

**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

March 9, 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 – Pastor Gregory “Greg” Yarbrough, Trinity Assembly Church

Pledge of Allegiance – Police Chief Erik Luce

2. ROLL CALL

3. SPECIAL PRESENTATIONS (city clerk)

(a) ***Irish-American Heritage Month Proclamation – March 2023***

(b) ***Sue Parker Day Proclamation***

4. LOCAL PLANNING AGENCY

On or before 6:15p.m. recess to the local planning agency.

5. COMMUNITY REDEVELOPMENT AGENCY

On or before 6:30 p.m. recess to the community redevelopment agency.

6. 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 February 23, 2023 regular meeting minutes.

(b) **Audit Engagement Letter** (city treasurer)

7. REGULAR AGENDA

(a) **Resolution 2023-018 Soccer Field Sidewalk Repair – FY 2022-23 Budget Amendment** (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 INSURANCE CLAIM PROCEEDS REVENUE BUDGET AND SOCCER FIELD EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING

- (b) **First Reading and Public Hearing - Ordinance 2023-001 Boundary Amendment (Annexation) - 19.10+ Acres Multi-Family Medium - South of Urick Street and West of Thomas Avenue - Petitioner: Kimaya, LLC** (city attorney/city manager/community development)

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 19.10 ± ACRES OF LAND GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; 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. (Continued from January 26 and February 9, 2023.)

- (c) **First Reading and Public Hearing Ordinance 2023-002 SSCPA - 19.10+ Acres Multi-Family Medium - South of Urick Street and West of Thomas Avenue - Petitioner: Kimaya, LLC** (city attorney/city manager/community development)

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 URBAN HIGH DENSITY TO CITY MULTI-FAMILY MEDIUM DENSITY OF 19.10 +/- ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; 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. (Continued from January 26 and February 9, 2023.)

QUASI-JUDICIAL PUBLIC HEARING

- (d) **First Reading and Quasi-Judicial Public Hearing - Ordinance 2023-003 Rezoning - South of Urick Street and West of Thomas Avenue** Petitioner: **Kimaya, LLC** (city attorney/city manager/community development)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.10 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) TO CITY OF FRUITLAND PARK R-10 WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (Continued from January 26 and February 9, 2023.)

END OF QUASI-JUDICIAL PUBLIC HEARING

END OF PUBLIC HEARING

8. (a) **City Manager – Economic Development Status Update**
- (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

**vi. Kaitlin Delong vs. City of Fruitland Park, Lake County
Case No. 2022-CA-00463**

9. UNFINISHED BUSINESS

10. PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

11. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

(b) Commissioner Bell

(c) Commissioner Gunter

(d) Vice Mayor DeGrave

12. MAYOR'S COMMENTS

13. ADJOURNMENT

DATES TO REMEMBER

- March 4, 2023, Family Camp-Out, Cales Memorial Multipurpose Soccer Field Recreation Complex, 300 Shiloh Street, Fruitland Park, Florida 34731;
- March 10, 2023, Lake County League of Cities, *Public Safety*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- March 17, 2023, Comedy Night, Fruitland Park Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 8:00 p.m.;

- March 23, 2023, City Commission regular at 6:00 p.m, and
- March 25, 2023, Fruitland Park Day with BBQ Cook Off, Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.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: 3a-b**

ITEM TITLE: Special Presentations

MEETING DATE: Thursday, March 9, 2023

DATE SUBMITTED: Wednesday, March 1, 2023

SUBMITTED BY: City Clerk

BRIEF NARRATIVE: Special Presentations:

- a. *Irish-American Heritage Month Proclamation – March 2023* (city clerk)
- b. *Sue Parker Day Proclamation*

FUNDS BUDGETED: None

ATTACHMENTS: Proclamations

RECOMMENDATION:

ACTION:



Proclamation

WHEREAS, the Irish first came to Spanish “*La Florida*” in the 1500s first as missionaries and mercenary soldiers and then as planters, traders, businessmen, doctors and administrators; and

WHEREAS, three of the Spanish governors of “*La Florida*” were Irish military officers; and

WHEREAS, by 1776 nearly 300,000 Irish nationals had emigrated to the American colonies and played a crucial role in America’s War for Independence; and

WHEREAS, five signers of the Declaration of Independence were of Irish descent and three signers were Irish born; and

WHEREAS, Irish-Americans helped to fashion a system of government for our young nation; and

WHEREAS, twenty-two presidents have proudly proclaimed their Irish-American heritage; and

WHEREAS, in 1792 Irish born James Hoban provided the architectural plans for the White House and served as one of the supervising architects for the construction of the Capitol; and

WHEREAS, in 1813, Captain Oliver Perry, An Irish-American, achieved a major naval victory in the Battle of Lake Erie; and

WHEREAS, Irish born Commodore John Barry was recognized by the United States Congress in September of 2002 as the "First Flag Officer of the United States Navy"; and

WHEREAS, Commodore Barry fought the last sea battle of the American Revolution off the coast of Florida; and

WHEREAS, in 1942, five Sullivan brothers made the ultimate sacrifice for democracy and freedom during the Naval Battle of Guadalcanal and later had the Destroyer USS Sullivan commissioned in their memory; and

WHEREAS, Irish-Americans, since America’s inception, have provided and continue to provide leadership and service to this nation’s political, business and religious establishments; and

WHEREAS, it is fitting and proper to celebrate the rich cultural heritage and the many valuable contributions of Irish-Americans; and

Now, therefore, be it proclaimed that I Chris Cheshire, Mayor of the City of Fruitland Park, Florida”, on behalf of the city commissioners, do hereby proclaim the month of March 2023 as *Irish-American Heritage Month* in recognition of the long history of Irish-American contributions to the State of Florida. Proclaimed this 9th day of March 2023.

Chris Cheshire, Mayor

Attest:

Esther Coulson, City Clerk



Proclamation

Whereas, Susan Theresa Parker briefly served in the United States Army and worked as a book keeper in New Jersey for eight years before relocating to Florida in 2003; and

Whereas, in December 2003, Ms. Parker started her position in Fruitland Park, under former City Treasurer Elizabeth Palmer, as a customer service representative for two years; left to work as an accounting clerk in the Town of Lady Lake, and returned to the city in 2006 as utility finance clerk; and

Whereas, Sue has performed payroll and accounts payable processes, took on additional responsibilities for miscellaneous billings; monitored billing and grant projects, and acquired the majority of month-end closing activities; and

Whereas, Ms. Parker has independently worked with and assisted other departments on The Villages of Fruitland Park's permits; the management of business tax receipts, and other extra duties when needed; and

Whereas, during Ms. Parker's tenure, she has witnessed the construction of the current city hall building and the installation of new utility gallon water meters, and

Whereas, Sue's accuracy, attention to detail and organizational skills have been major assets to the finance department; her initiative to learn what is required, dedication and commitment to additional duties, and thoroughness in caring about the quality of her work have not gone unnoticed, and it has been observed by the former and current city treasurers alike; *finance cannot run without her and she is a joy to work with*; and

Whereas, in defying the odds, Ms. Parker has continued to maintain consistency in completing assignments conscientiously, diligently and timely; yet she has always possessed a humble disposition -- she will be irreplaceable; and

Whereas, the City of Fruitland Park wishes to express its heartfelt gratitude in recognizing Ms. Parker for her 20 years of devoted service.

NOW, THEREFORE, be it proclaimed that I "Chris Cheshire, Mayor of the City of Fruitland Park, Florida", on behalf of the city commissioners and the citizens, do hereby proclaim "*March 9, 2023 as Susan Parker Day*" in the City of Fruitland Park and would extend her the very best wishes on her retirement.

DATED this 9th day of March 2023.

Chris Cheshire, Mayor

Attest:

Esther Coulson, City Clerk

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

ITEM TITLE: Local Planning Agency (LPA) Meeting

MEETING DATE: Thursday, March 9, 2023

DATE SUBMITTED: Wednesday, March 1, 2023

SUBMITTED BY: City Clerk

BRIEF NARRATIVE: LPA Chapter 163, Florida Statutes.

FUNDS BUDGETED: No

ATTACHMENT

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

ACTION: None

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

ITEM TITLE: Community Redevelopment Agency (CRA)
Meeting

MEETING DATE: Thursday, March 9, 2023

DATE SUBMITTED: Wednesday, March 1, 2023

SUBMITTED BY: City Clerk

BRIEF NARRATIVE: CRA Chapter 163, Florida Statutes.

FUNDS BUDGETED: 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: 6a-b**

ITEM TITLE: Draft Meeting Minutes and Auditor Engagement Letter

MEETING DATE: Thursday, March 9, 2023

DATE SUBMITTED: Wednesday, March 2, 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)
February 23, 2023 regular meeting minutes

- b. **Auditor McDirmit Davis Engagement Letter FY 2022** (city treasurer)

FUNDS BUDGETED: \$27,000 Finance and Water and Sewer under audit fee 01513-30320 (50%), 40533-30320 (\$25%), and 40535-30320 (25%)

ATTACHMENTS: Draft minutes and audit engagement letter

RECOMMENDATION: Approve the minutes, if there are no corrections, as submitted and approve the engagement letter.

ACTION: Approval

**FRUITLAND PARK CITY COMMISSION REGULAR
DRAFT MEETING MINUTES
February 23, 2023**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, February 23, 2023, at 6:00 p.m.

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

Also present: Gary La Venia City Manager; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Public Works Director Robb Dicus; Deputy Finance Director Gary Bachman; Michael “Mike” Rankin, Interim Community Development Director, LPG Urban Regional Planners, Inc. (consultant retained by the city); 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; Senior Pastor Kelly Smith, Community United Methodist Church, gave the invocation, and Mr. Rankin led in the pledge of allegiance to the flag.

ACTION: 6:00:07 p.m. No action was taken.

2. ROLL CALL

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

ACTION: 6:02:00 p.m. **By unanimous consent, the city commission excused the absence of Commissioner John L. Gunter, Jr., from this evening’s meeting.**

3. CONSENT AGENDA

Approval of Minutes

February 9, 2023 regular meeting.

ACTION 6:02:24 p.m. **On motion made by Vice Mayor DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the previously cited consent agenda.**

4. REGULAR AGENDA

(a) Resolution 2023-015 Urick Street Force Main – 28-Day Construction Rime Extension – Cathcart Construction Company Florida LLC, Oviedo

Ms. Geraci-Carver read into the record the following title of proposed Resolution 2023-015:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FRUITLAND PARK, FLORIDA, APPROVING 28-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.

ACTION: 6:04:27 p.m. After discussion, a motion was made by Commissioner Bell and seconded by Commissioner Mobilian that the city commission adopt Resolution 2023-015 as previously cited.

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

(b) Resolution 2023-016 Urick Street Force Main Extension Project Contract Change #2 – Cathcart Construction Company Florida LLC, Oviedo

Ms. Geraci-Carver read into the record the following title of proposed Resolution 2023-016:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 2 THAT INCLUDES A THREE-DAY EXTENSION TO CONSTRUCTION TIME AND INCREASE OF \$13,111 IN THE CONTRACT PRICE REQUESTED BY CATHCART CONSTRUCTION COMPANY FLORIDA LLC, OVIEDO; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

After Mr. Dicus relayed reasons to increase the contract price, Ms. Geraci-Carver and Mr. La Venia recommended postponing the subject item to a future meeting for further discussion amongst staff, Cathcart Construction Company Florida LLC, Oviedo and Halff Associates Inc.

ACTION: 6:05:49 p.m. After discussion, and on motion of Vice Mayor DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission postponed its action to a future meeting on aforementioned Resolution 2023-016 at the request of the city manager and city attorney as previously cited.

(c) Resolution 2023-017 Civil Engineering and Surveying Services – CR 466A Phase 3B Utility Adjustments – Halff Associates Inc.

Ms. Geraci-Carver read into the record the following title of proposed Resolution 2023-017:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING

AGREEMENT/PROPOSAL FOR CR 466A PHASE 3B UTILITY ADJUSTMENTS DATED FEBRUARY 14, 2023 FROM HALFF IN AN AMOUNT NOT TO EXCEED \$83,600 FOR ENGINEERING, SURVEYING, PERMITTING, ADMINISTRATIVE, BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES ANC REIMBURSABLES; AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE.

In recognizing conflicts with the subject proposal, Mr. La Venia conveyed his request to Wright-Pierce Inc. (engineering and surveying services retained by the city), to submit a proposal in this regard and recommended that the item in question be postponed until the proposal is received and a comparison made.

ACTION: 6:10:24 p.m. On motion made by Vice Mayor DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission postponed its action on aforementioned Resolution 2023-017 to a future meeting at the city manager's request as previously cited for more information.

PUBLIC HEARING

By unanimous consent, Mayor Cheshire opened the public hearing.

(d) Second Reading and Public Hearing – Ordinance 2023-005 Solid Waste Rates Increase

It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2023-005, Ms. Geraci-Carver read into the record the following title, and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA APPROVING AN EXTENSION OF ITS SOLID WASTE COLLECTION FRANCHISE AGREEMENT WITH WASTE MANAGEMENT, INC. OF FLORIDA' ADOPTING RATES FOR THE PROVISION OF WASTE MANAGEMENT SERVICES TO RESIDENTS OF THE CITY OF FRUITLAND PARK; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:11:51 p.m. A motion was made by Commissioner Mobilian and seconded by Commissioner Bell that the city commission enact Ordinance 2023-005 as previously cited to become effective immediately as provided by law.

There being no comments 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

6. (a) **City Manager –**
 - i. **Economic Development Status Update**

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

ACTION: 6:13:06 p.m. No action was taken.
 - (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: 6:13:09 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 matter.

ACTION: 6:13:09 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 and City of Fruitland Park, Lake County Case No. 2022-CA-00845.

ACTION: 6:13:09 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: 6:13:09 p.m. No action was taken.
 - v. **Fruitland Park Official City Code**

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

ACTION: 6:13:09 p.m. No action was taken.

vi. **Kaitlin Delong vs. City of Fruitland Park, Lake County Case No. 2022-CA-00463**

Ms. Geraci-Carver had nothing to report on the Kaitlin Delong Case.

ACTION: 6:13:09 p.m. No action was taken.

7. **UNFINISHED BUSINESS**

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

ACTION: 6:13:16 p.m. No action was taken.

8. **PUBLIC COMMENTS**

Mr. Fred Clark, City of Fruitland Park resident, voiced concerns regarding his pervious complaints to the police department regarding the racing and disruption of dirt bikes and all-terrain motorized vehicles in the neighborhood; pointed out his request that the city commission review the need for additional law enforcement officers⁰, and requested police presence in the area to control same.

ACTION: 6:13:18 p.m. No action was taken.

9. **COMMISSIONERS' COMMENTS**

(a) **Commissioner Mobilian**

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

ACTION: 6:15:53 p.m. No action was taken.

(b) **Commissioner Bell – 2023 Love Week**

Later in the meeting and after Commissioner Bell expressed his gratification on recent events that occurred in the city in recognition of Love Week by Operation Bless Fruitland Park, Mr. La Venia addressed the plan for Parks and Recreation Director Michelle Yoder to coordinate the proceeds as a result of the 5k Love Run and Vice Mayor DeGrave referred to the February 17, 2023 The Villages Daily Sun article *Love Week Continues in Fruitland Park*.

ACTION: 6:15:59 p.m. and 6:24:26 p.m. No action was taken.

(c) **Commissioner Gunter, Jr.**

Commissioner Gunter was absent from this evening's meeting.

ACTION: 6:15:59 p.m. No action was taken.

(d) **Vice Mayor DeGrave – Solid Waste Services**

Mr. La Venia concurred with Vice Mayor DeGrave's proposition to explore the provision of solid waste services twice a week in-house, capitalizing hard capital

over a period of 10-15 years, and calculating the potential savings in comparison to Waste Management Inc.'s current contract including data on tipping fee charges to Covanta in this regard for review.

ACTION: 6:16:05 p.m. By unanimous consent, the city commission concurred with the proposition as previously cited.

10. MAYOR'S COMMENTS

(a) 2023 Community Service Award Nomination

Mayor Cheshire explained why he is recommending Infinity Fitness Inc. to be nominated to receive the 2023 Community Service Award from Lake 100; read into the record a list of philanthropy events that Infinity Fitness has been involved with since 2021, and Mr. La Venia recognized the funds supporting Project Generosity, a fundraiser for Fruitland Park Elementary School, raised by Infinity Fitness totalling \$24,167.66. (A copy of the list is filed with the supplemental papers to the minutes of this meeting.)

ACTION: 6:21:54 p.m. and 6:25:28 p.m. By unanimous consent, the city commission accepted the nomination of Infinity Fitness Inc., as previously cited, and directed the city clerk to submit the 2023 Community Service Nomination Form Application highlighting its achievements.

(b) Dates to Remember Mayor Cheshire announced the following events:

Mayor Cheshire recognized the following events;

- March 4, 2023, Family Camp-Out, Cales Memorial Multipurpose Soccer Field Recreation Complex, 300 Shiloh Street, Fruitland Park, Florida at 5:00 p.m.;
- March 17, 2023, Comedy Night, Fruitland Park Community Center, 205 West Berckman Street, Fruitland Park, Florida at 8:00 p.m.;
- March 23, 2023, City Commission regular meeting at 6:00 p.m.;
- March 25, 2023, Fruitland Park Day with BBQ Cook Off, Berckman Street, Fruitland Park, Florida at 10:00 a.m.

ACTION: 6:24:00 p.m. No action was taken.

11. ADJOURNMENT

The meeting adjourned at 6:26 p.m.

The minutes were approved at the March 9, 2023, regular meeting.

Signed
Esther B. Coulson, City Clerk, MMC

Signed
Chris Cheshire, Mayor



934 North Magnolia Avenue, Suite 100
Orlando, Florida 32803
407-843-5406
www.mcdermittdavis.com

January 13, 2023

City of Fruitland Park
506 W. Berckman St.
Fruitland Park, FL 34731

You have requested that we audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Fruitland Park, as of September 30, 2022, and for the year then ended and the related notes to the financial statements, which collectively comprise City of Fruitland Park' basic financial statements as listed in the table of contents.

In addition, we will audit the City's compliance over major federal award programs and state projects for the period ended September 30, 2022. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audits will be conducted with the objectives of our expressing an opinion on each opinion unit and an opinion on compliance regarding the City's major federal award programs and state projects. The objectives of our audit of the financial statements are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS), in accordance with Government Auditing Standards, and Chapter 10.550, *Rules of the Auditor General* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

The objectives of our compliance audit are to obtain sufficient appropriate audit evidence to form an opinion and report at the level specified in the governmental audit requirement about whether the entity complied in all material respects with the applicable compliance requirements and identify audit and reporting requirements specified in the governmental audit requirement that are supplementary to GAAS and Government Auditing Standards, if any, and perform procedures to address those requirements.

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

1. Management's Discussion and Analysis
2. Supplementary Pension Schedules
3. Supplementary OPEB Schedules

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

1. Individual fund schedules

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

1. Statistical Section
2. Introductory Section

Schedule of Expenditures of Federal Awards and State Financial Assistance

We will subject the schedule of expenditures of federal awards and state financial assistance to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the schedule of expenditures of federal awards and state financial assistance is presented fairly in all material respects in relation to the financial statements as a whole.

Data Collection Form

Prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, schedule of expenditure of federal awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the federal audit clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the federal audit clearinghouse. We will assist you in the electronic submission and certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the earlier of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

Audit of the Financial Statements

We will conduct our audit in accordance with U.S. GAAS, the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America; the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance); and Chapter 10.550, *Rules of the Auditor General*. As part of an audit of financial statements in accordance with GAAS, in accordance with *Government Auditing Standards*, and Chapter 10.550, *Rules of the Auditor General*, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we will have identified during the audit. Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time..

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements or noncompliance may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

We will issue a written report upon our completion of our audit of the City's basic financial statements. Our report will be addressed to the Mayor and City Council. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions add an emphasis-of-matter or other-matter paragraph(s) to our auditor's report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

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

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

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

Audit of Major Program Compliance

Our audit of City of Fruitland Park' major federal award programs and state projects compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended; the Uniform Guidance; and the Florida Department of Financial Services, *State Projects Compliance Supplement*; and will include tests of accounting records, a determination of major programs in accordance with the Uniform Guidance and State Projects Compliance Supplement, and other procedures we consider necessary to enable us to express such an opinion on major federal award program and state project compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance and *State Projects Compliance Supplement* require that we also plan and perform the audit to obtain reasonable assurance about whether material noncompliance with applicable laws and regulations, the provisions of contracts and grant agreements applicable to major federal award programs and major state projects, and the applicable compliance requirements occurred, whether due to fraud or error, and express an opinion on the entity's compliance based on the audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, the Uniform Guidance, and Chapter 10.550, *Rules of the Auditor General* will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the entity's compliance with the requirements of the federal programs and state projects as a whole.

As part of a compliance audit in accordance with GAAS, *Government Auditing Standards*, and Chapter 10.550, *Rules of the Auditor General*, we exercise professional judgment and maintain professional skepticism throughout the audit. We also identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks.

Our procedures will consist of determining major federal programs and state projects and performing the applicable procedures described in the U.S. Office of Management and Budget *OMB Compliance Supplement* and the *State Projects Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs, and performing such other procedures as we consider necessary in the circumstances. The purpose of those procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance and *State Projects Compliance Supplement*.

Also, as required by the Uniform Guidance and *State Projects Compliance Supplement*, we will obtain an understanding of the entity's internal control over compliance relevant to the audit in order to design and perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the City's major federal award programs and major state projects. Our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report. However, we will communicate to you, regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we have identified during the audit.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the City's major federal award programs and major state projects, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

Management Responsibilities

Our audits will be conducted on the basis that management acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error,
3. For identifying, in its accounts, all federal awards expended during the period and the federal programs under which they are received;
4. For maintaining records that adequately identify the source and application of funds for federally funded activities;
5. For preparing the schedule of expenses of federal awards and state financial assistance (including notes and noncash assistance received) in accordance with the Uniform Guidance;
6. For the designing, implementing, and maintaining effective internal control over federal awards and state projects that provides reasonable assurance that the entity is managing federal awards and state projects in compliance with federal statutes, regulations, and the terms and conditions of the federal and state awards;
7. For identifying and ensuring that the entity complies with federal and state statutes, regulations, rules, and provisions of contracts or grant agreements and the terms and conditions of federal award programs and state projects and implementing systems designed to achieve compliance with applicable federal and state statutes, regulations, and the terms and conditions of federal award programs and state projects;
8. For disclosing accurately, currently, and completely the financial results of each federal award and state project in accordance with the requirements of the award;
9. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
10. For taking prompt action when instances of noncompliance are identified;
11. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
12. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
13. For submitting the reporting package and data collection form to the appropriate parties;
14. For making the auditor aware of any significant vendor relationships where the vendor is responsible for program compliance;
15. To provide us with:
 - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation, and other matters;
 - b. Additional information that we may request from management for the purpose of the audit; and
 - c. Unrestricted access to persons within the City from whom we determine it necessary to obtain audit evidence.
16. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
17. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
18. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
19. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in internal control and others where fraud could have a material effect on compliance;

20. For the accuracy and completeness of all information provided;
21. For taking reasonable measures to safeguard protected personally identifiable and other sensitive information; and
22. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

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

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

We understand that your employees will prepare all confirmations we request and will locate any documents or support for any other transactions we select for testing.

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

Nonattest Services

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

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

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

Our responsibilities and limitations of the nonattest services are as follows:

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

Other

We expect to begin our audits in March 2023 and issue our reports by June 30, 2023.

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

Our fee for these services described in this letter will not exceed \$27,000 for the audit of the financial statements, \$5,300 each for the federal and state single audits, if required, inclusive of all costs and out-of-pocket expenses, unless the scope of the engagement is changed, the assistance that City of Fruitland Park has agreed to furnish is not provided, or unexpected conditions are encountered, in which case we will discuss the situation with you before proceeding. Whenever possible, we will attempt to use City of Fruitland Park' personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit.

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

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

Professional standards prohibit us from being the sole host and/or the sole storage for your financial and non-financial data. As such, it is your responsibility to maintain your original data and records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

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

ADDENDUM TO PROPOSAL

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (352) 360 6790, ecoulson@fruitlandpark.org, 506 West Berckman Street, Fruitland Park, FL 34731.

Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

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

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

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

At the conclusion of our audit engagement, we will communicate to the City Council the following significant findings from the audit:

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

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm for your consideration and files.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audits of the financial statements, compliance over major federal award programs and state projects, including our respective responsibilities.

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

Respectfully,

McDiernit Davis

RESPONSE:

This letter correctly sets forth our understanding.

City of Fruitland Park

Acknowledged and agreed on behalf of City of Fruitland Park by:

Title: _____

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

ITEM TITLE: Resolution 2023-018 and Budget Amendment
BT2023-007 Soccerfield Sidewalk Repair

MEETING DATE: Thursday, March 9, 2023

DATE SUBMITTED: Wednesday, March 1, 2023

SUBMITTED BY: City Treasurer

BRIEF NARRATIVE: Resolution 2023-018 and Budget Amendment BT2023-007 increases insurance claims proceeds revenue (01001-36442) and increases soccer field expense (01574-60632) by \$29,500. This budget amendment will increase the FY2023 general fund budget by \$29,500. A sidewalk at the soccer field was damaged during construction of the restrooms. The city's insurance company has covered the repair of the sidewalk.

FUNDS BUDGETED: Yes (see above)

ATTACHMENT Proposed resolution and budget amendment.

RECOMMENDATION: Approve Resolution 2023-018 and Budget Amendment BT2023-007 repair sidewalk at soccer field.

ACTION: Adopt Resolution 2023-018.

RESOLUTION 2023-018

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 INSURANCE CLAIM PROCEEDS REVENUE BUDGET AND SOCCER FIELD EXPENSE BUDGET; 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, it is necessary to increase revenues in the General Fund \$29,500 for the repair of the sidewalk at the soccer field; and:

WHEREAS, the City Commission desires to amend the 2022-2023 Fiscal Year budget to increase Soccer Field expense by \$29,500;

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 9th day of March 2023, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park
Chris Cheshire, Mayor

Attest:

Esther B. Coulson
City Clerk

Mayor Cheshire ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)

Vice Mayor 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 and legality:

Anita Geraci-Carver
City Attorney

CITY OF FRUITLAND PARK

Interfund Budget Amendment: #

BT2023-007

To: CITY MANAGER

Date: 28-Feb-2023

Prepared by: Finance Director
Department Head

Approved: _____
City Manager

REVENUES:

Object name & # 01001-36442 Insurance Claim Proceeds Amount: 29,500 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 & # 01574-60632 Soccer Field Amount: 29,500 Inc/Dec

Object name & # _____ Amount: _____ Inc/Dec

Object name & # _____ Amount: _____ Inc/Dec

Object name & # _____ Amount: _____ Inc/Dec

Object name & # _____ Amount: _____ Inc/Dec

Object name & # _____ Amount: _____ Inc/Dec

Explanation: Increase Soccer budget with Insurance claim payment for sidewalk repair.

Approved by Commission: 3/9/2023
Date

City Clerk

City Finance Director

Mayor

Receipt Interface [CITY OF FRUITLAND PARK]

J

- Back
- Search
- Browse
- Output
- Print
- Display
- PDF
- Save
- Excel
- Word
- Email
- Schedule
- Attach ⁽⁰⁾
- Tender Find
- Misc. Find
- M

Receipt Information

Year/Bill: 2023 911552
 Cat/Type: 02 MS
 Activity: Payment Receipt: 911552
 Amount: 29,500.00 Bank Code:
 Batch: 28374 Transaction: 1348355
 Paid By Ref: JOHNS EASTERN CO- PUBLIC RISK MANAGEMENT
 Comment:

Source

Effective Date: 02/15/2023
 Processing Date: 02/15/2023
 Entry Date/Time: 02/15/2023 11:38
 Clerk: 808jwilliams
 Department:
 Source: Payment Entry
 External System:
 Contract:

Customer/Property

Customer No.
 Property Code

Journal Information

GL Effective Date: 02/15/2023
 Post Date: 02/15/2023
 Year/Period/Journal: 2023 5 176
 Misc. Description: FIX SIDEWALK

External System

Batch ID:
 Batch Number:
 Payment ID:

Status

Batch Status: 40 - Completed
 Reversal Status: Not Reversed
 Voided
 Reason:

CHARGE ALLOCATION GL ALLOCATION TENDERS REFERENCES

Line	Chg Code	Chg Description	Interest	Principal
1	49	INSURANCE CLAIM PROCEEDS 01001 - 36442	0.00	29,500.00

Line number.

Bay to Bay Construction

Invoice

DATE: 2/20/2023

JOB: FRUITLAND PARK SOCCER FIELD

CONTRACTOR: FRUITLAND PARK

THIS INVOICE INCLUDES LABOR AND MATERIALS, INCLUDES DEMO CONCRETE SIDEWALKS, HAUL OFF MATERIALS. REPLACED WITH NEW REINFORCED CONCRETE 6 INCHES THICK. WITH BROOMED FINISH.

TOTAL:

\$30,500.00

M.Y. 2-21-23

**APPROVED FOR
PAYMENT**

see gary

01574-60632

FAX NUMBER:

CITY OF FRUITLAND PARK PURCHASE ORDER REQUISITION (OVER \$250.00)

VENDOR: Bay to Bay. DATE: 2-27-23 DATE REQUIRED: _____
 ADDRESS 1: _____ REQUISITIONING DEPT. Recreation.
 ADDRESS 2: _____ METHOD OF SHIPMENT: _____
 CITY, ST & ZIP: _____ EXPLANATION: Concrete sidewalk
 PHONE: () _____ @ soccer field.
 VENDOR TERMS: _____ REQUISITION TOTAL: _____

ORG & OBJECT	ITEM DESCRIPTION	QTY ORD	UNIT PRICE	EXTENDED PRICE	(INCLUDE SHIPPING COSTS) VENDOR		FUNDS VERIFIED
					#2	#3	
015 74- 60632	Insurance Claim for sidewalk Replacement @ soccer field.			30,500			
				30,500			

PROVIDE QUOTES FROM (2) OTHER VENDORS IF INDIVIDUAL ITEM PRICE EXCEEDS \$250.00

VENDOR #2 _____ VENDOR #3 _____

Mahn
DEPARTMENT HEAD

CITY MANAGER

CITY TREASURER

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

ITEM TITLE: First Reading and Public Hearing - Ordinance 2023-001 Annexation - South of Urick Street and West of Thomas Avenue - Petitioner: Kimaya, LLC

MEETING DATE: Thursday, March 9, 2023

DATE SUBMITTED: Friday, February 24, 2023

SUBMITTED BY: City Attorney/City Manager/Community Development

BRIEF NARRATIVE: Ordinance 2023-001 Annexation to receive city services and develop a proposed subdivision including single family cottages, townhomes, and multi-family apartments.

FUNDS BUDGETED: None

ATTACHMENTS: Proposed Ordinance 2023-001, legal description, maps, staff report and advertising affidavit.

RECOMMENDATION: It is highly recommended that a conceptual plan be submitted with the rezoning to R-10 and that adequate schools' determination or school concurrency reservation be submitted. The Planning and Zoning Board recommended approval at its January 19, 2023 meeting. (Continued from January 26 and February 9, 2023.)

ACTION:

ORDINANCE 2023 - 001

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 19.10 ± ACRES OF LAND GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by Vishaal Gupta, as Applicant, on behalf of Kimaya, LLC, Owner, requesting that approximately 19.10 ± acres of real property generally located south of Urick Street and west of Thomas Avenue (the "Property") be annexed to and made a part of the City of Fruitland Park; and

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

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

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

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

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

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

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

Section 2. The following described property consisting of approximately 19.10 acres of land generally located south of Urick Street and west of Thomas Avenue, contiguous to the City limits, is hereby incorporated into and made part of the City of Fruitland Park Florida. The property is more particularly described as follows:

LEGAL DESCRIPTION: See attached Exhibit A.

Parcel Alternate Key No. 1289891

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

of the Lake County Comprehensive Plan and county zoning regulations until the City adopts the Comprehensive Plan Amendments to include the property annexed in the City Comprehensive Plan.

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

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

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

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

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

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2023.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

(SEAL)

ATTEST:

Esther Coulson, MMC, City Clerk

Approved as to Form:

Anita Geraci-Carver, City Attorney

Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
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)

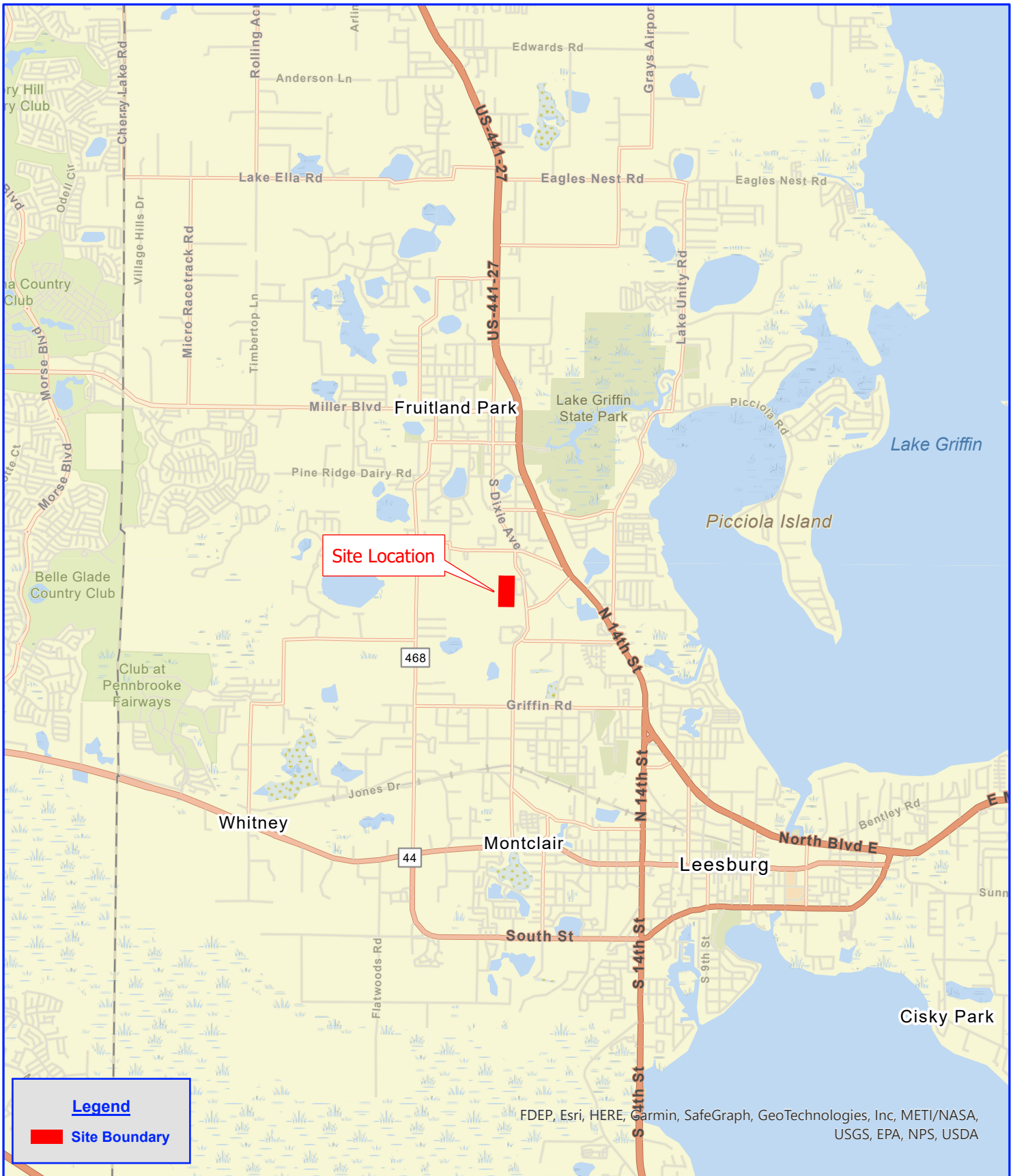
Passed First Reading _____
Passed Second Reading _____

EXHIBIT A
Legal Description

THE EAST 1/2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, SECTION 16,
TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA.
LESS THE SOUTH 50 FEET THEREOF.

ALSO DESCRIBED AS:

BEGIN AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 19 SOUTH,
RANGE 24 EAST, LAKE COUNTY, FLORIDA THENCE S 00°53'57" E, ALONG THE
EAST LINE OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, A DISTANCE OF 1265.41
FEET; THENCE N 89°25'38" W, A DISTANCE OF 657.76 FEET, TO THE WEST LINE OF
THE EAST 1/2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, THENCE N 00°55'00"
E, ALONG SAID WEST LINE, A DISTANCE OF 1266.62 FEET, TO THE NORTH LINE
OF THE NE 1/4 OF SAID SECTION 16; THENCE S 89°19'17" E, ALONG SAID NORTH
LINE, A DISTANCE OF 657.37' TO THE POINT OF BEGINNING.




City of Fruitland Park
Park Square
 Lake County, Florida
Location Map

Project: 398-22-10
 File: Location
 Name: Park Square
 PM: Sherie Lindh
 Date: December 7, 2022
 Created By: J.Wilson

0.5 0 0.5 1 Miles
1 inch = 1 miles



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

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

ANNEXATION, SSCPA, AND REZONING

Owner: Kimaya, LLC

Applicant: Vishaal Gupta

General Location: Silver Pointe Circle/ Urick St/ Thomas Ave

Number of Acres: 19.10 ± acres

Existing Zoning: Agriculture (Lake County)

Proposed Zoning: R-10 (City of Fruitland Park)

Existing Land Use: Urban High (Lake County) (12 units/acre)

Proposed Land Use: Multi-Family Medium Density (10 units/acre)

Date: December 13, 2022

Description of Project

The applicant is requesting annexation, a small-scale comp plan amendment, and a rezoning to receive city services and develop a proposed subdivision including single family cottages, townhomes, and multi-family apartments.

	Surrounding Zoning	Surrounding Land Use
North	R-15	Multi-Family High Density (15 units/acre)
South	City of Leesburg – appears to be r/w	City of Leesburg – no land use designated
East	C-3	General Commercial (City of Leesburg)
West	MUPUD	Mixed Community (6 units/acre)

Assessment

Applications

Please be advised that the concurrency application indicates 304 units; however, the maximum # of units that potentially could be allowed is 191. Please revise application.

Annexation

The subject site is adjacent to the City limits along the northern and western property boundaries and is eligible for voluntary annexation. The proposed annexation would be considered infill development. The subject site is also within the City's Utility Service Area.

Rezoning

The subject property is currently zoned Agriculture in Lake County and the proposed City zoning is R-10 (minimum lot size for single family of 8,000 square feet with central sewer being utilized, and minimum lot size for multi-family of 6,000 square feet with central sewer). The proposed zoning is compatible with the adjacent lands. The property to the North is zoned R-15, and to the west the property is zoned MUPUD (6 units/acre). The property to the South is City of Leesburg (appears to be City of Leesburg right of way), and to the east the property is zoned C-3.

Small Scale Comp Plan Amendment

For comprehensive plan purposes a maximum development scenario was utilized.

Residential Needs Analysis – The housing element data and analysis indicates the City requires a minimum of 5,460 additional dwelling units to meet the projected need through 2035. The addition of 287 units will assist in meeting this need.

School Impact Analysis – The amendment will decrease the impacts to schools, as it is a decrease in density from 12 units/acre (228 units) to 10 units/acre (191 units). The decrease in school age children is from 65 students to 54 students; a decrease of 11 students. Please provide adequate school facilities determination from Lake County Schools.

Existing County Land Use Residential Units: 228 units

Proposed Development Residential Units: 191 units

The anticipated number of students generated by the existing land use is shown in Table 1.

**TABLE 1
STUDENTS GENERATED BASED ON EXISTING DEVELOPMENT**

Lake County Student Generation Rates	
Multi-Family	
Type	Student Multipliers per Dwelling Unit
High School	0.143
Middle School	0.063
Elementary School	0.077
Total	0.283

SCHOOL	SF Units	STUDENT GENERATION RATE	STUDENTS GENERATED	MF UNITS	STUDENT GENERATION RATE	STUDENTS GENERATED	GRAND TOTAL
ELEMENTARY	0	0.152	0	228	0.143	33	33
MIDDLE	0	0.074	0	228	0.063	14	14
HIGH	0	0.102	0	228	0.077	18	18
GRAND TOTAL							65

The anticipated number of students generated by the proposed land use is shown in Table 2.

SCHOOL	SF Units	STUDENT GENERATION RATE	STUDENTS GENERATED	MF UNITS	STUDENT GENERATION RATE	STUDENTS GENERATED	GRAND TOTAL
ELEMENTARY	0	0.152	0	191	0.143	27	27
MIDDLE	0	0.074	0	191	0.063	12	12
HIGH	0	0.102	0	191	0.077	15	15
GRAND TOTAL							54

Traffic Impact Analysis – The amendment will decrease traffic impacts as it is an decrease in density. The LOS for Dr Martin Luther King Jr. Blvd is “D”. Results of the trip analysis indicate that the proposed amendment will decrease the daily trips by 281 and reduce the PM Peak hour trips by 23. The proposed increase in traffic is considered de minimus.

TRIP GENERATION ANALYSIS

Proposed Land Use Program

Land Use	Size/Unit	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
MF Residential	191 units	220	1,388	105	66	39
TOTAL GROSS TRIPS (PROPOSED)			1,388	105	66	39

Existing Land Use Program

Land Use	Size/Unit	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
MF Residential	228 units	220	1,669	128	80	47
TOTAL GROSS TRIPS (EXISTING)			1,669	128	80	47

Net Difference (Proposed Net Generation Minus Existing Net Trip Generation)

Land Use	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
TOTAL NET TRIPS (PROPOSED – EXISTING)	-23	-14	-8

Solid Waste Impact Analysis – The LOS for solid waste is 2 collections per week pursuant to Public Facilities Policy 4-6.1. The City utilizes a private waste hauler through a franchise agreement. The amendment will not cause a deficiency in the LOS.

Utility Impact Analysis – The subject site is within the City of Fruitland Park Utility Service Area and central water is available. The LOS for water is 172 gallons per resident per day pursuant to Public Facilities Policy 4-10.1. The estimated population based on US Census data (estimated 2019) of 2.42 person per household is 462. The estimated water usage is 0.079.

The City owns, operates and maintains a central potable water treatment and distribution system. The permitted plant capacity is 2.879 MGD and the permitted consumptive use permit capacity is 1.22 MGD. The City has a current available capacity of .396 mgpd and an analysis was conducted of the proposed amendment based on land use and the City’s Level of Service (LOS) standards. The analysis concludes that the proposed amendment will not cause a deficiency and the City will have a remaining available capacity of 0.317 mgpd.

The City of Fruitland Park provides sanitary sewer. The City of Fruitland Park has an agreement with the Town of Lady Lake to treat sewage and the maximum capacity is 500,000 gallons per day (0.5 mgd). The City currently has an available capacity of 430,000 gallons per day (0.43 mgd). The LOS for sanitary sewer is 122 gallons per resident per day pursuant to Public Facilities Policy 4-2.1. The estimated population based on US Census data (estimated 2019) of 2.42 person per household is 462. The estimated sanitary sewer usage is 0.056 (mgd). The analysis concludes that the proposed amendment will not cause a deficiency and the City will have a remaining capacity of 0.374 (mgd).

Environmental Analysis – There are no wetlands or surface waters onsite. Formal surveys for the federally listed sand skink were completed in accordance with USFWS survey protocol in May 2022. A 4-week formal coverboard survey detected a total of forty-seven (47) coverboard with skink tracks within the project site on suitable habitat. The coverboard survey tracks detected determined that 7.43 acres of the subject property contains occupied sand skink habitat and if this area cannot be avoided then mitigation will be required from a USFWS approved Conservation Bank.

There were no known eagle nests observed on the property. A pedestrian survey of the subject property located potentially occupied gopher tortoise burrows. Prior to land clearing and/or construction it is advised that a 100% survey of all potentially suitable gopher tortoise habitat be performed. Prior to development, appropriate regulatory permits will be required.

Comprehensive Plan Compliance

The subject amendment is consistent with the following Comprehensive Plan policies, among others. The amendment will further the City’s goals in meeting projected housing demands through 2035.

- FLU Policy 1-1.1:** Adequate Residential Land Area.
- FLU Policy 1-1.2:** Density and Intensity Standards and Table 1-1 – Multi-Family Medium Density, 10 units/acre.
- FLU Policy 1-1.6:** Multiple-Family Medium Density.
- FLU Policy 1-2.1:** Promote Orderly, Compact Growth.

Recommendation

It is highly recommended that a conceptual plan be submitted with the rezoning to R-10. Please submit adequate schools determination or school concurrency reservation.

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 #1112190 in the matter of

NOTICE OF PUBLIC HEARING

was published in said newspaper in the issues of

FEBRUARY 17, 2023

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)

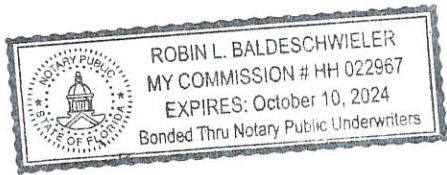
 (Signature Of Affiant)

Sworn to and subscribed before me this 21 day of February 2023.

(Handwritten Signature)

 Robin L. Baldeschwieler, Notary

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



10 a.m.: Virginia Tech vs. Okla.St. (ESPNU)

12:30 p.m.: Indiana vs. Mississippi St. (SECN, Ch. 745)

1 p.m.: Duke vs. South Florida (ACCN)

1 p.m.: Arkansas vs. Florida St. (ESPNU)

4 p.m.: Virginia Tech vs. Nebraska (AGCN)

4 p.m.: Alabama vs. UCLA (ESPN2, Ch. 29)

Golf

5:30 a.m.: Asian Tour: International Series (GOLF, Ch. 49)

Noon: PGA Tour Champions: Chubb Classic (GOLF, Ch. 49)

4 p.m.: PGA Tour: Genesis Invitational (GOLF, Ch. 49)

NBA

7 p.m.: All-Star Celebrity Game (ESPN, Ch. 28)

9 p.m.: Jordan Rising Stars Game (TNT, Ch.27)

NHL

9 p.m.: Los Angeles at Anaheim (ESPN, Ch. 28)

Men's soccer

2:40 p.m.: Serie A: Napoli at Sassuolo (CBSSN)

8 p.m.: Liga MX: León at Juárez (FS2)

Tennis

7 a.m.: Delray Beach-ATP, Rotterdam-ATP, Buenos Aires-ATP Quarterfinals; Doha-WTA Semifinals (TENNIS)

NOTICE OF PUBLIC HEARING

ORDINANCE 2023 - 001

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 19.10 ± ACRES OF LAND GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2023-002

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 URBAN HIGH DENSITY TO CITY MULTI-FAMILY MEDIUM DENSITY OF 19.10 +/- ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2023-003

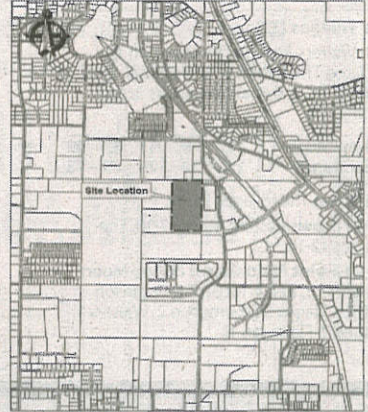
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.10 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) TO CITY OF FRUITLAND PARK R-10 WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE

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

- Fruitland Park City Commission Meeting on March 9th, 2023 at 6:00 p.m.
- Fruitland Park Land Planning Agency Meeting on March 9th, 2023 at 6:15 p.m.
- Fruitland Park City Commission Meeting March 23rd, 2023 at 6:00 p.m.

The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berckman Street, Fruitland Park FL 34731. These meetings are open to the public and hearings may be continued as determined by the commission from time to time to a time/date certain. The proposed Ordinances and metes and bounds legal description of property may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed resolution.

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



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

ITEM TITLE: First Reading and Public Hearing - Ordinance 2023-002
SSCPA - South of Urick Street and West of Thomas
Avenue - Petitioner: Kimaya, LLC

MEETING DATE: Thursday, March 9, 2023

DATE SUBMITTED: Friday, February 24, 2023

SUBMITTED BY: City Attorney/City Manager/Community Development

BRIEF NARRATIVE: Ordinance 2023-002 small-scale comprehensive plan amendment to receive city services and develop a proposed subdivision including single family cottages, townhomes, and multi-family apartments.

FUNDS BUDGETED: None

ATTACHMENTS: Proposed Ordinance 2023-002, legal description and maps (see Item 7.(b) for staff report and advertising affidavit).

RECOMMENDATION: It is highly recommended that a conceptual plan be submitted with the rezoning to R-10 and that adequate schools' determination or school concurrency reservation be submitted. The Planning and Zoning Board recommended approval at its January 19, 2023 meeting. (Continued from January 26 and February 9, 2023.)

ACTION:

ORDINANCE 2023-002

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 URBAN HIGH DENSITY TO CITY MULTI-FAMILY MEDIUM DENSITY OF 19.10 +/- ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; 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 Vishaal Gupta as applicant, on behalf of Kimaya, LLC as Owner, requesting that real property within the city limits of the City of Fruitland Park be assigned a land use designation of "Multi-Family Medium Density" under the Comprehensive Plan for the City of Fruitland Park; and

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

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

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

Section 1: The following described property consisting of approximately 19.10 ± acres generally located south of Urick Street and west of Thomas Avenue as described and depicted as set forth on Exhibit "A" shall be assigned a land use designation of Multi-Family Medium Density under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "B" and incorporated herein by reference.

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

Section 3: Direction to the City Manager.

Upon the Effective Date of this ordinance, the City Manager is hereby authorized to amend the comprehensive plan and future land-use map as identified herein after compliance with F.S. 163.3187 and F.S. 163.3184(11).

Section 4: Severability.

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

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

Section 6: Scrivener's Errors.

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

Section 7: Adoption

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

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

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2023.

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 _____
Passed Second Reading _____
(SEAL)

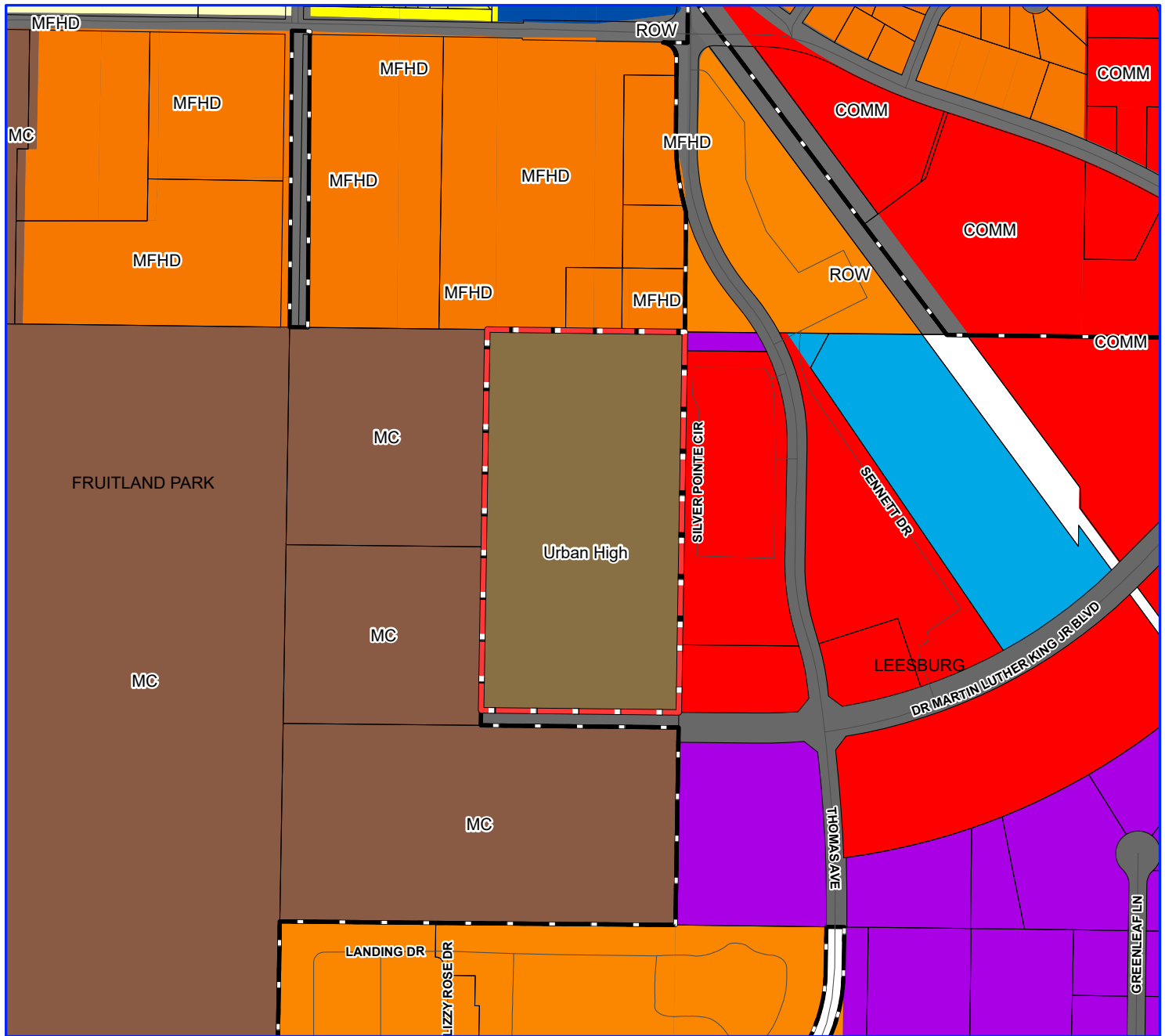
“EXHIBIT A”

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LESS THE SOUTH 50 FEET THEREOF.

ALSO DESCRIBED AS:

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THE EAST 1/2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, THENCE N 00°55'00"
E, ALONG SAID WEST LINE, A DISTANCE OF 1266.62 FEET, TO THE NORTH LINE
OF THE NE 1/4 OF SAID SECTION 16; THENCE S 89°19'17" E, ALONG SAID NORTH
LINE, A DISTANCE OF 657.37' TO THE POINT OF BEGINNING.

EXHIBIT B



Legend

Site Boundary

City Limits

Lake County Future Land Use

Urban High Density

City of Fruitland Park Future Land Use

SFLD, Single Family Low Density

SFMD, Single Family Medium Density

MFHD, Multiple Family/High Density

COMM, Commercial

MC, Mixed Community

INST, Institutional

ROW, Transportation

City of Leesburg Future Land Use

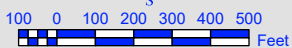
RIGHT-OF-WAY

GENERAL COMMERCIAL

INSTITUTIONAL

INDUSTRIAL

HIGH DENSITY

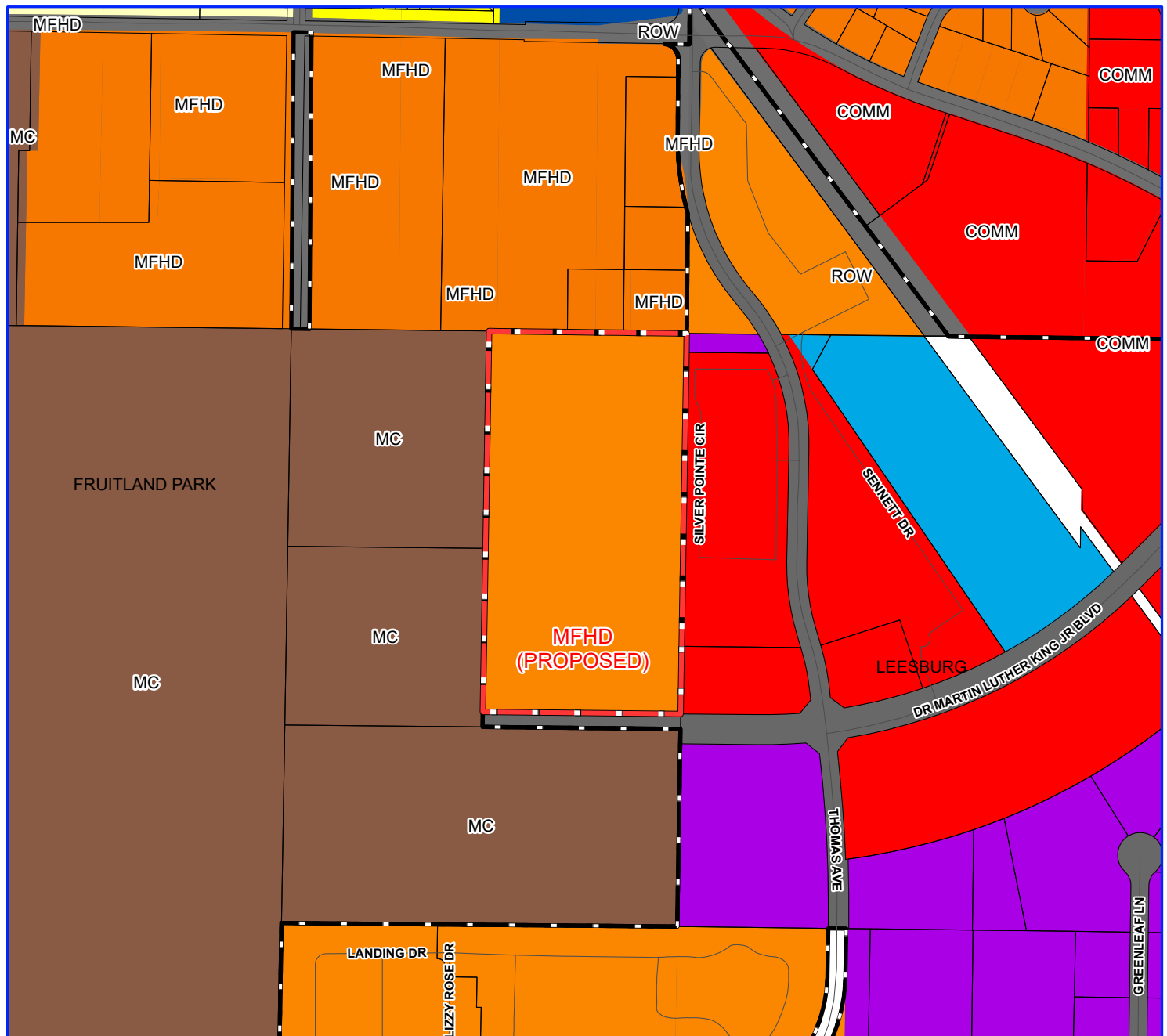


1 inch = 500 feet

**City of Fruitland Park
Park Square
Lake County, Florida
Existing Future Land Use Map**

Project: 398-22-10
File: Existing FLU
Name: Park Square
PM: Sherie Lindh
Date: December 7, 2022
Created By: J.Wilson













Legend

-  Site Boundary
-  City Limits

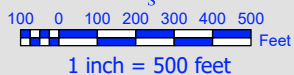
Lake County Future Land Use

-  Urban High Density
-  SFLD, Single Family Low Density

-  SFMD, Single Family Medium Density
-  MFHD, Multiple Family/High Density
-  COMM, Commercial
-  MC, Mixed Community
-  INST, Institutional
-  ROW, Transportation

City of Leesburg Future Land Use

-  RIGHT-OF-WAY
-  GENERAL COMMERCIAL
-  INSTITUTIONAL
-  INDUSTRIAL
-  HIGH DENSITY



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

Project: 398-22-10
File: Proposed FLU
Name: Park Square
PM: Sherie Lindh
Date: December 7, 2022
Created By: J.Wilson



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

ITEM TITLE: First Reading and Quasi-Judicial Public Hearing - Ordinance 2023-003 Rezoning - South of Urick Street and West of Thomas Avenue - Petitioner: Kimaya, LLC

MEETING DATE: Thursday, March 9, 2023

DATE SUBMITTED: Friday, February 24, 2023

SUBMITTED BY: City Attorney/City Manager/Community Development

BRIEF NARRATIVE: Ordinance 2023-003 Rezoning to receive city services and develop a proposed subdivision including single family cottages, townhomes, and multi-family apartments.

FUNDS BUDGETED: None

ATTACHMENTS: Proposed Ordinance 2023-003, legal description, and maps (see Item 7.(b) for staff report and advertising affidavit).

RECOMMENDATION: It is highly recommended that a conceptual plan be submitted with the rezoning to R-10 and that adequate schools' determination or school concurrency reservation be submitted. The Planning and Zoning Board recommended approval at its January 19, 2023 meeting. (Continued from January 26 and February 9, 2023.)

ACTION:

ORDINANCE 2023-003

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.10 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) TO CITY OF FRUITLAND PARK R-10 WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; 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 Vishaal Gupta as applicant, on behalf of Kimaya, LLC as Owner, requesting that real property within the city limits of the City of Fruitland Park be rezoned from Lake County A to City Multi-Family Medium Density Residential (R-10) within the City limits of Fruitland Park; and

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

WHEREAS, the required notice of the proposed zoning 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 FRUITLAND PARK, FLORIDA, AS FOLLOWS:

Section 1: The following described property consisting of approximately 19.10 ± acres generally located South of Urick Street and west of Thomas Avenue as described on Exhibit "A" and depicted as set forth on Exhibit "B" shall hereafter be designated as R-10 "Multi-Family Medium Density Residential" as defined in the Fruitland Park Land Development Regulations.

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 _____, 2023.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, MMC, City Clerk

Anita Geraci-Carver, City Attorney

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

Passed First Reading _____
Passed Second Reading _____
(SEAL)

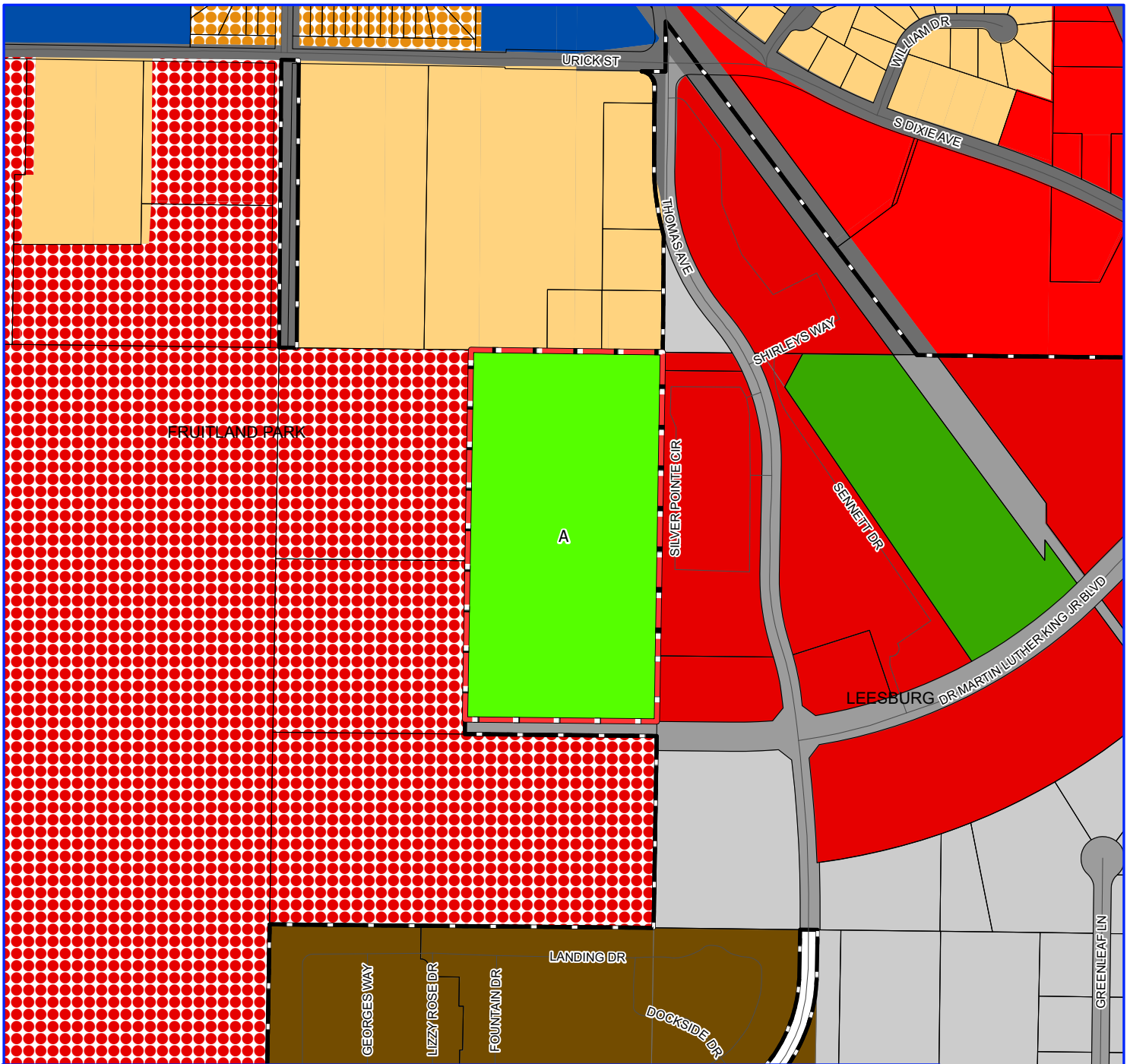
“EXHIBIT A”

THE EAST 1/2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, SECTION 16,
TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA.
LESS THE SOUTH 50 FEET THEREOF.

ALSO DESCRIBED AS:

BEGIN AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 19 SOUTH,
RANGE 24 EAST, LAKE COUNTY, FLORIDA THENCE S 00°53'57" E, ALONG THE
EAST LINE OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, A DISTANCE OF 1265.41
FEET; THENCE N 89°25'38" W, A DISTANCE OF 657.76 FEET, TO THE WEST LINE OF
THE EAST 1/ 2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, THENCE N 00°55'00"
E, ALONG SAID WEST LINE, A DISTANCE OF 1266.62 FEET, TO THE NORTH LINE
OF THE NE 1/4 OF SAID SECTION 16; THENCE S 89°19'17" E, ALONG SAID NORTH
LINE, A DISTANCE OF 657.37' TO THE POINT OF BEGINNING.

EXHIBIT B



Legend

Site Boundary

City Limits

Lake County Zoning

Agriculture

City of Fruitland Park Zoning

R-15, Multi-Family Residential - High Density

C-2, General Commercial

PUD, Planned Unit Development

CPUD, Commercial Planned Unit Development District

PFD, Public Facilities District

ROW, Right-of-Way

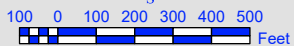
City of Leesburg Zoning

C-3

M-1

P

R-3

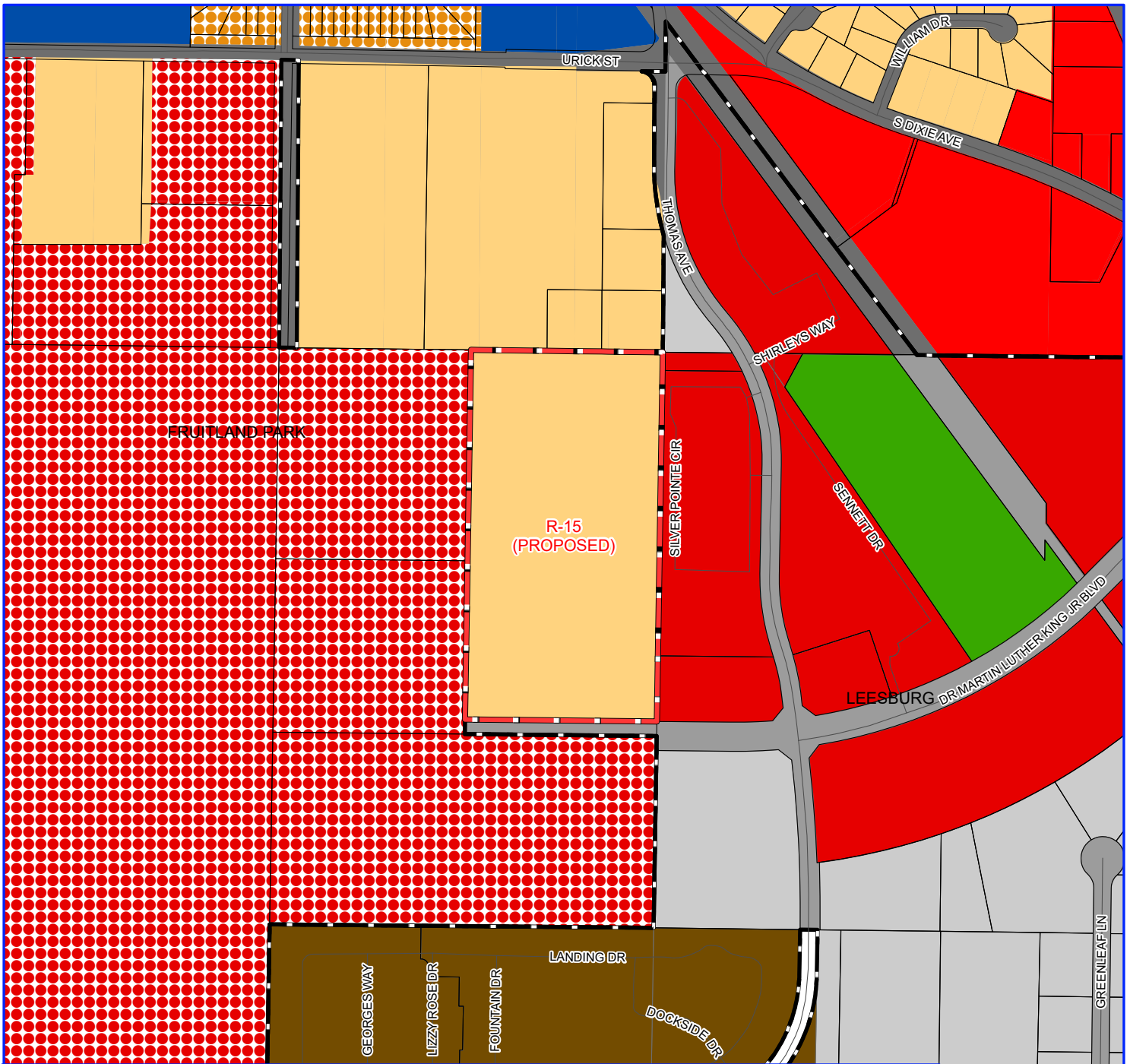


1 inch = 500 feet

**City of Fruitland Park
Park Square**
Lake County, Florida
Existing Zoning Map

Project: 398-22-10
File: Existing Zoning
Name: Park Square
PM: Sherie Lindh
Date: December 7, 2022
Created By: J. Wilson





Legend

Site Boundary

City Limits

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City of Fruitland Park Zoning

R-15, Multi-Family Residential - High Density

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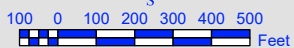
City of Leesburg Zoning

C-3

M-1

P

R-3



1 inch = 500 feet

City of Fruitland Park Park Square

Lake County, Florida
Proposed Zoning Map

Project: 398-22-10
File: Proposed Zoning
Name: Park Square
PM: Sherie Lindh
Date: December 7, 2022
Created By: J. Wilson



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

ITEM TITLE: CITY MANAGER'S REPORT

MEETING DATE: Thursday, March 9, 2023

DATE SUBMITTED: Tuesday, February 28, 2023

SUBMITTED BY: City Manager

BRIEF NARRATIVE: City Manager's Report

Economic Development Status Update

FUNDS BUDGETED: None

ATTACHMENTS:

RECOMMENDATION:

ACTION: None

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 10**

ITEM TITLE: Public Comments

MEETING DATE: Thursday, March 9, 2023

DATE SUBMITTED: Tuesday, February 28, 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