of the Property, shall be for the benefit of the public. All roads within the Property shall be owned by and the responsibility of the Owner and its successors and assigns, or property association(s).

**Section 9.** **Lighting.** Owner shall submit a site lighting plan in conjunction with the final site plan submittal for the Property for City approval. All exterior lighting shall be arranged to reflect light away from the residential portions of the Property to prevent illumination onto adjacent residential property from exceeding 0.5 foot candles while providing lighting adequate to ensure safety on road right of way. The poles and street lights within the Property shall be installed by Owner and thereafter maintained by the property owners association.

**Section 10.** **Water, Wastewater, and Reuse Water.** Owner and his successors and assigns agree to obtain water, reuse water, irrigation water, and wastewater service (hereafter, "Utilities") exclusively through purchase from City when available. 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. No private wells will be allowed within the Property. Owner shall design, permit and construct, at Owner's expense, all on-site utility facilities (e.g. lift stations and lines) as well as off-site improvements to extend utility lines to the Property. All specifications and plans must be submitted to the City for review and approval prior to permitting and construction. Construction of all improvements shall be in accordance with the City of Fruitland Park's requirements, FDEP standards and sound engineering practices.

Owner shall own and be responsible for all on-site utility facilities (e.g. lift station(s) and lines) for and within the non-residential development and the apartment development, (excluding water service meters for each unit which shall be owned and maintained by the City of Fruitland Park with an easement to service and maintain said meters) which shall be independent of and not interconnected with the on-site utility facilities (e.g. lift station(s) and lines) for and within the townhome development. Owner will transfer ownership of those utility lines and facilities within and to/from the townhome development and the point of connection to the City's existing lines/facilities. Owner must grant utility easements to the City for any utility lines and facilities within and to/from the townhome development and the point of connection to the City's existing lines/facilities. Provided, however, Owner may install a master lift station to service the entire Property and separate uses on the Property may utilize the same via an easement or similar agreement granting use rights and such master lift

station will be owned by and the responsibility of the Owner and its successors and assigns, or property association(s).

**Section 11. Impact Fees.** Owner shall be required to pay impact fees as established by City from time to time. Owner agrees to pay all other impact fees, including parks and recreation, police and fire rescue and any impact fees adopted after the execution of this Amended Agreement for all units as building permits are issued for such units at the then existing rate. 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 for the prepaid units. 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 platting 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 12. Easements.** Owner shall provide the City such easements or right of way in form acceptable to the City Attorney, as the City reasonably 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, provided that the City's request for such easements or right of way is made during the platting process or site development process for those parcels which are not platted.

**Section 13. Landscaping/Buffers.** Owner has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations, including requirements for mandatory waterwise and Florida friendly landscape measures with site-appropriate plants and water efficiency. Owner shall install landscaping as depicted on a landscaping site plan submitted to the City for review and approval prior to such installation. Landscaping shall also be provided around commercial building areas, a minimum of five (5) foot landscape buffer around the building perimeter on all sides visible to the general public. Owner shall maintain such areas. Owner shall install landscaping along its northern boundary twenty (20') feet wide with a 6-ft. high opaque fence.

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 common and parking areas of the Property in accordance with all applicable City of Fruitland Park Land Development Regulations. Owner or assignee shall maintain such areas until such maintenance responsibility has been assumed by the appropriate property owners' association.

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 14. 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 or the Federal Emergency Management Agency. The

stormwater management system proposed in Phase 1 will be of sufficient capacity for the entire development project.

**Section 15.** **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 property owners within the City.

**Section 16.** **Concurrency.** A complete concurrency study conforming to the City of Fruitland Park Land Development Regulations will be required prior to any preliminary plat, construction plan, or site plan approvals. Owner shall ensure that all traffic concurrency studies conducted reflect all approved development in the area. Further, Owner acknowledges that City has adopted an ordinance relating to Proportionate Share Mitigation. Accordingly, Owner agrees that it shall be subject to such ordinance.

**Section 17.** **Final Approvals.** Prior to issuance of any permits for construction, including clearing and landfill, a preliminary plat, construction plans, or final plat for the residential portions of the Property or a Final Site Plan for the commercial/office portions of the Property shall be prepared and submitted for review and approval in the manner required by the LDC, as amended.

**Section 18.** **Environmental Considerations.** Owner shall comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

**Section 19.** **Solid Waste Disposal Facilities.** Owner shall provide solid waste disposal facilities for the townhomes, garden apartments and commercial office and commercial retail units that are adequately constructed, maintained, and screened to provide safe and non-disruptive refuse collection and disposal operations.

**Section 20.** **Signage.** Owner shall submit a master sign plan as a component of the final plat for the residential portions of the Property and as a component of a final site plan (i.e., construction plan) for the commercial/office portions of 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.

**Section 21.** **Title Opinion.** Owner shall provide to City, in advance of the City's execution of this Amended 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 22.** **Compliance with City Laws and Regulations.** Except as expressly modified herein, all development of the Property shall be subject to compliance with the City's LDC 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 23.** **Due Diligence.** 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 Amended Agreement. 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 24.** **Enforcement/Effectiveness.** A default by either party under this Amended Agreement shall entitle the other party to all remedies available at law or as set forth in Section 163.3243, Florida Statutes.

**Section 25.** **Governing Law.** This Amended 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 26.** **Binding Effect; Assignability.** This Amended Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their assigns. This Amended 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 Amended Agreement shall run with the land and be binding on all successors and/or assignees. The parties hereby covenant that they will enforce this Amended Agreement and that it is a legal, valid, and binding agreement.

**Section 27.** **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 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 28.** **Exhibits.** All exhibits attached hereto are hereby incorporated in and made a part of this Amended Agreement as if set forth in full herein.

**Section 29.** **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:

Mayor  
City of Fruitland Park  
506 W. Berckman Street  
Fruitland Park, Florida 34731  
352-360-6727 Telephone

Anita Geraci-Carver, Esq.  
City Attorney  
1560 Bloxam Ave.  
Clermont, FL 34711  
anita@agclaw.net

As to Owner:

**27 MILLER INVESTORS, LLC**  
5555 S. Kirkman Road, Ste. 201  
Orlando, FL 32819  
Attn: Randy Hodge

Copy to:

---

Lowndes Law  
215 N. Eola Dr.  
Orlando, FL 32801  
Attn: Tara L. Tedrow, Esq.  
Tara.tedrow@lowndes-law.com

**Section 30. Entire Agreement.** This Amended 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 Amended 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 31. Term of Agreement.** The term of this Amended Agreement shall commence on the date this Amended Agreement is executed by both the City and Owner, and shall terminate thirty (30) years thereafter; provided, however, that the term of this Amended Agreement may be extended by mutual consent of the City and the Owner, subject to a public hearing in accordance with the requirements of Section 163.3225, Florida Statutes.

**Section 32. Amendment.** Amendments to the provisions of this Amended Agreement shall be made by the parties only in writing by formal amendment.

**Section 33. Severability.** If any part of this Developer's Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect 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 affected. To that end, this Developer's Agreement is declared severable.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

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

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

27 MILLER INVESTORS, LLC, a Florida  
limited liability company

Witness: \_\_\_\_\_

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

Name: \_\_\_\_\_

Witness: \_\_\_\_\_

Title: \_\_\_\_\_

**CITY OF FRUITLAND PARK**

---

Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:

---

Esther Coulson, MMC, City Clerk

(SEAL)

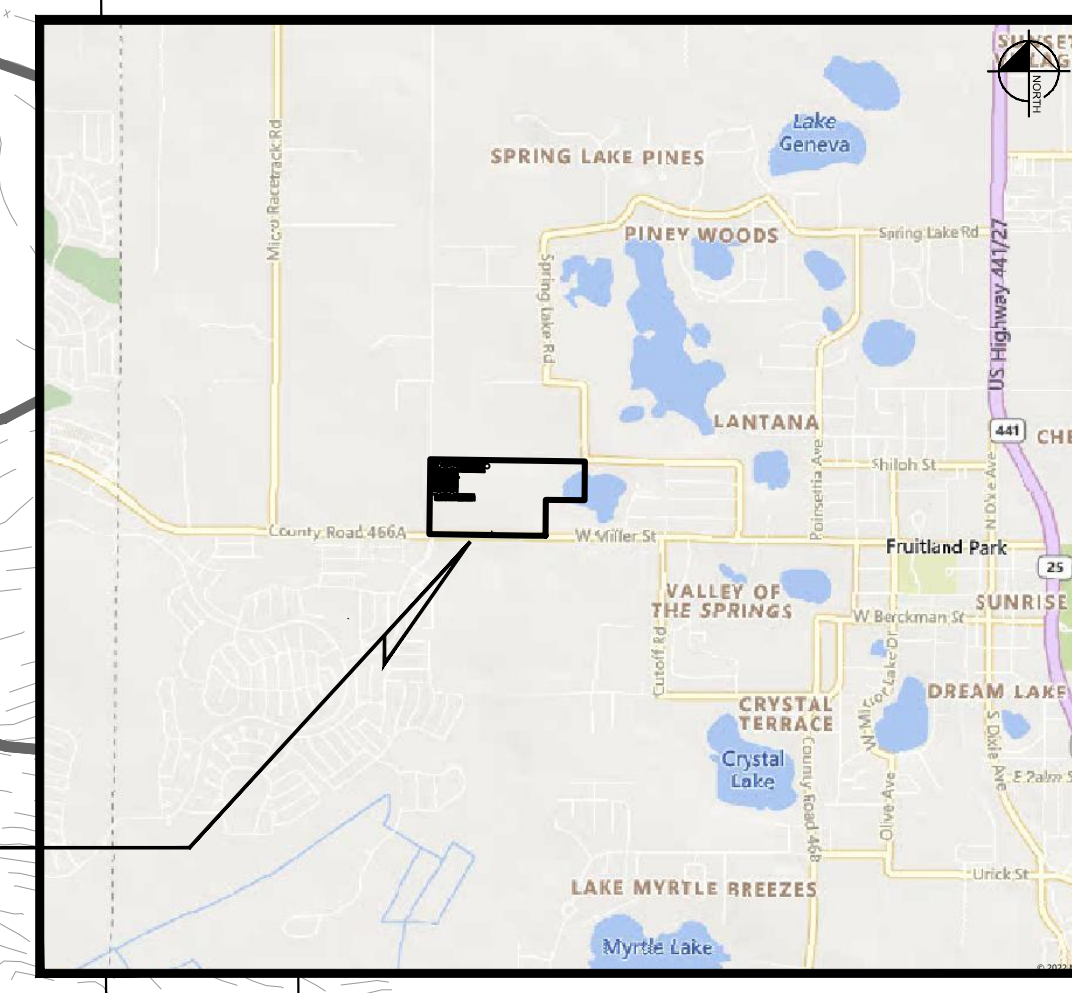
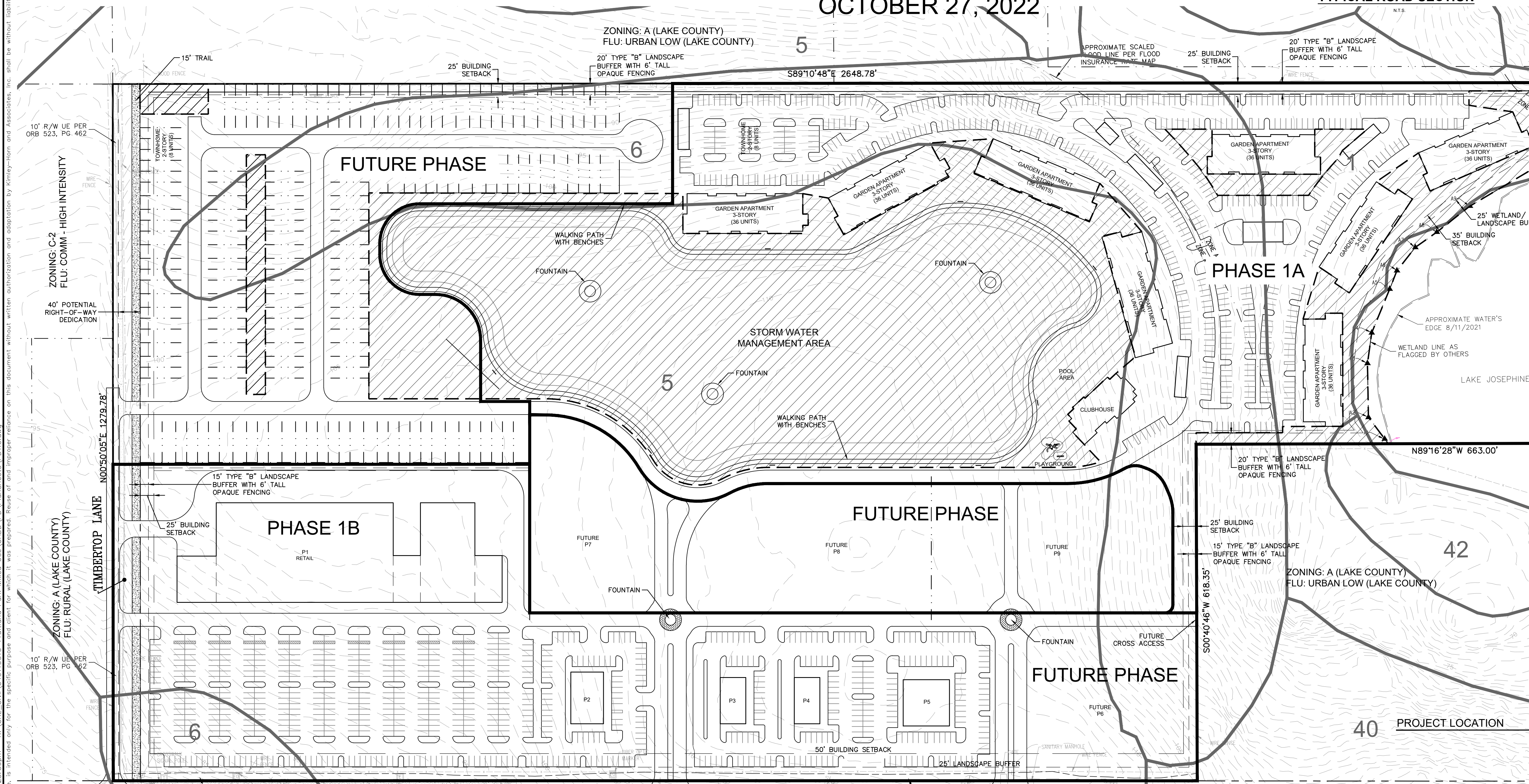
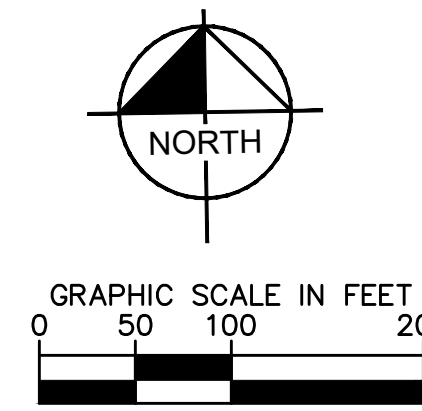
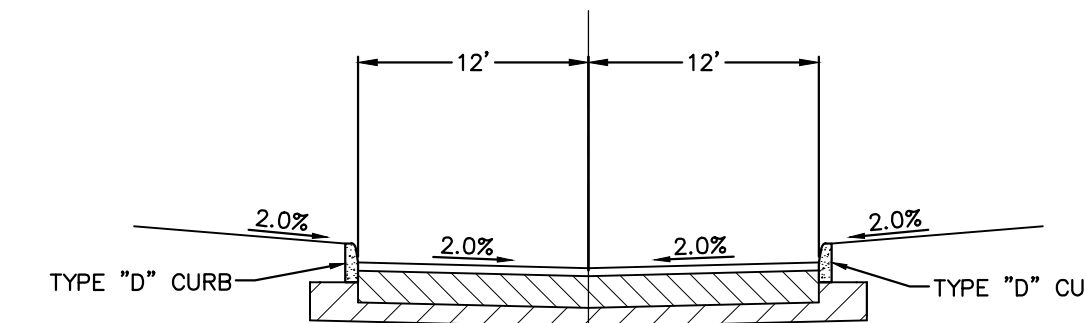
**EXHIBIT “A”**  
**The Property**  
**(Legal Description)**

# MILLER PARK PD

Fruitland Park, Florida

Parcel ID: 051924000300002000

OCTOBER 27, 2022



**LEGAL DESCRIPTION:**  
 THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTH WEST 1/4 OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LESS THE RIGHT OF WAY OF STATE ROAD NO. S-466-A.  
 FOR A TOTAL AREA OF 68.55 ACRES MORE OR LESS.

**SOIL LEGEND**  
 1 SPARR SAND  
 5 APOPKA SAND, 0 TO 5 PERCENT SLOPE  
 6 APOPKA SAND, 5 TO 12 PERCENT SLOPE  
 40 FLACID AND MYAKKA SANDS, DEPRESSIONAL  
 42 POMPANO SAND  
 99 WATER

### PROJECT TEAM

**OWNER/DEVELOPER:**  
 INTRAM INVESTMENTS, INC.  
 5555 S. KIRKMAN RD., SUITE 201  
 ORLANDO, FL 32819  
 CONTACT: KELLY FROELICH  
 PHONE: (407) 701-5205  
 EMAIL: kfroelich@intram.com

**CIVIL ENGINEER:**  
 KIMLEY-HORN AND ASSOCIATES, INC.  
 189 S. ORANGE AVE., SUITE 1000  
 ORLANDO, FL 32801  
 CONTACT: BRENT LENZEN, P.E.  
 PHONE: (407) 898-1511  
 EMAIL: brent.lenzen@kimley-horn.com

**SURVEYOR:**  
 CLYMER FARNER BARLEY  
 4450 NE 83RD ROAD  
 WILDWOOD, FL 34785  
 CONTACT: KAYE JAMESON, PSM  
 PHONE: (352) 748-3126

**LEGAL COUNSEL:**  
 LOWMEDES LAW  
 215 N. EOLA DRIVE  
 ORLANDO, FLORIDA 32801  
 CONTACT: TARA TEDROW  
 PHONE: (407) 418-6361

**MULTI-FAMILY RESIDENTIAL**  
 TOTAL AREA: 42.79 ACRES (62.4%)  
 MAXIMUM FLOOR AREA: 600 SF  
 MINIMUM LIVING AREA: 35 FEET (3-STORY)  
 MAXIMUM BUILDING HEIGHT: 12 UNITS/ACRE  
 MAXIMUM PERMITTED DENSITY:  
 TOWNHOMES: 165 UNITS  
 (8) 3-STORY BUILDINGS (36 UNITS): 288 UNITS  
 TOTAL UNITS: 453  
 GROSS DENSITY (453 UNITS / 42.79 AC): 10.6 UNITS/ACRE  
 TOWNHOME UNIT SIZE: 39'x38'  
 TOWNHOME NET LIVING AREA: 1,480 SF  
 GARDEN APARTMENT UNIT SIZE: 35'x34'  
 GARDEN APARTMENT NET LIVING AREA: 1,200 SF

**GENERAL NOTES:**  
 THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE DUE TO ENGINEERING AND OTHER INFLUENCES.

**COMMERCIAL (P1 - P6)**  
 TOTAL AREA: 18.88 ACRES (27.5%)  
 MAXIMUM FLOOR AREA: 0.70  
 MAXIMUM BUILDING AREA: 575,688 SF  
 MAXIMUM BUILDING HEIGHT: 35 FEET  
 PROPOSED BUILDING AREA: 168,000 SF  
 PROPOSED FAR: 0.20

**INSTITUTIONAL (P7 - P9)**  
 TOTAL AREA: 6.88 ACRES (10.1%)  
 MAXIMUM FLOOR AREA: 0.70  
 MAXIMUM BUILDING AREA: 209,784 SF  
 MAXIMUM BUILDING HEIGHT: 35 FEET  
 BUILDING AREA: 209,784 SF  
 FAR: 0.70

\*IN THE EVENT THE FUTURE LAND USE ALLOWS A GREATER PERCENTAGE OF COMMERCIAL USES, THE INSTITUTIONAL SQUARE FOOTAGE MAY BE CONVERTED TO COMMERCIAL SQUARE FOOTAGE WITHIN SUCH ALLOWABLE LIMITS.

**PROJECTED PHASING**  
 THIS DEVELOPMENT IS TO BE DEVELOPED IN MULTIPLE PHASES:  
 PHASE 1A: GARDEN APARTMENTS AND STORM WATER MANAGEMENT AREA, MASS GRADING COMMERCIAL AREA (P1-P5) AND PROVIDE UTILITY STUBOUTS  
 PHASE 1B: COMMERCIAL (P1-P5)  
 TOWNHOMES AND P6 - P9 WILL BE DEVELOPED IN THE FUTURE.

**SITE DATA:**  
 TOTAL SITE AREA: 68.55 ACRES  
 WETLAND/LAKE AREA: 3.22 ACRES  
 TOTAL DEVELOPABLE AREA: 65.33 ACRES  
 ZONING: MUPUD  
 EXISTING FUTURE LAND USE: MIXED COMMUNITY  
 PROPOSED FUTURE LAND USE: GENERAL MIXED USE  
 MAXIMUM ISR: 0.80  
 MAXIMUM FAR: 0.70  
 MINIMUM OPEN SPACE/ PARKS AND RECREATION: 20%  
 PROVIDED OPEN SPACE: 25%

**SERVICES**  
 WATER/SEWER: CITY OF FRUITLAND PARK  
 FIRE: CITY OF FRUITLAND PARK  
 NATURAL GAS: SECO

SETBACKS	BUILDING	LANDSCAPE*
NORTH:	25 FT	20 FT
SOUTH (CR 466A):	50 FT	25 FT
EAST:	25 FT	15 FT
WEST:	25 FT	15 FT
LAKE JOSEPHINE:	35 FT**	25 FT**

\*INTERNAL (BETWEEN USES) LANDSCAPE BUFFERS WILL BE 10 FEET.  
 \*\*FROM ORDINARY HIGH WATER LINE PURSUANT CHAPTER 165.

**PARKING:**  
 ALL PARKING INCLUDING BICYCLE PARKING WILL BE IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE UNLESS A VARIANCE IS GRANTED.

Plotted By: Spencer, Robert. Sheet Set: #000. Layout: WithoutColors. October 27, 2022. 04:23:39pm. K:\ORL\_Civil\049119010-Fruitland Park Mixed Use\CADD\_PlanSheets\PD1.DWG  
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



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 189 S. ORANGE AVE., SUITE 1000, ORLANDO, FL 32801  
 PHONE: 407-898-1511  
 WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

R/ City Clerk  
City of Fruitland Park  
506 W Berkeley St  
Fruitland Park, FL 34731

CFN 2010023870  
Bk 03881 Pgs 0761 - 7727 (12pgs)  
DATE: 03/11/2010 10:48:18 AM  
NEIL KELLY, CLERK OF COURT  
LAKE COUNTY  
RECORDING FEES 103.50

**LIVE OAK CENTER  
MASTER DEVELOPMENT AGREEMENT**

**THIS AGREEMENT** is entered into and made as of the 27 th day of January, 2010, between the **CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation**, (hereinafter referred to as the "City"), and **FRANK STEPHAN BOUIS, TRUSTEE OF THE FRANK STEPHAN BOUIS FAMILY TRUST DATED OCTOBER 16, 2008**, (hereinafter referred to as the "Owner").

**RECITALS**

1. The Owner desires to annex into the City of Fruitland Park approximately 68.67 acres of property currently located in unincorporated Lake County, Florida, 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 in unincorporated Lake County, Florida, and is currently zoned Lake County "Agriculture" with a future land use designation on the Lake County Future Land Use Map of "Urban Expansion."
3. Owner has filed applications for annexation, rezoning, and amendment to the City's Comprehensive Plan for the Property as a mixed use planned unit development.
4. Owner represents that he 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 annexation 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. The City of Fruitland Park has determined that the proposed development is consistent with the City's comprehensive plan and land development regulations.
7. Owner will fund certain public improvements and infrastructure to facilitate the development of the Property.
8. The Property is within the City's Chapter 180, Florida Statutes, utility district, and



Owner has requested and City desires to provide water and sewer as well as other municipal services to the Property.

**ACCORDINGLY**, in consideration of the mutual benefits and the public interest and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

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

**Section 2. Conditions Precedent.** Owner has filed an application for voluntary annexation, and the City has initiated the process to approve this Agreement and to annex the Property in accordance with the laws of the State of Florida. It is understood and agreed to by the City and the Owner that neither this Agreement nor the annexation of the Property shall be binding or enforceable as to any party unless and until the City duly adopts the Agreement and adopts an ordinance annexing the Property into the corporate limits of the City. The land use and development obligations contained in this Agreement shall not be binding or enforceable unless and until the City's comprehensive plan amendment implementing or related to the Agreement is found in compliance by the state land planning agency or other applicable agency or entity ("Final Approval") in accordance with the applicable Florida Statutes and such plan amendment is adopted by City. The parties hereto understand and acknowledge that the City is in no way bound to annex the Property. The City shall have the full and complete right to approve or deny the application for voluntary annexation.

**Section 3. Land Use/Development.** Development of the Property shall be substantially consistent with the "Live Oak Center Conceptual Plan" prepared by Huffstetler Landscape Architecture and Planning dated January 30, 2009 and attached as **Exhibit "B"** (the "Plan"). All development shall be consistent with City's "PUD" (Planned Unit Development/Mixed Use) zoning district. Additionally, all multi-family residential development (townhomes, condominiums, and apartments) shall be consistent with City's R-3 "Multi-Family High Density Residential" zoning district and all non-residential development shall be consistent with the City's C-1 "Neighborhood Commercial" zoning district, and, subject to City approval after public hearings and DCA approval, City's Mixed Use Community land use category. As set forth further below, all land use issues addressed herein must be adopted by City through its regular procedures and have obtained Final Approval before being effective.

**Section 4. Density.** Overall gross density for the Property shall not exceed 6 units per acre. Gross acreage is approximately 68.67 acres and the maximum residential density shall not exceed 120 residential units.

**Section 5. Phasing.** Owner may develop the Property in multiple phases.

**Section 6. Development Standards.** City and Owner agree that the land uses for the development of the Property shall be substantially as follows:

- A. Commercial/Retail 300,000 sq ft 30.00 acres±  
**(those uses permitted within City's C-1 zoning district)**
- B. Office 200,000 sq ft 20.00 acres±
- C. Residential/Condo/  
Apartments/ 120 units 10.00 acres±  
Townhomes
- D. Building Height. Provided that prior to any building permits being issued, all applicable agencies and governmental entities with jurisdiction confirm, in writing, that adequate fire protection is available to the Property, the maximum building height within the Property shall be 45 feet. In the event adequate fire protection is not available to the Property, the maximum building height within the Property shall be 35 feet.
- E. Land use quantities and acreages of the commercial/retail, office, and residential portions of the Property may vary provided the cumulative development remains below the DRI thresholds provided in Section 380.0651, Florida Statutes, and Chapter 28-24, Florida Administrative Code, and adheres to the other terms and conditions of this Agreement, and provided the City Commission approves the same.

**Section 7. Property Owners Association.** Owner shall establish a property owners association for each parcel with multiple owners of common areas, which shall be responsible for maintenance of common areas and infrastructure within the Property, including, but not limited to, parks and recreation areas, stormwater retention, open space areas, and common areas. Owner agrees to, at Owner's expense, provide landscaping and improvements to the park and recreation areas located within the Property as agreed to by City at site plan approval. Owner shall record declarations satisfactory to City setting forth these requirements and detailing assessments in conjunction with the platting of the Property.

**Section 8. Pedestrian and Bicycle Trails.** Owner agrees to construct sidewalks to City standards on at least one side of a portion of the right of way within the Property. Additionally, Owner agrees to dedicate a 15-foot pedestrian and bicycle trail as determined by City and to maintain, or require the property owners' association to maintain, this area until and unless another entity suitable to City accepts maintenance responsibility. In this regard, if requested by City, Owner agrees to deed said property to City or some other governmental entity in conjunction with

the use of that area as a pedestrian/bicycle trail. City agrees that this area shall be counted in determining setbacks for the Property, provided that no improvements are constructed within the area that would conflict with the intended use as a pedestrian or bicycle trail. The pathways shall be separated from any and all roadway in a manner sufficient to ensure the maximum level of safety for those using such pathways. Further, the pathways shall be located within the area so as not to interfere or obstruct the installation and maintenance of utilities.

**Section 9. Road Improvements.** Owner shall be responsible for conducting a traffic study, and subsequently designing and constructing all transportation improvements based on such study. The City shall, under no circumstances, be financially responsible for the study and/or improvements. Specifically, Owner acknowledges that City anticipates a second access to the Property from Timbertop Lane will be necessary. Owner shall accordingly be responsible for providing such additional access and for improving Timbertop Lane if requested by City in conjunction with City's review of the site plan for the Property. Additionally, Owner acknowledges that Lake County has planned improvements for County Road 466A and is in the process of acquiring right of way in order to effectuate such improvements. In that regard, Owner/Developer shall grant to City or designee such right of way along 466A as is reasonably requested by City.

All roads shall be constructed in accordance with applicable City standards. Additionally, Owner shall provide stormwater retention associated with the roads either within the right-of-way or on the Property.

**Section 10. Lighting.** Owner shall submit a site lighting plan in conjunction with the final site plan submittal for the Property for City approval. All exterior lighting shall be arranged to reflect light away from the residential portions of the Property to prevent illumination onto adjacent residential property from exceeding 0.5 foot candles while providing lighting adequate to ensure safety on road right of way. The poles and street lights within the Property shall be installed by Owner and thereafter maintained by the property owners association.

**Section 11. Water, Wastewater, and Reuse Water.** Owner and his successors and assigns agree to obtain water, reuse water, irrigation water, and wastewater service (hereafter, "Utilities") exclusively through purchase from City when available. 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. No private wells will be allowed within the Property. 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 located at Shiloh Street approximately 400 feet west of Dixie Avenue for potable water and the intersection of Shiloh Street and Dixie Avenue for wastewater. Owner shall also construct, at Owner's expense, "dry" utility lines for reclaimed water purposes. All such improvements must be constructed to City requirements and transferred to City as a contribution in aid of construction.

**Section 12. Impact Fees.** Owner shall be required to pay impact fees as established by City from time to time. Owner agrees to prepay the water and wastewater impact fees for the Property at

the time of plat (for residential) and site plan (for commercial and office) approval by City corresponding to the number of units in such plat or site plan.

Owner agrees to pay all other impact fees, including parks and recreation, police and fire rescue and any impact fees adopted after the execution of this Agreement for all units as building permits are issued for such units at the then existing rate. 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 for the prepaid units. 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 platting 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 reasonably 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, provided that the City's request for such easements or right of way is made during the platting process or site development process for those parcels which are not platted. Owner shall, upon execution of this Agreement, provide Lake County with a fifteen-foot drainage and grading easement along the southern boundary of its property in a form reasonably satisfactory to Lake County.

**Section 14. Landscaping/Buffers.** Owner has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner shall install landscaping as depicted on a landscaping site plan submitted to the City for review and approval prior to such installation.

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 common and parking areas of the Property in accordance with all applicable City of Fruitland Park Land Development Regulations. Owner or assignee shall maintain such areas until such maintenance responsibility has been assumed by the appropriate property owners' association.

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 or the Federal Emergency Management Agency.

**Section 16. Other Municipal Facilities/Services.** Upon annexation, 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 property owners within the City.

**Section 17. Concurrency.** A complete concurrency study conforming to the City of Fruitland Park Land Development Regulations will be required prior to any preliminary plat, construction plan, or site plan approvals. Owner shall ensure that all traffic concurrency studies conducted reflect all approved development in the area. Further, Owner acknowledges that City has adopted an ordinance relating to Proportionate Share Mitigation. Accordingly, Owner agrees that it shall be subject to such ordinance.

**Section 18. Final Approvals.** Prior to issuance of any permits for construction, including clearing and landfill, a preliminary plat, construction plans, and final plat for the residential portions of the Property and a Final Site Plan for the commercial/office portions of the Property shall be prepared and submitted for review and approval in the manner required by the City's Land Development Code, as amended.

**Section 19. Environmental Considerations.** Owner shall comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

**Section 20. Solid Waste Disposal Facilities.** Owner shall provide solid waste disposal facilities for the townhomes, condominiums and commercial office and commercial retail units that are adequately constructed, maintained, and screened to provide safe and non-disruptive refuse collection and disposal operations. Owner agrees that collection and transportation of solid waste within the Property shall not require any vehicles to back into any street or alley.

**Section 21. Signage.** Owner shall submit a master sign plan as a component of the final plat for the residential portions of the Property and a final site plan (i.e., construction plan) for the commercial/office portions of 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.

**Section 22. 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 23. 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 24. Due Diligence.** 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. 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 25. Enforcement/Effectiveness.** A default by either party under this Agreement shall entitle the other party to all remedies available at law or as set forth in Section 163.3243, Florida Statutes. However, both parties acknowledge that any land use or development provisions of this Agreement shall not be effective or implemented unless and until the amendment to the City's comprehensive plan is found in compliance by the Florida Department of Community Affairs ("DCA") or any subsequent state agency serving as the state land planning agency, as set forth in Chapter 163, Florida Statutes. No development orders will be issued by City and no construction can occur until the necessary comprehensive plan amendment is adopted by City and receives Final Approval.

**Section 26. 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 27. Binding Effect; Assignability.** This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their assigns. This Agreement shall be assignable by the Owner to successive owners. Owner shall, however, provide written notice to the City of any and all such assignees. The rights and obligations set forth in this Agreement shall run with the land and be binding on all successors and/or assignees. Owner consents to the placement of a claim of lien on the Property upon default in payment of any obligation herein without precluding any other remedies of City. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

**Section 28. 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 29. Exhibits.** All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

**Section 30. 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:

<b>As to City:</b>	Mr. Ralph Bowers, City Manager City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone
<b>Copy to:</b>	Christopher J. Bell, City Mayor City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone  Scott A. Gerken, Esquire City Attorney 4850 N. Highway 19A Mount Dora, FL 32757 352-357-0330 Telephone 352-357-2474 Facsimile
<b>As to Owner:</b>	Frank Bouis P.O. Box 8 Yalaha, Florida 34797 352-324-2299
<b>Copy to:</b>	Charles Johnson, Esq. 907 Webster Street Leesburg, Florida 34748 352-787-2308  Gary Cooney, Esq. Richey & Cooney, P.A.

	PO Box 492460 Leesburg, Florida 34749-2460
	Bob Huffstetler 36955 Lake Yale Drive Grand Island, Florida 32735 352-516-5254

**Section 31. 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 32. 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 in accordance with the requirements of Section 163.3225, Florida Statutes.

**Section 33. Amendment.** Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

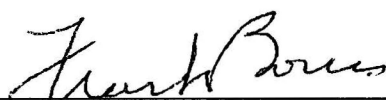
**Section 34. Severability.** If any part of this Developer's Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not effect the other parts of this Developer's Agreement, if the rights and obligations of the parties contained herein are not materially 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  
Charles D. Johnson

By:   
\_\_\_\_\_  
Signature



Charles D. Johnson

Frank S Bouis, TT  
Print Name  
Charles D Johnson

FRANK S Bouis TT  
Printed Name

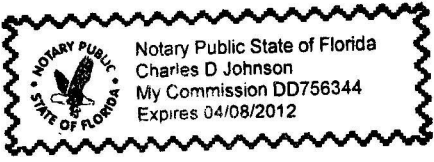
As: Trustee of the Frank Stephan Bouis Family  
Trust Dated October 16, 2008

[Signature]  
Witness Signature

Cristina P. Simmons  
Print Name

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of  
January, 2010 by Frank Stephan Bouis, as Trustee for the Frank Stephan Bouis Family  
Trust Dated October 16, 2008, who is personally known to me or who has produced  
\_\_\_\_\_ as identification and who did (did not) take an oath.



[Signature]  
Notary Public  
Notary Public - State of Florida  
Commission No DD 756344  
My Commission Expires 4/8/12

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

[Signature]  
City Attorney Scott A Gerker

ACCEPTED BY THE CITY OF FRUITLAND  
PARK

By: [Signature]  
Christopher J. Bell, City Mayor

Date: 1-27-2010

ATTEST: [Signature]  
Diane Gibson Smith, City Clerk

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 12 day of February Mayor Chris by see, Deane Gibson Smith, City Clerk of the City of Fruitland Park, Florida, who are personally known to be me and they acknowledge executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Fruitland Park, Florida.



*Marie A. Azzolino*

Notary Public  
Notary Public - State of Florida  
Commission No DD 592736  
My Commission Expires 9/6/2010

Exhibit "A"

The Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; and the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; and the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 5, Township 19 South, Range 24 East, in Lake County, Florida, LESS the right of way of State Road No. S-466A.

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

**ITEM TITLE:** CITY MANAGER’S REPORT

**MEETING DATE:** Thursday, January 12, 2023

**DATE SUBMITTED:** Thursday, January 5, 2023

**SUBMITTED BY:** City Manager

**BRIEF NARRATIVE:** City Manager’s Report

- i. Economic Development Status Update
- ii. Land Development Regulations – Signs

**FUNDS REQUIRED:** None

**ATTACHMENTS:**

**RECOMMENDATION:**

**ACTION:** None

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

<b>ITEM TITLE:</b>	<b>CITY ATTORNEY’S REPORT</b>
<b>MEETING DATE:</b>	Thursday, January 12, 2023
<b>DATE SUBMITTED:</b>	Thursday, January 5, 2023
<b>SUBMITTED BY:</b>	City Manager
<b>BRIEF NARRATIVE:</b>	<b>City Attorney’s Report</b>

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 and updated FRS calculations were obtained. 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. Mediation has been scheduled to take place virtually at 10:00 AM on Thursday, January 19, 2023. 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. On November 14, 2022 the Guardian filed an answer. On January 3, 2023 Plaintiff filed a Motion for Summary Judgment. A hearing has not yet been scheduled.

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. No further action has been taken since October 27, 2022.

Code of Ordinances Codification: Based on staff input on the various outstanding code provisions, I have been developing a response to CivicPlus so they can provide the final manuscript for adoption. I anticipate completing the response and providing to CivicPlus no later than the end of January.

Kaitlin Delong vs. City of Fruitland Park, Lake County Case No. 2022-CA-00463: Plaintiff filed a lawsuit against the City alleging damages resulting from a motor vehicle crash between a vehicle Plaintiff was operating and a marked Fruitland Park Police Department vehicle. The City was served June 30, 2022. Insurance assigned Roper & Roper to defend the City. An Answer and Affirmative Defenses were filed on July 22, 2022. Discovery has been ongoing. A Case Management Order was entered August 26, 2022. Trial is scheduled on the trial docket beginning February 19, 2024. The Plaintiff's deposition is scheduled for March 2, 2023 at 10:00 a.m.

**FUNDS REQUIRED:** None  
**ATTACHMENTS:**  
**RECOMMENDATION:**  
**ACTION:** None

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

**ITEM TITLE:** Public Comments

**MEETING DATE:** Thursday, January 12, 2023

**DATE SUBMITTED:** Thursday, January 5, 2023

**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