

**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

May 11, 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 – Commander Larry Miller, American Legion (John Gella Memorial) Post 219

Pledge of Allegiance – Police Chief Erik Luce

2. ROLL CALL

3. SPECIAL PRESENTATIONS

(a) **National Teacher Appreciation Day (Tuesday, May 2, 2023) and Teacher Appreciation Week (May 7-13, 2023) Proclamation** (city clerk)

i. **Ms. Ellen Frazier Miller, Third Grade Teacher**
Teacher of the Year

ii. **Ms. Alexis Barnes, Second Grade Teacher**
Rookie Teacher of the Year

(b) **National Library Week (April 23-29, 2023) Proclamation** (city clerk)

(c) **Check Donation Presentation – March 25, 2023 Dave Robey Memorial Vetfest Event** (city manager/police chief)
Commander Larry Miller, American Legion (John Gella Memorial) Post 219.

4. CONSENT AGENDA

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

(a) **Approval of Minutes** (city clerk)
April 13, 2023

- (b) **Resolution 2023-029 – Change Order 1 – Addendum 1 to Master Services Agreement No. 19831 – MCCi LLC** (city attorney/city manager/city clerk)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NUMBER 01 TO ADDENDUM NO. 1 TO MASTER SERVICES AGREEMENT NO. 19831 BETWEEN MCCi LLC AND CITY OF FRUITLAND PARK, FLORIDA RESULTING IN A CREDIT TO THE CITY IN THE AMOUNT OF \$8,000.00; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE.

- (c) **Resolution 2023-020 Utility Easement Public Works Building** (city attorney/city manager/public works director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, TO APPROVE THE PERMANENT UNDERGROUND UTILITY AGREEMENT FROM THE CITY OF FRUITLAND PARK IN FAVOR OF THE CITY OF LEESBURG, FLORIDA TO PROVIDE ELECTRIC SERVICE TO THE PUBLIC WORK'S BUILDING; AUTHORIZING THE MAYOR TO SIGN THE EASEMENT; PROVIDING FOR AN EFFECTIVE DATE

5. REGULAR AGENDA

- (a) **Resolution 2023-016 Urick Street Force Main Extension Project Contract Change #2 – Cathcart Construction Company Florida LLC, Oviedo** (city attorney/city manager/public works director)

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. (Postponed from February 23, 2023 regular meeting.)

- (b) **Resolution 2023-030 Public Works A1A CO 4 PR 1 Cost Change Order – New Public Works Building – Revisions to Civil Drawings** (city attorney/city manager/public works director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 4 TO THE EJCDC STANDARD

FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE BETWEEN THE CITY OF FRUITLAND PARK AND GSB CONSTRUCTION & DEVELOPMENT, INC. TO PROVIDE FOR AN INCREASE OF \$835.29 IN THE STIPULATED SUM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

(c) Resolution 2023-031 – CDBG Program FYs 2023-24-2025-26 – Lake County (city attorney/city manager)

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, PERTAINING TO THE URBAN COUNTY COOPERATION AGREEMENT RELATING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING FOR APPROVAL OF AGREEMENT AND AUTHORIZATION TO EXECUTE; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(d) Resolution 2023-032 School Resource Officer Program – 2023-2024 (city attorney/city treasurer/city manager/police chief)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK, FLORIDA FOR SCHOOL RESOURCE OFFICER PROGRAM [2023-2024]; PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING

(e) Resolution 2023-027 – Preliminary Plan Rolling Acres at Lake Ella – Petitioner: Resibuilt Homes LLC (city attorney/city manager/community development)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING PRELIMINARY PLAN APPROVAL OF ROLLING ACRES AT LAKE ELLA GENERALLY LOCATED SOUTH OF LAKE ELLA ROAD AND EAST OF ROLLING ACRES ROAD, FRUITLAND PARK, FLORIDA; PROVIDING FOR

CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

- (f) **Public Hearing - Resolution 2023-028 Major Site Plan Approval – Veterinary Emergency Clinic – CR 466A** (city attorney/city manager/community development)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING MAJOR SITE PLAN APPROVAL WITH CONDITIONS TO ALLOW FOR CONSTRUCTION OF A ,850 SF VETERINARY EMERGENCY CLINIC TO BE LOCATED ON LOT 4 OF THE VILLAGE PARK COMMERCIAL SUBDIVISION ON CR 466A; PROVIDING FOR CONDITIONS; AUTHORIZING THE CITY MANAGER TO ISSUE A NOTICE OF SITE PLAN APPROVAL UPON COMPLETION OF ALL CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

- (g) **Second 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. (The first reading was held on March 9, 2023.)

- (h) **Second 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. (The first reading was held on March 9, 2023.)

QUASI-JUDICIAL PUBLIC HEARING

- (i) **Second 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. (The first reading was held on March 9, 2023.)

END OF QUASI-JUDICIAL PUBLIC HEARING

END OF PUBLIC HEARING

- 6. (a) City Manager**
 - i. Economic Development Status Update**
 - ii. Commercial Developments Permits Issued Status Update**
- (b) City Attorney**
 - i. U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845**
 - ii. Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628**
 - iii. Code of Ordinances – Codification**
 - iv. LDR Codification**
 - v. Kaitlin Delong vs. City of Fruitland Park, Lake County Case No. 2022-CA-00463**

7. UNFINISHED BUSINESS

8. PUBLIC COMMENTS

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

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

9. COMMISSIONERS’ COMMENTS

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

10. MAYOR’S COMMENTS

11. ADJOURNMENT

DATES TO REMEMBER

- May 12, 2023, Lake County League of Cities *Legislative Update*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, FL 32757 at noon;
- May 17, 2023 Lake 100 *34th Annual Lake County Community Service Awards Banquet*, The Venetian Center, 1 Dozier Circle, Leesburg, Florida 34748 at 6:00 p.m.;
- May 19, 2023, Comedy Night, Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 8:00 p.m.;
- May 20, 2023, *Ribbon Cutting Ceremony for Ashley's Cottage*, 36240 E Spring Lake Boulevard, Fruitland Park, Florida 34731 at 11:00 a.m., and
- May 25, 2023, City Commission regular at 6:00 p.m.

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

Any person requiring 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 MOD

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

ITEM TITLE: SPECIAL PRESENTATIONS

MEETING DATE: Thursday, May 11, 2023

DATE SUBMITTED: Monday, April 17, 2023

SUBMITTED BY: See below

BRIEF NARRATIVE: Special Presentations:

(a) *National Teacher Appreciation Day (Tuesday, May 2, 2023) and Teacher Appreciation Week (May 7-13, 2023) Proclamation* (city clerk)

i. Ms. Ellen Frazier Miller, Third Grade Teacher
Teacher of the Year

ii. Ms. Alexis Barnes, Second Grade Teacher
Rookie Teacher of the Year

(b) *National Library Week (April 23-29, 2023) Proclamation* (city clerk)

(c) Check Donation Presentation – March 25, 2023 Dave Robey Memorial Vetfest Event (city manager/police chief)

Commander Larry Miller, American Legion (John Gella Memorial) Post 219

FUNDS BUDGETED: None

ATTACHMENTS: Proclamations

RECOMMENDATION:

ACTION: None



Proclamation

WHEREAS, in 1953, First Lady Eleanor Roosevelt initiated and convinced the 81st Congress to proclaim a national day for teachers in recognition of their contributions; and

WHEREAS, on March 7, 1980, America celebrated the first *National Teacher Appreciation Day*, initiated by the National Parent Teacher Association (NPTA) -- the oldest and largest child advocacy nonprofit organization comprises millions of families, students, teachers, administrators, and business and community leaders – where they share a commitment to improve the education, health, and safety of all children who have faced challenging yet innovative times in their learning and development; and

WHEREAS, in 1984, celebrations for *National Teacher Appreciation Day* were moved to May and instead of one day, the PTA decided that teachers needed recognition for at least one week and in 1985, the National Education Association (NEA) made similar changes and officially designated the Tuesday of the first full week in May as *National Teacher Appreciation Day*; and

WHEREAS, Operation Bless Fruitland Park, an ongoing program supported by the city commission since 2015, was launched to create an attitude of generosity in working together to make a difference within the Fruitland Park community with the focus on working together on impacting the schools, its students, families and school staff where the local school is the center of activity; and

WHEREAS, teachers have influence in the lives of millions of children every day in schools across the country where their work and impact extend beyond classroom boundaries; teachers are selfless, dedicated caring individuals who devote themselves to touch the hearts of our students in a special way and make a lasting difference on their lives, and teachers are honored for going beyond the call of duty to make a positive impact on our children’s learning and development; and

WHEREAS, First Lady Jill Biden, life-long educator who still teaches full-time has said *Teaching is not what you do; it’s who you are*; and

WHEREAS, the PTA, the NEA, Bless Fruitland Park, and city staff have teamed up to celebrate *Teachers’ Appreciation Week* from May 8 to 12, 2023 to honor and recognize their important contributions and their diversified abilities and skills to provide classroom educational activities which leave a lasting impression, and

WHEREAS, the city would like to thank Fruitland Park Elementary School Teacher Ellen Frazier Miller, who *has found her calling and doing what she loves*, teaching at the same grade level, at the same school, in the same classroom for almost 21 years and congratulate her on receiving “Fruitland Park Elementary Teacher of the Year” Award;

NOW, THEREFORE, BE IT RESOLVED that I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida, on behalf of the city commissioners, do hereby declare Tuesday, May 2nd as ***National Teacher Appreciation Day*** and May 8th to 12th, 2023 as ***Teachers’ Appreciation Week***; recognize the theme: *It’s Time to Thank a Teacher! Teaching is a Work of Heart*, and celebrate the daily sacrifices they make for every child.

Dated this 11th day of May 2023.

Chris Cheshire, Mayor

Attest: Esther B. Coulson, City Clerk



Proclamation

WHEREAS, in 1953, First Lady Eleanor Roosevelt initiated and convinced the 81st Congress to proclaim a national day for teachers in recognition of their contributions; and

WHEREAS, on March 7, 1980, America celebrated the first *National Teacher Appreciation Day*, initiated by the National Parent Teacher Association (NPTA) -- the oldest and largest child advocacy nonprofit organization comprises millions of families, students, teachers, administrators, and business and community leaders – where they share a commitment to improve the education, health, and safety of all children who have faced challenging yet innovative times in their learning and development; and

WHEREAS, in 1984, celebrations for *National Teacher Appreciation Day* were moved to May and instead of one day, the PTA decided that teachers needed recognition for at least one week and in 1985, the National Education Association (NEA) made similar changes and officially designated the Tuesday of the first full week in May as *National Teacher Appreciation Day*; and

WHEREAS, Operation Bless Fruitland Park, an ongoing program supported by the city commission since 2015, was launched to create an attitude of generosity in working together to make a difference within the Fruitland Park community with the focus on working together on impacting the schools, its students, families and school staff where the local school is the center of activity; and

WHEREAS, teachers have influence in the lives of millions of children every day in schools across the country where their work and impact extend beyond classroom boundaries; teachers are selfless, dedicated caring individuals who devote themselves to touch the hearts of our students in a special way and make a lasting difference on their lives, and teachers are honored for going beyond the call of duty to make a positive impact on our children’s learning and development; and

WHEREAS, First Lady Jill Biden, life-long educator who still teaches full-time has said *Teaching is not what you do; it’s who you are*; and

WHEREAS, the PTA, the NEA, Bless Fruitland Park, and city staff have teamed up to celebrate *Teachers’ Appreciation Week* from May 8 to 12, 2023 to honor and recognize their important contributions and diversified abilities and skills to provide classroom educational activities which leave a lasting impression, and

WHEREAS, the city would like to thank Fruitland Park Elementary School Teacher Ellen Alexis Barnes who was recognized as receiving the “Rookie Teacher of the Year” Award;

NOW, THEREFORE, BE IT RESOLVED that I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida, on behalf of the city commissioners, do hereby declare Tuesday, May 2nd as ***National Teacher Appreciation Day*** and May 8th to 12th, 2023 as ***Teachers’ Appreciation Week***; recognize the theme: *It’s Time to Thank a Teacher! Teaching is a Work of Heart*, and celebrate the daily sacrifices they make for every child.

Dated this 11th day of May 2023.

Chris Cheshire, Mayor

Attest: Esther B. Coulson, City Clerk



Proclamation

WHEREAS, before World War I, the library in Fruitland Park began its operations in a small home; became a community library in 1936, and on November 12, 1970, the city began operating its municipal library; and

WHEREAS, on September 29, 1982, the Lake County Board of County Commissioners established a countywide public library system (which included the City of Fruitland Park Library as its member) to provide free access and circulation of library materials to all county residents; to serve as a community hub for innovation and collaboration, and to operate as a forum for diverse ideas and points of view; and

WHEREAS, libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life; and

WHEREAS, libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all; and

WHEREAS, libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships; and

WHEREAS, libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs; and

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals; and

WHEREAS, libraries are cornerstones of democracy, promote the free exchange of information for all; and

WHEREAS, libraries are full of stories in a variety of formats from picture books to large print, audiobooks to eBooks, and so much more; and

WHEREAS, The American Library Association and libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate *National Library Week* with the theme: *There's More to the Story* ;

NOW, THEREFORE, BE IT RESOLVED that I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida, on behalf of the city commissioners, do hereby proclaim April 23 to 29, 2023 as ***National Library Week*** and encourage all residents to visit their library to explore the wealth of resources available.

Dated this 11th day of May 2023.

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk

**CITY OF FRUITLAND PARK
CONSENT AGENDA ITEM SUMMARY SHEET
Item Number: 4a-c**

ITEM TITLE: Draft Minutes and Resolutions 2023-029 and 2023-020
MEETING DATE: Thursday, May 11, 2023
DATE SUBMITTED: Tuesday, April 11, 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)
- April 13, 2023 regular meeting
- (b) **Resolution 2023-029 Change Order 1 – Addendum 1 to Master Services Agreement No. 19831 – MCCi LLC** (city attorney/city manager/city clerk)
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NUMBER 01 TO ADDENDUM NO. 1 TO MASTER SERVICES AGREEMENT NO. 19831 BETWEEN MCCi LLC AND CITY OF FRUITLAND PARK, FLORIDA RESULTING IN A CREDIT TO THE CITY IN THE AMOUNT OF \$8,000.00; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE. (01512-30542 \$8,000 decrease)
- (c) **Resolution 2023-020 Underground 10’ Utility Easement City of Leesburg Electric – New Public Works Building** (city attorney/city manager/public works director)
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, TO APPROVE THE PERMANENT UNDERGROUND UTILITY AGREEMENT FROM THE CITY OF FRUITLAND PARK IN FAVOR OF THE CITY OF LEESBURG, FLORIDA TO PROVIDE ELECTRIC SERVICE TO THE PUBLIC WORK’S BUILDING; AUTHORIZING THE MAYOR TO SIGN THE EASEMENT; PROVIDING FOR AN EFFECTIVE DATE.

FUNDS BUDGETED: None
ATTACHMENTS: Draft minutes, proposed resolutions and exhibits
RECOMMENDATION: Approval
ACTION: Approve the consent agenda

**FRUITLAND PARK CITY COMMISSION REGULAR
DRAFT MEETING MINUTES
April 13, 2023**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, April 13, 2023, at 6:00 p.m.

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

(Commissioner Chris Bell entered the meeting room as reflected in the minutes of this meeting.)

Also present: Gary La Venia City Manager; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Captain Henry Rains, Police Department; Human Resources Director Betty McHale; Deputy City Clerk Candice Dennis; Michael “Mike” Rankin, Interim Community Development Director, LPG Urban & Regional Planners Inc. (consultant retained by the city); Lake County Fire Rescue Lieutenant Doug Draper, and City Clerk Esther B. Coulson.

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

Mayor Cheshire called the meeting to order, Reverend Dr. Pastor George A Mulford III, Grace Bible Baptist Church, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:01:02 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: 6:02:40 p.m. No action was taken.

(Commissioner Bell entered the meeting room during the following item.)

3. SPECIAL PRESENTATIONS

- i. 2022 Officer of the Year Award**
- ii. New Police Officer Introductions**
- iii. Educational Recognitions**

Chief Luce highlighted and recognized the following law enforcement officers’ services and contributions to the city:

- Detective Sergeant Brian Hilberer’s recent promotion; graduation from the University of Louisville’s Southern Police Institute 91st Command Officers Development Course, and service with the city’s criminal investigations unit;

- Sergeant Brad Heidt's initial role as road patrol officer; K-9 handler, criminal investigation department (CID) detective and service with traffic homicide and bicycle units; recent promotion (recommended by the multi-jurisdictional promotional board) where he serves as the department's delta shift road patrol sergeant, and his supervision with the K-9 program;
- K-9 Officer Anthony Buehler's nomination from the department where he was presented with a plaque *Fruitland Park Police Department Officer Anthony Buehler 2022 Officer of the Year* and a badge commemorating him as senior officer;
- Senior Officer David W. Hoover (who joined the department on February 17, 2020) who will be leaving to work for the City of Eustis;
- Officer Natasha Wildeman-Stuart's recent certification in traffic homicide investigations who was commemorated with a badge recognizing her with the rank of senior officer;
- Officer Gina Poesie's willingness for protecting and guiding the students;
- Officer Melody Coe's readiness in fulfilling the department's shift coverages as well as her reliance in assisting citizens;
- Officer Gavin Heffler's attendance at city-related events and his assistance with the parks and recreation program where he volunteers as coach;
- Officer Anthony Bunn's life, background and educational experience to assist the department and serve the community;
- Officer Kaleigh Richetti's completion of the department's field training program;
- Officer Austin Williams' background experience, knowledge and skills;
- Officer Breanna Allen's eagerness to learn;
- Senior Officer Jimmy Tessa, joined the city February 3, 2020 on his performance, and
- Senior Officer Courtney Corman's previous recognition as *2020 Officer of the Year*; her role in CID, and promotion to detective.

ACTION: 6:03:01: p.m. The city commission congratulated the law enforcement officers on their accomplishments.

4. CONSENT AGENDA

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

- (a) **Approval of Minutes**
March 23, 2023 regular meeting minutes.
- (b) **Resolution 2023-024 Lemon Street Baffle Box Construction – LCWA 2023 Stormwater Grant Program Agreement**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE LAKE COUNTY WATER AUTHORITY 2023 STORMWATER GRANT PROGRAM AGREEMENT TO FUND CITY OF FRUITLAND PARK LEMON STREET BAFFLE BOX CONSTRUCTION; AUTHORIZING THE MAYOR TO SIGN THE GRANT PROGRAM AGREEMENT; PROVIDING ASSURANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

- (c) **Resolution 2023-025 Provision of Library Services Am. ILA**
A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, APPROVING AMENDMENT TO AGREEMENT RELATING TO PROVISION OF LIBRARY SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:28:52 p.m. **On motion of Commissioner Gunter, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda as previously cited.**

- 5. **Resolution 2023-026 Settlement Agreement and Release – Fewless v. City of Fruitland Park**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE SETTLEMENT AGREEMENT AND RELEASE BETWEEN MICHAEL FEWLESS AND LAURIE FEWLESS, THE CITY OF FRUITLAND PARK, FLORIDA AND PREFERRED GOVERNMENTAL CLAIMS SOLUTIONS; RATIFYING EXECUTION OF THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:22:15 p.m. After Ms. Geraci-Carver reviewed the subject issue; relayed the recommendation of approval ratifying Mayor Cheshire’s signature and indicated that the insurance company will be paying for the settlement proceeds of \$82,500, **a motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-026 as previously cited.**

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

6. (a) City Manager

i. Economic Development Status Update

Mr. La Venia did not give a status on economic development.

ACTION: 6:24:34 p.m. No action was taken.

ii. Commercial Developments Permits Issued Status Update

Later in the meeting and after Mr. Rankin reviewed the proposed planned unit development (PUD) map for commercial and residential properties and the proposed development projects, he addressed his plan, in response to a question posed by Mayor Cheshire, to provide a report on the PUD where the map shows Miller Road (CR 466A) and Oliver Lane.

ACTION: 6:24:34 and 6:37:34 p.m. No action was taken.

iii. 2020 Census (City Redistricting Map) Status Update

Based on the United States Census Bureau data 2018 estimate, Mr. Rankin reviewed the populations shown in the 2018 adopted city commission political district and boundaries map. He compared the growth and percentages of same with the 2020 official population estimate and projected voting districts (options 11-A and 11-B) draft maps, and recognized the redrawing of district boundaries to be as nearly equal in population as possible; according to the proposed PUDs listed for commercial and residential properties with the projected growth which would determine how the comprehensive plan would be developed with the land development regulations (LDRs). Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.

After discussion, Ms. Geraci-Carver recognized that the city is not obligated to adjust its boundaries. She addressed the need to redistrict every ten years after the (2020) census and adopt same 12 months after the census document becomes available; mentioned her intent to review the directions under the city's charter (subsection 3.17., city commission districts and redistricting) and the code (General Election Charter Amendment Composition, Election and Terms Ordinance 2014-017), and pointed out the changes on proposed Local Redistricting House Bill 7069 to take effect July 1, 2023. Ms. Geraci-Carver suggested that the city commission ought to make reasonable adjustments to the district boundaries, if there are differences in numbers from the highest to the lowest above or below the population of 300.

ACTION: 6:24:34 p.m. and No action was taken.

(b) City Attorney

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

Ms. Geraci-Carver gave a report on the State of Florida Department of Management Services under Agenda Item 6. (b) ii.

ACTION: 7:02:17 p.m. No action was taken.

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

Ms. Geraci-Carver reported the Michael and Laurie Fewless case have settled; however, she reported that the Florida Retirement System portion is pending and anticipated receiving an update on same.

ACTION: 7:02:17 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 More Lake County Case No. 2022-CA-00845.

ACTION: 7:02:17 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 reported on the current discovery for the Wayne Goodridge and Tammy Goodridge Lake County Case No. 2022-CA-1628 and referred to the plaintiff's responses to the city, which are currently being reviewed by the respective attorneys.

ACTION: 7:02:42 p.m. No action was taken.

v. Fruitland Park Official City Code

Ms. Geraci-Carver addressed the official city code under Agenda Item 6. (b) vi.

ACTION: 6:58:17 p.m. No action was taken.

vi. LDR Codification

With reference to the master development agreements (MDAs), Ms. Geraci-Carver referred to the requirements under the land development regulations for land within the PUD with the execution of said MDAs and pointed out the provisions on their expiration which she believes is discretionary with the city commission.

Ms. Geraci-Carver addressed the following:

- Landscape Buffer - The community redevelopment agency's previous discussion for a uniform 25' landscape buffer along CR 466A and LPG Urban & Regional Planners' diagram on same with some suggestions to be considered at a future Planning and Zoning (P&Z) Board and city commission meetings.
- Building Height – The review and preparation of a comprehensive plan amendment and a draft ordinance on design standards, maximum intensity standard, and site development standard with provisions under the LDR where most of the building heights are at a maximum of 35' (unless the city commission allows to build higher for adequate fire protection).

The intent to add language on the number of stories to no more than three (recognizing the restrictions where there can no longer be, as it relates to density, building height and placement for affordable housing under the definition of Florida Statutes which, according to Ms. Sherie Lindh, LPG Urban & Regional Planners Inc., that if adopted, would become effective July 1, 2023) and the plan to consider same before the P&Z in May and the city commission in June 2023 before final adoption; and the subsequent submittal of the comprehensive plan to the state.

With respect to the LDR codification and different from the city's official code, Ms. Geraci-Carver announced that the present LDRs is currently available online in redline format and anticipated that a clean version would subsequently be posted.

- **Greenspace Requirements**
Later in the meeting and with respect to the LDRs, Mayor Cheshire referred to the city commission's consensus, at its March 9, 2023 meeting on greenspace requirements.

After Vice Mayor DeGrave recalled, in response to Ms. Geraci-Carver's inquiry, the setting aside of same for stormwater retention and greenspace buffer around the perimeter of the property, after much discussion, the city commission accepted the concept where she agreed to work on same and provide a report.

- **Multi-Family Dwelling Units Distance Requirements**
After Mr. La Venia addressed the multi-family dwelling units distance requirements map, Mr. Rankin recalled his recent review of the multi-family proposed map prepared by LPG Urban & Regional Planners

- **Impact Fees**

Ms. Geraci-Carver reported that the Lake County Board of County Commissioners was reviewing and considered the establishment of new rates for (the library, parks, fire rescue, and transportation) impact fees percentage which did not pass (which was postponed).

ACTION: 6:58:17 p.m. and 7:03:00 p.m. No action was taken.

- vii. 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 Lake County Case No. 2022-CA-00463 at this time.

ACTION: 7:02:17 p.m. No action was taken.

7. UNFINISHED BUSINESS

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

ACTION: 7:15:14 p.m. No action was taken.

8. PUBLIC COMMENTS

Mr. Carl Yauk, The Villages of Fruitland Park (Pine Hills) resident, thanked Mr. Rankin for the presenting the 2020 Census (City Redistricting Map) earlier on this evening's agenda. He referred to the planning process noting that if all the projects come to fruition with imminent development, that a metro or large community park would be a stimulus and attraction to the community which he believes that the city commission ought to consider.

After Mr. La Venia, in agreement, acknowledged the county's investment in various areas in Lake County that regard, Commissioner Bell addressed the advocacy of same and recognized the .8± acres Northwest Lake Community Park which is classified as a community park which, by definition, ought to be 25 acres.

ACTION: 7:15:15 p.m. No action was taken.

9. COMMISSIONERS' COMMENTS

- (a) Commissioner Mobilian - Litter**

Later in the meeting and after Commissioner Mobilian voiced his concerns on the massive litter problem that exists along the CR 466 A corridor to Sumter-County line, Mr. La Venia recognized the city's continued maintenance of the median on the county's roadway which is the responsibility of the county.

ACTION: 7:22:50 p.m. No action was taken.

- (b) **Commissioner Bell**
Commissioner Bell had no business to report at this time.

ACTION: 7:19:38 p.m. No action was taken.

- (c) **Commissioner Gunter – Safe Routes to Schools Grant**
Commissioner Gunter referred to his recent discussions with Mr. La Venia that due to the new construction of the elementary school, he addressed the need to initiate and review the Safe Routes to Schools Program (the State of Florida Department of Transportation grant) especially for sidewalks for the area.

After discussion, Mayor Cheshire noted the date to receive grant applications no later than January 31, 2023 had passed and suggested contacting District 2 School Board Member Tyler Brandeburg in that regard.

ACTION: 7:20:31 p.m. No action was taken.

- (d) **Vice Mayor DeGrave**
Vice Mayor DeGrave stated that he had nothing to report at this time.

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

10. MAYOR'S COMMENTS

- (a) **Cleanup Event**
After Mayor Cheshire referred to the April 6, 2023 email from Ms. Veronica Dau, Lake County Public Works Environmental Services and cited her conversations with Ms. Maryann Krisovitch, Surface Water Professionals (consultant retained by the city), on planning a Litter Cleanup Event with Keep Lake Beautiful and the available dates of May 13, and June 3, 2023, he recalled the annual event previously undertaken by the city.

In response, Mr. La Venia addressed his intent to notify Ms. Michelle Yoder, Parks and Recreation Director of said email. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:22:01 p.m. No action was taken.

- (b) **Dates to Remember**
Mayor Cheshire recognized the following events:

- April 14, 2023, *State of Elections*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- April 15, 2023, Community Yard Sale, Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 8:00 a.m.;

April 13, 2023 regular meeting

- April 21, 2023, Comedy Night, 205 West Berckman Street, Fruitland Park, Florida 34731 at 8:00 p.m.;
- April 21-23, 2023 The Mark Wandall Foundation's Annual Comfort Zone Camp Program, Warren Willis Retreat Center, 4990 Picciola Road, (Unincorporated) Fruitland Park, Florida 34731 [The Mark Wandall Foundation's Annual Comfort Zone Camp Program | City of Fruitland Park Florida](#)
- April 26, 2023, Lake~Sumter Metropolitan Planning Organization, Governing Board Meeting, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida at 2:00 p.m.;
- April 27, 2023, City Commission regular at 6:00 p.m.;
- April 28, 2023, Cornhole Tournament, Gardenia Park, 205 West Berckman Street, Fruitland Park, Florida 34731 at 7:00 p.m.;

ACTION: 7:23:40 p.m. No action was taken.

11. ADJOURNMENT

The meeting adjourned at 7:24 p.m.

The minutes were approved at the April 27, 2023, regular meeting.

Signed

Esther B. Coulson, City Clerk, MMC

Signed

Chris Cheshire, Mayor

RESOLUTION 2023-029

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NUMBER 01 TO ADDENDUM NO. 1 TO MASTER SERVICES AGREEMENT NO. 19831 BETWEEN MCCi LLC AND CITY OF FRUITLAND PARK, FLORIDA RESULTING IN A CREDIT TO THE CITY IN THE AMOUNT OF \$8,000.00; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park has an existing with MCCi, LLC which was amended pursuant to Addendum No. 1 dated February 8, 2022 to add Laserfiche Cloud; and

WHEREAS, Change Order Number 01 to Addendum No. 1 removes the Digital Transformation Package, Level 1, reduces the hours of User Training and Administrative Training, and provides for one day of training with Client's Records Manager; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds it serves a municipal purpose and will be a benefit to the City to amend the services provided for in the Change Order.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Change Order No. 01 to Addendum No. 1 between MCCi, LLC and the City of Fruitland Park, Florida reducing the one-time fee in Addendum No. 1 from \$41,125.00 to \$33,125.00, **a copy of which is attached hereto**, is approved.

Section 2. The Commission authorizes the Mayor to execute Change Order No. 01 to Addendum No. 1. between MCCi, LLC and the City of Fruitland Park, Florida.

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

PASSED AND RESOLVED this ____ day of _____, 2023, by the City Commission of the City of Fruitland Park, Florida.

SEAL

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

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

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

Approved as to form:

Anita Geraci-Carver, City Attorney

**CHANGE ORDER NUMBER 01
TO ADDENDUM NO. 1 TO MASTER SERVICES AGREEMENT NO. 19831**

This is Change Order Number 01 ("CO") to Addendum No. 1 ("Order") dated 2/8/2022 by and between MCCi, LLC ("MCCi") and City of Fruitland Park ("Client") subject to the terms of **Master Services Agreement No. 19831** ("Master Legal Agreement"). MCCi and Client may be referred to individually as a "Party" or collectively as the "Parties". Capitalized terms used and not otherwise defined herein shall have the meaning ascribed to them in the Master Legal Agreement or the Order.

The Parties desire to amend the Order as follows:

Order Date	Document Title	Summary	Financial Impact
2/8/2022	Addendum No. 1	MCCi Service Packages	\$41,125.00
4/5/2023	Change Order 01	<p>Remove Digital Transformation Package, Level 1</p> <p>Change the Laserfiche Training Services to reflect ½ day of User Training and ½ day of Admin Training.</p> <p>Change the MCCi Activities and/ Or Deliverable under Full Records Management Configuration to state Conduct one (1) day of training with Client's Records Manager.</p> <p>These packages will be changed to reflect the above less the hours completed on the project. Client will receive an \$8,000.00 credit.</p>	-\$8,000.00
Cumulative Totals			\$33,125.00

All other terms to the Order remain unchanged.

IN WITNESS WHEREOF, the parties have caused this CO to be signed by their respective duly authorized representatives as of the date last written below:

MCCi, LLC

CITY OF FRUITLAND PARK

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

RESOLUTION 2023-020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, TO APPROVE THE PERMANENT UNDERGROUND UTILITY AGREEMENT FROM THE CITY OF FRUITLAND PARK IN FAVOR OF THE CITY OF LEESBURG, FLORIDA TO PROVIDE ELECTRIC SERVICE TO THE PUBLIC WORK’S BUILDING; AUTHORIZING THE MAYOR TO SIGN THE EASEMENT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Fruitland Park is constructing a new public works building and desires electric service from the City of Leesburg, and the City of Leesburg desires to provide electric service, but requires a perpetual, non-exclusive easement under, over and across a portion of the property owned by the City of Fruitland Park; and

WHEREAS, the City of Fruitland Park desires to grant the permanent underground utility easement.

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

Section 1. The City Commission approves the Permanent Underground Utility Easement in favor of the City of Leesburg, Florida, to allow for the new public works building to be served electric service. A copy of the easement is attached hereto.

Section 2. The mayor is authorized to sign the Permanent Underground Utility Easement in favor of the City of Leesburg, Florida.

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

PASSED AND RESOLVED this 11th day of May 2023, by the City Commission of the City of Fruitland Park, Florida.

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk, MMC

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

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

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

Record and Return to:
Anita Geraci-Carver, Esq.
Law Office of Anita Geraci-Carver, P.A.
1560 Bloxam Avenue
Clermont, FL 34711

PERMANENT UNDERGROUND UTILITY EASEMENT

THIS GRANT OF A PERMANENT UNDERGROUND UTILITY EASEMENT, made this ____ day of _____, 2023, by **CITY OF FRUITLAND PARK**, a Florida municipal corporation, created under the laws of the State of Florida, 506 W. Berkman St., Fruitland Park, FL 34731 hereinafter called the Grantor, to and in favor of the **CITY OF LEESBURG**, a Florida municipal corporation, created under the laws of the State of Florida, _____, _____, hereinafter called the Grantee.

1. **Background.** Grantor is the owner of certain real property situate in Lake County, Florida, more particularly described in **Exhibit “A”** attached hereto and made a part hereof by this reference (the “Property”).

Grantor is constructing a new public works building on the Property and desires electric service from Grantee. Grantee desires to provide electric service to the Grantor and requires a perpetual, non-exclusive easement under, over and across a portion of the Property which is more particularly described and depicted in **Exhibit “B”** attached hereto and made a part hereof by this reference (the “Utility Easement Property”) 10+/- feet wide consisting of _____ SF for utility purposes with full authority to enter upon construct, operate, repair, replace and maintain underground electrical lines and a transformer, and all other related and appurtenant facilities over, under, through and across the Utility Easement Property. Grantor is willing to grant Grantee an easement for said purpose, subject to the terms and conditions set forth below.

2. **Grant of Easement.** In consideration of the covenants and obligations set forth herein and other good and valuable consideration in the sum of Ten and No/100 Dollars (\$10.00) paid by Grantee to Grantor, the receipt of which is hereby acknowledged, Grantor hereby grants, conveys and declares unto Grantee, its successors and assigns, a perpetual, non-exclusive utility easement including rights under, over, through and across the Utility Easement Property, for the purpose of the construction, operation, repair and maintenance of underground electrical lines, a transformer and all other related and appurtenance facilities (the “Facilities”).

3. **Use by Grantor.** Grantor retains the right to use the Utility Easement Property, so long as such rights do not unreasonably interfere with Grantee’s rights hereunder. The Property is subject to all matters of record, the retained rights of Grantor and whatever other easements, rights, licenses, or grants that contemporaneous herewith or subsequent hereto, may be granted, or otherwise created by Grantors, provided that any subsequently created interest does not prevent Grantee from utilizing this Easement for its intended purpose. The Utility Easement Property shall revert to Grantor upon release.

4. **Grantor's Improvements.** Grantee shall replace and restore any and all improvements of Grantor within the Utility Easement Property and Grantor's adjoining land, including the Temporary Construction Easement has hereafter defined, which are disturbed by Grantee's activities (collectively, Grantor's Improvements).
5. **Maintenance.** After Grantee commences construction of the Facilities in the Utility Easement Property, Grantee shall maintain, repair and replace the Facilities in good order, condition and state of repair.
6. **Grant of Temporary Easement.** Grantor hereby grants, conveys and declares unto Grantee, its successors and assigns, a 30' wide temporary construction easement adjacent to and running along the boundary of the Utility Easement Property for the purpose of allowing the Grantee to enter upon the Temporary Easement Property with people and equipment to install the Facilities in the Utility Easement Property. The Temporary Construction Easement shall expire upon completion of construction of the Facilities within the Utility Easement Property.
7. **Covenants with the Land.** All rights, privileges, benefits and burdens created herein are covenants running with the land, binding upon and inuring to the benefit of Grantor, Grantee and their respective assigns and successors in title.
8. **Title.** Grantor does hereby covenant that Grantor is lawfully seized and possessed of the Utility Easement Property subject to no mortgages or encumbrances, and that it has good and lawful right to convey said easement without the joinder and consent of any third party.
9. **Incidental Rights.** Each of the rights and benefits granted herein shall include all those additional rights and benefits which are necessary for the full enjoyment thereof and are customarily included incidental thereto.
10. **Captions.** The captions included herein are for reference only and should not be used in construing any of the terms hereof. This Utility Easement shall be construed and enforced in accordance with the laws of the State of Florida.
11. **Attorneys Fees.** In the event that Grantor or Grantee or either of their successors in title institutes legal proceedings against the other party to enforce any term of this Utility Easement, the prevailing party shall be entitled to recover from the non-prevailing party reasonable attorneys' fees and court costs incurred incidental thereto, including, without limitation, fees and costs incurred in appellate proceeding and in bankruptcy.

IN WITNESS WHEREOF, the said first has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Grantor: CITY OF FRUITLAND PARK

Witness Signature

Print Name

By: _____
Chris Cheshire, Mayor

Witness Signature

Print Name

Attest: _____
Esther Coulson, City Clerk

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 2023 by Chris Cheshire, Mayor of the City of Fruitland Park, a Florida municipal corporation on behalf of the corporation. He is personally known to me or has produced _____ as identification.

NOTARY PUBLIC

ACCEPTED BY CITY OF LEESBURG (Grantee).

[Handwritten Signature]

Witness Signature

Deb VINES

Print Name

By: [Handwritten Signature]

James A. Burry, Jr. Mayor

Attest: [Handwritten Signature]
City Clerk

[Handwritten Signature]

Witness Signature

Lisa Robinson

Print Name

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 26 day of April, 2023 by James A. Burry Jr., Mayor of the City of Leesburg, a Florida municipal corporation on behalf of the corporation. He is personally known to me or has produced _____ as identification.



[Handwritten Signature]
NOTARY PUBLIC

EXHIBIT "A"
(the Property)

Parcel No. 33-18-24-0004-000-04701
Alternate Key No. 1284201

Legal Description: That part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 33, Township 18 South, Range 24 East, Lake County, Florida, lying West of the Westerly right of way line of the abandoned Seaboard Coast Line Railroad, LESS the North 511 feet thereof, and also LESS the South 283 feet of the West 125 feet, thereof, also LESS the South 33 feet thereof for road right of way.

That part of the abandoned Seaboard Coast Line Railroad right of way, 50 feet wide, lying in the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 33, Township 18 South, Range 24 East, Lake County, Florida, LESS the South 33 feet thereof for road right of way.

EXHIBIT "B"
(the Utility Easement Property)

See Attached

SKETCH OF DESCRIPTION

(NOT A FIELD SURVEY)

DESCRIPTION:

A 10 FEET WIDE STRIP OF LAND FOR A UTILITY EASEMENT OVER, ACROSS, UPON AND THROUGH THAT PORTION OF PARCEL NO. "1", AS RECORDED IN OFFICIAL RECORDS BOOK 2651, PAGES 1813 - 1814, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING WITHIN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 33, THENCE ON A BEARING RELATED TO THE FLORIDA STATE PLANE COORDINATES, EAST ZONE, N89°39'25"W, ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 301.23 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE FORMER ACL RAILROAD; THENCE DEPARTING SAID SOUTH LINE RUN N00°12'28"W ALONG SAID FORMER WEST LINE OF ACL RAILROAD, A DISTANCE OF 33.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL NO. 1, SAID SOUTHEAST CORNER ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SPRING LAKE ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 993, PAGE 1231, PUBLIC RECORDS OF LAKE COUNTY FLORIDA AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N89°39'25"W, ALONG THE SAID NORTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 10.00 FEET; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, RUN N00°12'28"W A DISTANCE OF 365.87 FEET; THENCE S89°47'32"W A DISTANCE OF 148.58 FEET; THENCE N00°00'00"E A DISTANCE OF 10.00 FEET; THENCE N89°47'32"E A DISTANCE OF 158.55 FEET TO A POINT ON THE EAST LINE OF AFORESAID PARCEL NO. 1; THENCE ALONG THE SAID EAST LINE, RUN S00°12'28"E A DISTANCE OF 375.97 FEET TO THE POINT OF BEGINNING.

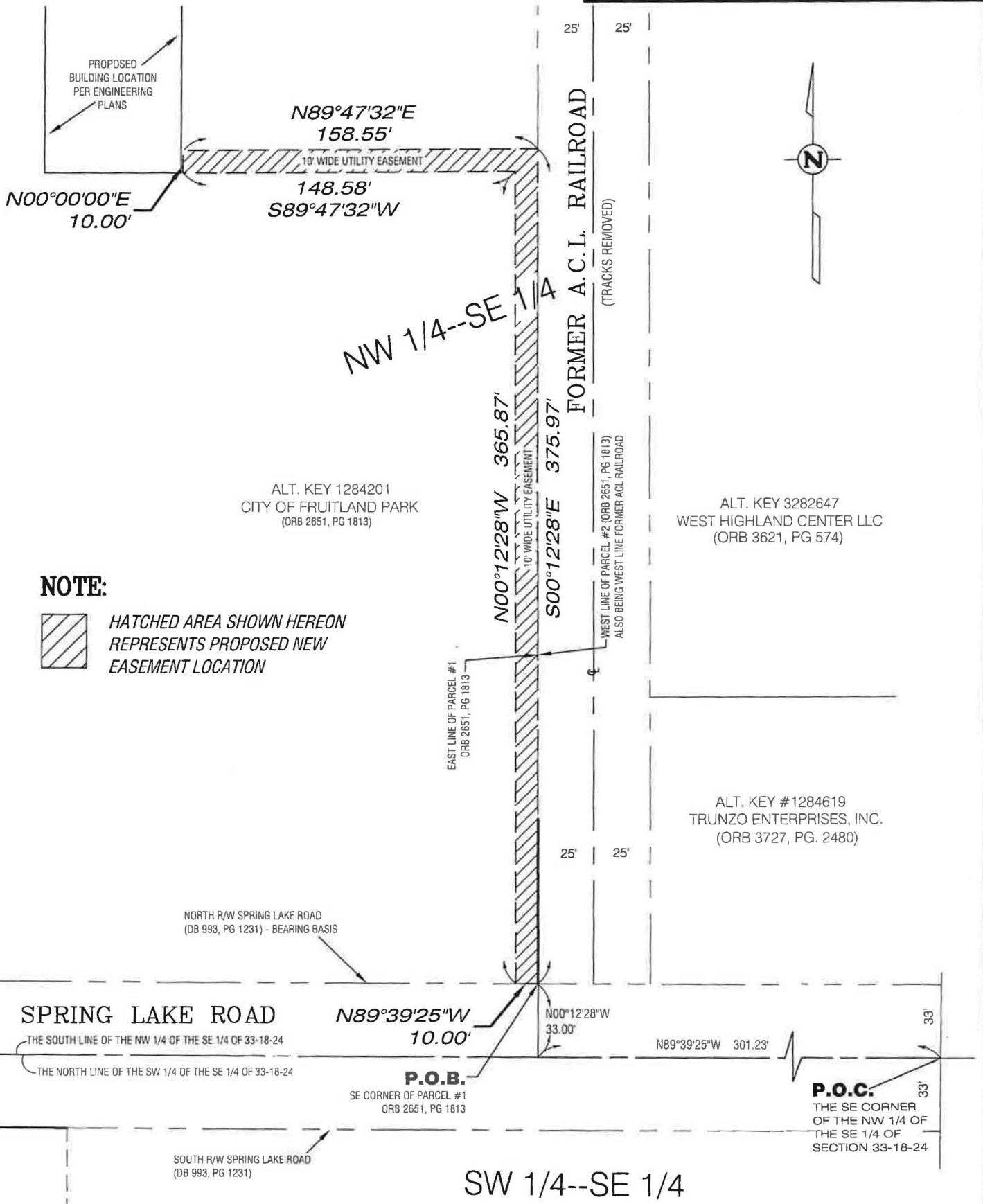
CONTAINING 5,247.14 SQUARE FEET, MORE OR LESS.

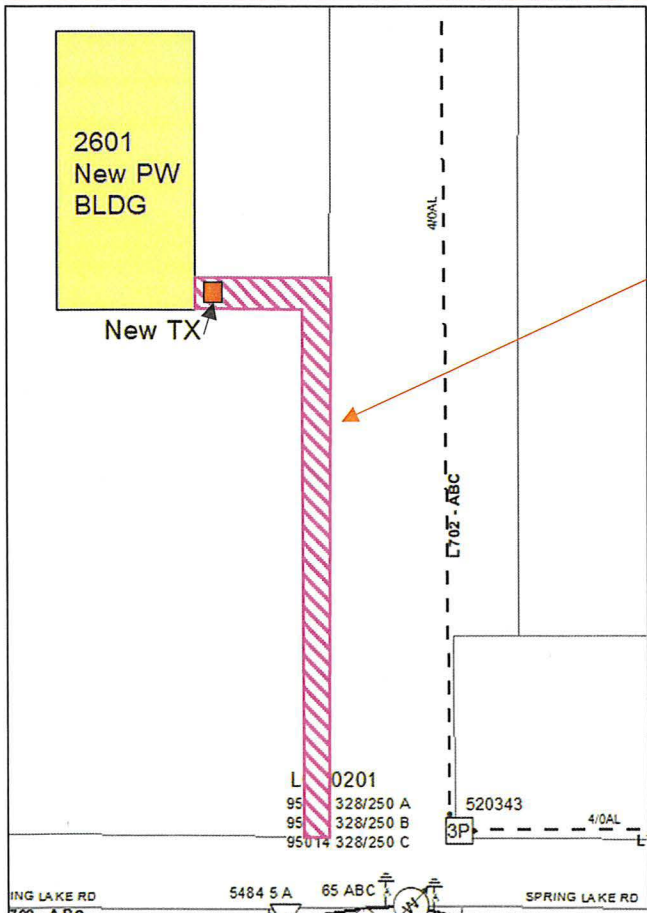
NOTES:

1. THIS SKETCH OF DESCRIPTION (AND/OR) REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. CERTIFICATION IS LIMITED TO PARTIES NAMED HEREON.
3. BEARINGS AND FLORIDA STATE PLANE COORDINATES, EAST ZONE, SHOWN HEREON ARE BASED ON FLORIDA PERMANENT REFERENCE NETWORK (FPRN) AS MAINTAINED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND IS BASED ON NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (SPCS '83-2011). THE SPECIFIC LINE USED FOR THIS SKETCH WAS THE NORTH RIGHT OF WAY LINE OF SPRING LAKE ROAD, AS BEING N89°39'25"W.
4. THE INSTRUCTIONS FOR THE SKETCH AND DESCRIPTION WERE TAKEN FROM DOCUMENTS FURNISHED BY ROBB DICUS; PUBLIC WORKS DIRECTOR CITY OF FRUITLAND PARK. INCLUDED IN REQUEST WAS AERIAL DIAGRAM FROM GSB CONSTRUCTION WITH GENERAL EASEMENT LOCATION FOR INSTALLATION OF ELECTRIC BY THE CITY OF LEESBURG. ALSO FURNISHED WAS ENGINEERING PLANS WITH PROPOSED EASEMENT LINework AND GENERAL SITE PLAN FOR PUBLIC WORKS BUILDING.
5. THIS SKETCH WAS PREPARED FOR DESCRIPTION PURPOSES ONLY AND DOES NOT REPRESENT A BOUNDARY SURVEY.
6. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHTS OF WAY, OWNERSHIP OR OTHER MATTERS OF RECORD BY THIS FIRM.
7. THIS SKETCH MEETS ALL APPLICABLE REQUIREMENTS OF THE FLORIDA STANDARDS OF PRACTICE AS CONTAINED IN

SKETCH OF DESCRIPTION

(NOT A FIELD SURVEY)





10' Utility Easement Required for New transformer and underground primary wire.

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, ACCEPTING A UTILITY EASEMENT TO THE CITY OF LEESBURG FROM THE CITY OF FRUITLAND PARK, FOR THE PURPOSE OF GRANTING THE CITY AN EASEMENT OVER THE PROPERTY DESCRIBED THEREIN; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Utility Easement granted to the City of Leesburg, by the City of Fruitland Park, for the purpose of granting the City a Utility Easement over, under, across, through and within the real property described in the document is hereby accepted.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 24th day of April 2023.


Mayor

ATTEST:


City Clerk

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

ITEM TITLE: Resolution 2023-016 Urick Street Force Main Extension Project Contract Change Order #2 – Cathcart Construction Company

MEETING DATE: Thursday, May 11, 2023

DATE SUBMITTED: Friday, February 17, 2023

SUBMITTED BY: City Attorney/City Manager/Public Works Director

BRIEF NARRATIVE: Resolution 2023-016 – Change Order #2 increases the contract with Cathcart Construction Company Florida LLC, Oviedo; by \$13,111.00 mostly due to a match line overlap in the engineered drawings that were sent out for bid that caused an additional 173 feet of 12” bore pipe to be needed to complete the job. This bust in the drawings was not picked up until the contractor had installed the pipe and noticed that they did not have enough pipe to complete other parts of the job. The additional cost of the 173 feet of pipe based off the bid amount was \$25,950.00 which was brought down to \$13,111.00 by other deductive changes to the project that the city staff was able to take out of the project. These changes are all listed in the included change order documentation. (Postponed from February 23, 2023.)

FUNDS REQUIRED: \$13,111.00 (40535-60655) “Urick”

ATTACHMENTS: Proposed Resolution 2023-016 and change order documentation.

RECOMMENDATION: Staff recommends approval of the change order. All changes as documented have been reviewed and are in-line with the field work installed.

ACTION: Adopt Resolution 2023-016

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.

WHEREAS, the City of Fruitland Park issued ITB 2021-04 Urick Street Force Main and entered into that certain contract titled EJCDC Standard Form of Agreement between owner and contractor on the basis of a stipulated price between the City of Fruitland Park and Cathcart Construction Company Florida LLC, Oviedo dated May 9, 2022 (the “Contract”); and

WHEREAS, it is necessary to increase the contract price by \$13,111 because the station numbering error at Matchline JJ Sheet 8 and Matchline JJ sheet 9 resulted in the need for additional materials, an open cut was required due to existing watermain crossing conflict at unknown location and unknown depth, and direction by staff for consistency of material throughout the system; and

WHEREAS, the contract time was previously extended in order to obtain critical materials; and

WHEREAS, Cathcart Construction Company Florida LLC Oviedo submitted a request for a three-day extension of the construction time based on an unforeseen flaw in the directional drill pipe and the time involved in investigating and resolving the issue; and

WHEREAS, the delay did not adversely affect the city or any development that will use the utility improvements, and the city’s engineer has recommended approval of the extension; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds it is in the best interest of the city to approve the three-day extension to construction time.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The contract time set forth in the contract is extended three days and the contract price is increased by \$13,111 for a total contract price of \$2,640,218 (inclusive of Change Order No. 1).

Section 2. The Commission authorizes the city manager to execute any required approval of such extension including Change Order No. 2, a copy of which is attached hereto.

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

PASSED AND RESOLVED this _____ 2023, by the City Commission of the City of Fruitland Park, Florida.

SEAL CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

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

Approved as to form:

Anita Geraci-Carver, City Attorney

**SECTION 00843
CHANGE ORDER FORM**

PROJECT: **City of Fruitland Park - Urlick Street Force Main Extension**

CHANGE ORDER NO. 02

DATE OF ISSUANCE: _____

CONTRACTOR: Cathcart Construction Company - Florida, LLC

EFFECTIVE DATE: _____

ENGINEER: BESH Halff, Inc.

The following changes are hereby made to the Contract Documents:

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price \$ <u>2,608,685</u>	Original Contract Times Substantial Completion: <u>150</u> Ready for Final Payment: <u>180</u> days or dates
Net changes from previous Change Orders \$ <u>18,422</u>	Net change from previous Change Orders <u>-0-</u> days
Contract price prior to this Change Order \$ <u>2,627,107</u>	Contract Times prior to this Change Order Substantial Completion: <u>150</u> Ready for Final Payment: <u>180</u> days or dates
Net Increase (decrease) of this Change Order \$ <u>13,111</u>	Net Increase (decrease) of this Change Order <u>3 Days</u> days
Contract Price with all approved Change Orders \$ <u>2,640,218</u>	Contract Times with all approved Change Orders Substantial Completion: <u>153</u> Ready for Final Payment: <u>183</u> days or dates

CHANGES ORDERED

I. GENERAL This change order is necessary to cover changes in the work to be performed under this contract. The General Conditions, Supplementary Conditions, Specifications and all parts of the Project Manual listed in Article 1, Definitions, of the General Conditions apply to and govern all work under this change order.

Change Order No. 2

II. REQUIRED CHANGES:

CO 2A: Add 173 LF of 12" Directional Drill due to Station numbering error at Matchline JJ Sheet 8 and Matchline JJ Sheet 9.
STA 63+76 - STA 62+03 = 173 LF, See attached Sheets 8 & 9 and K3 Directional drill log.

CO 2B: Eliminate (1) ARV at Pine Ridge Dairy

CO 2C: Change 12" Directional Drill to 10" PVC C900, DR 18. Open cut and roadway repair.

CO 2D: Change 10" DIP Force Main material to 10"C900 Force Main PVC at Poinsettia Ave, Rose Ave and Lewis St.

The original version of CO 2C had a deduct for 2 ARVs that the Contractor was not going to installed given the open cut installation. However, it was determined that the two ARVs should be installed which is accounted for in this version of the Change Order (by removing the deduction).

III. JUSTIFICATION:

CO 2A: Station number discontinuity at Matchline JJ Sheet 8 and Matchline JJ Sheet 9.

CO 2B: At Pine Ridge Dairy, there was insufficient space to install two ARVs.

CO 2C: Open cut required due to existing watermain crossing conflict at unknown location and unknown depth.

CO 2D: At Robb Dicus's direction. Consistency of material throughout the system.

IV. PAYMENT:

This change order will increased the Contract Price by \$13,111.00 per the attached.
See attached pricing sheets.

V. APPROVAL AND CHANGE AUTHORIZATION:

Acknowledgements:

The aforementioned change, and work affected thereby, is subject to all provisions of the original contract not specifically changed by this Change Order; and

It is expressly understood and agreed that the approval of the Change Order shall have no effect on the original contract other than matters expressly provided herein.

Change Order Requested by: Troy Mitchell, Robb Dicus and Cathcart Construction Company

Change(s) Ordered by: _____

RECOMMENDED BY:

BESH, Halff, Inc. _____

By: _____
(Authorized Signature) (Date)

(Title)

ACCEPTED BY:


CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC
2/7/23

CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC

By: _____
(Authorized Signature) (Date)

Matt T. Blanton, President

(Title)

APPROVED BY:

City of Fruitland Park
(Owner)

By: _____
Name and Title (Date)

By: _____
_____, Clerk (Date)

END OF SECTION

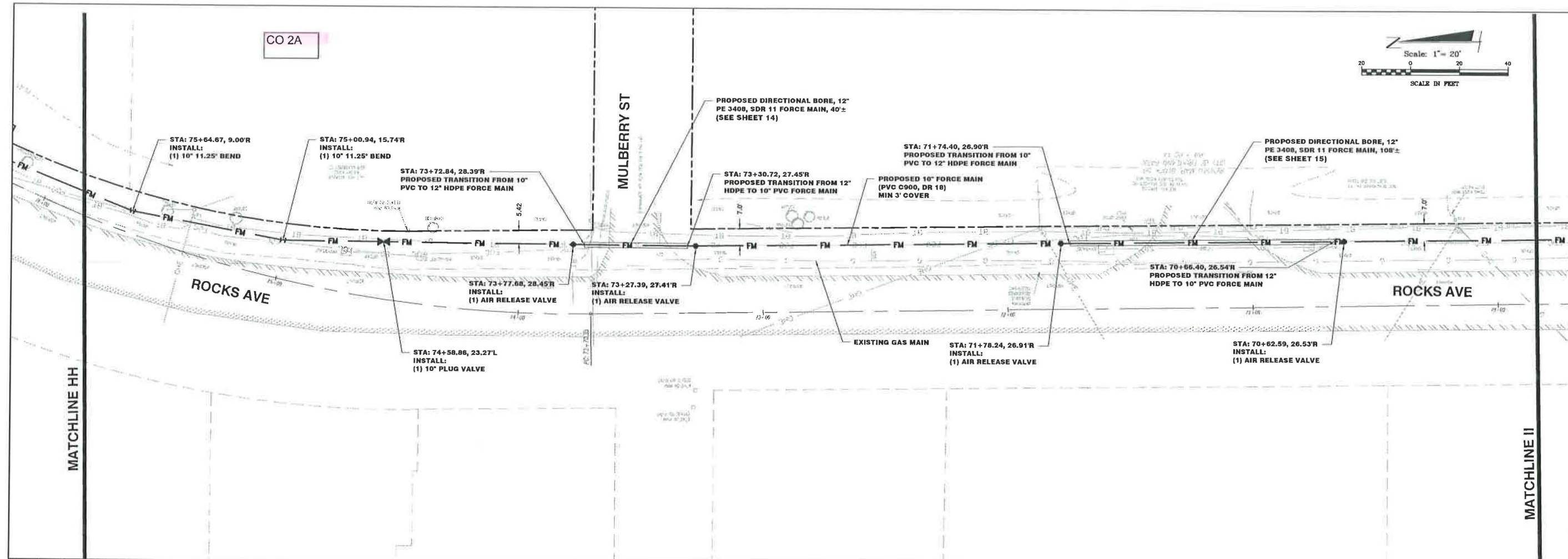
URICK STREET FORCE MAIN EXTENSION

OWNER/BID NO: CITY OF FRUITLAND PARK/ BID NO. 2021-04

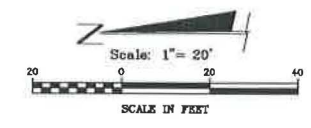
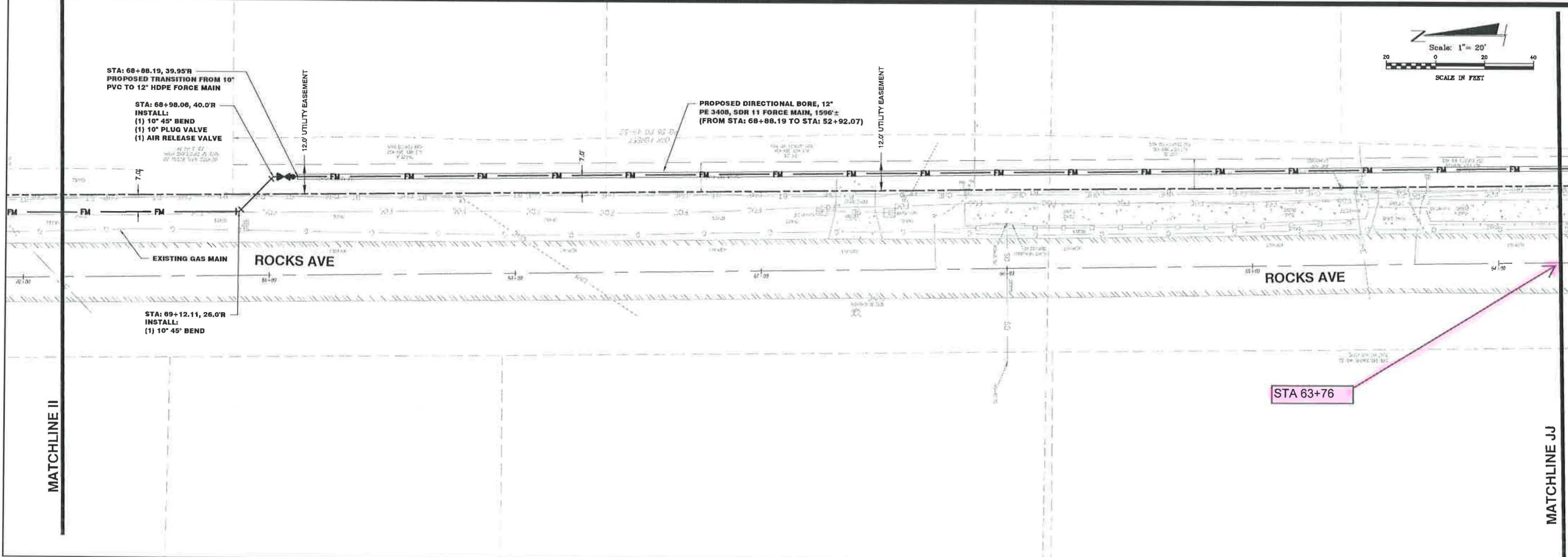
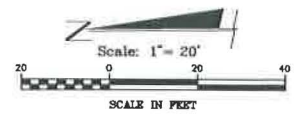
CHANGE ORDER 02A

DESCRIPTION: Add 173 LF of 12" Directional Drill

Pay Item No.	Item Description	Unit	Unit Price	Quantity	Amount
8	12" Directional Drill	LF	\$ 150.00	173	\$ 25,950.00
					\$ 25,950.00



CO 2A



STA 63+76

DATE	DESIGNED BY	CHECKED BY	FILE NAME

CITY OF FRUITLAND PARK
 URICK STREET FORCE MAIN
 EXTENSION
 PLAN SHEET
 ROCKS AVENUE

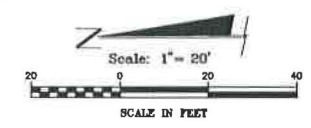
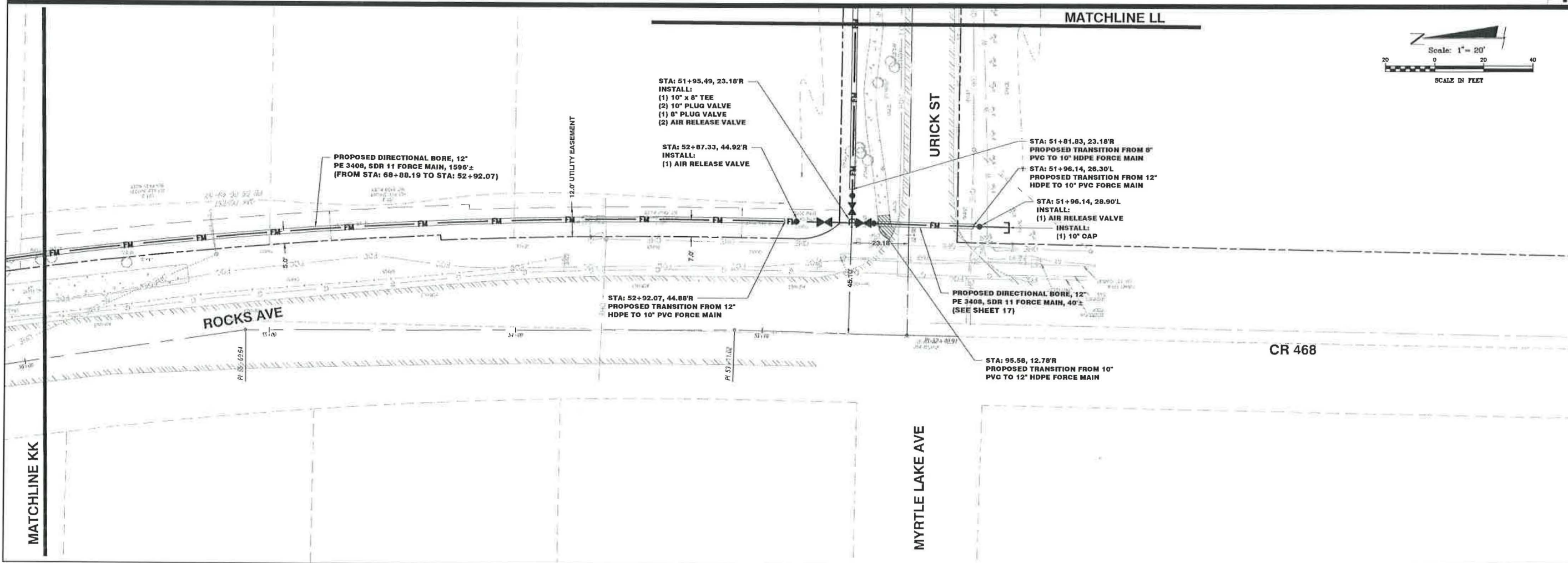
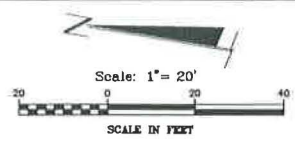
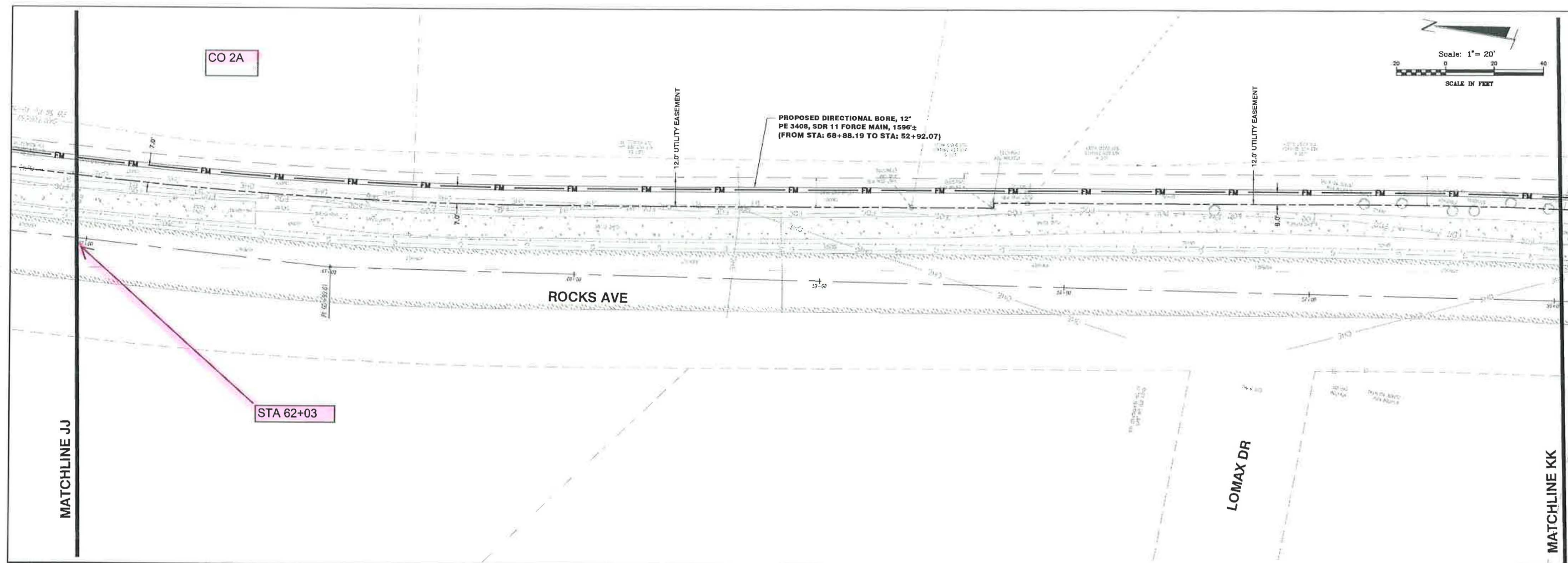


HALFF
 902 North Sinclair Ave.
 Tallahassee, Florida 32378
 Office: 352.343.9481
 Fax: 352.343.9485
 Certificate of Authorization Number: 33380

DATE:	AUGUST, 2021
DESIGNED BY:	BJ
DRAWN BY:	BJ
CHECKED BY:	TEM
JOB NO.:	081040.0077
FILE NAME:	

Sheet 8

Troy Mitchell, P.E.
 Registered Eng 60190



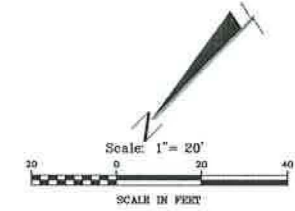
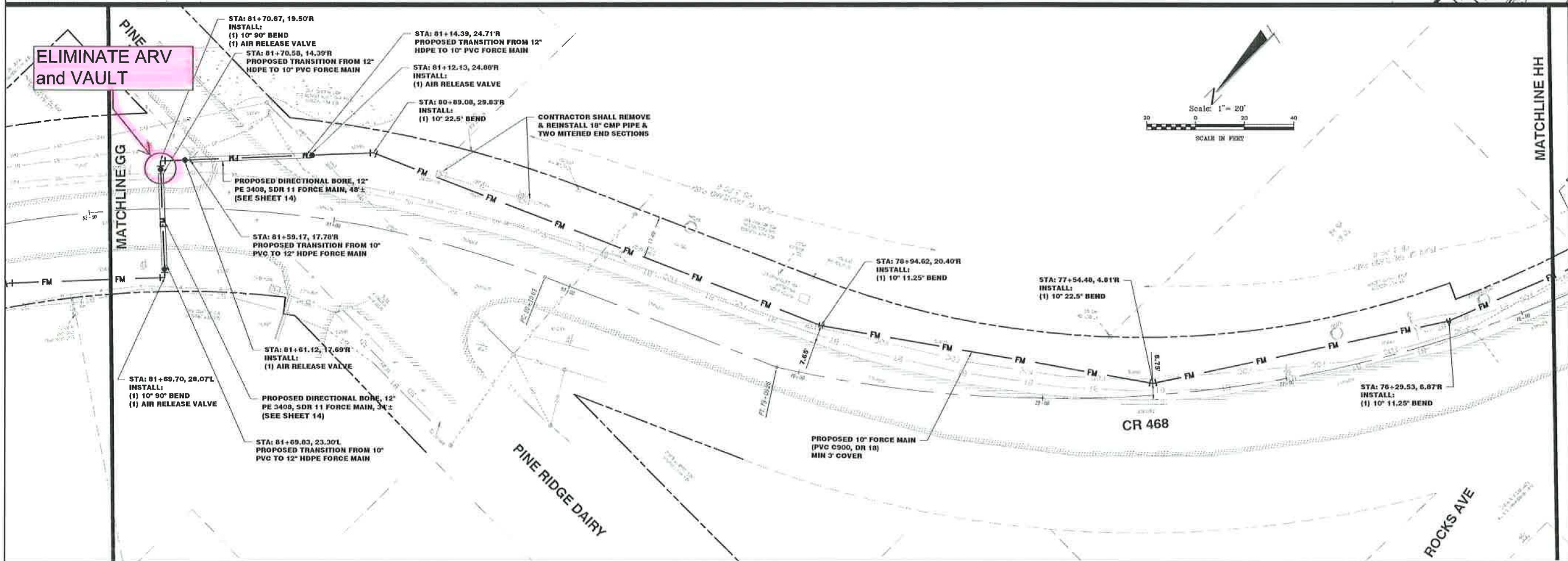
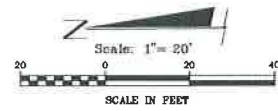
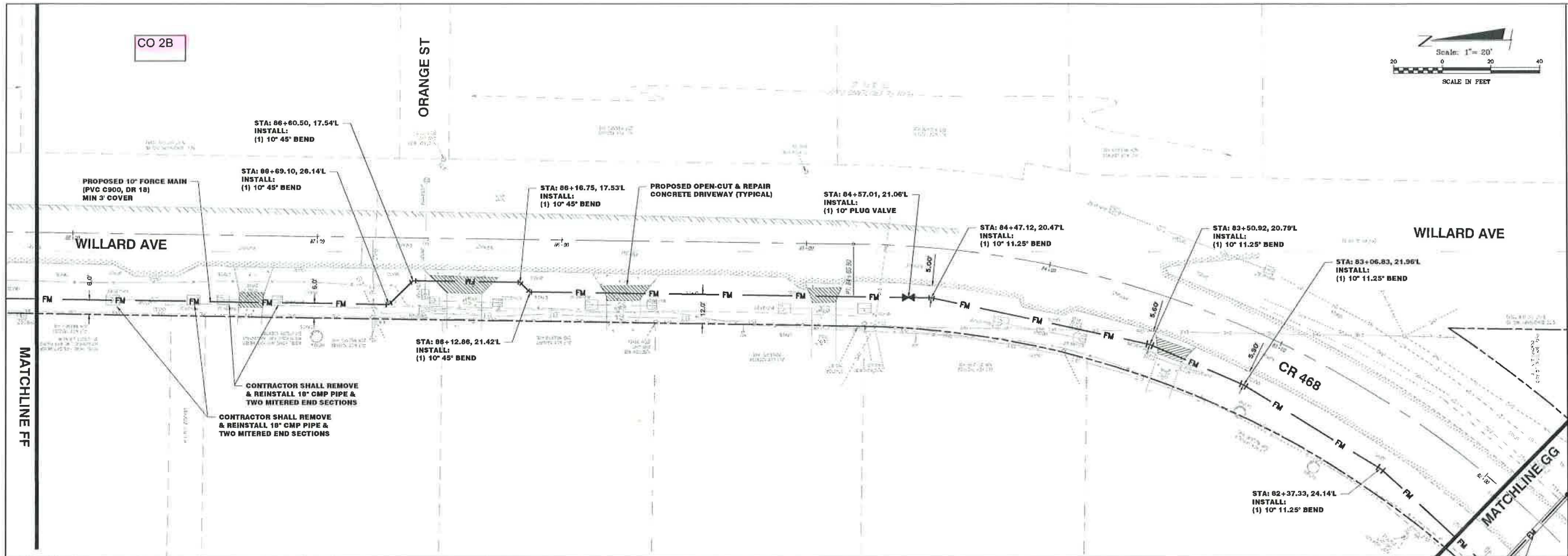
REVISION	DATE	BY	CHKD

CITY OF FRUITLAND PARK
URICK STREET FORCE MAIN
EXTENSION
PLAN SHEET
ROCKS AVE & URICK ST



HALFF
902 North Sinclair Ave.
Tavares, Florida 32778
Office: 352.343.8481
Fax: 352.343.8495
Certificate of Authorization Number: 33390

DATE:	AUGUST, 2021
DESIGNED BY:	BJ
DRAWN BY:	BJ
CHECKED BY:	TEM
JOB NO.:	081040.0077
FILE NAME:	



**ELIMINATE ARV
and VAULT**

NO.	DATE	REVISION

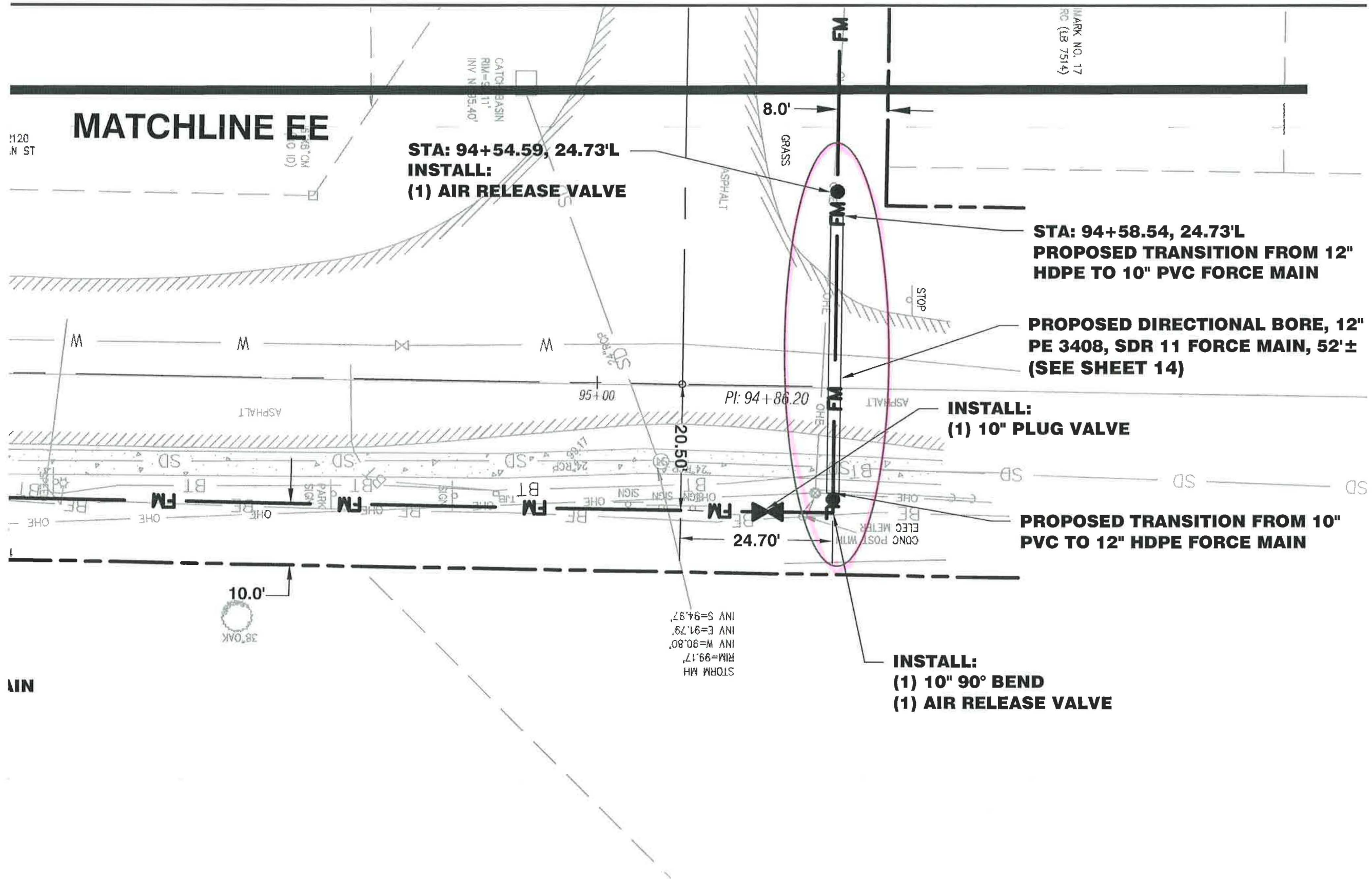
CITY OF FRUITLAND PARK
**URICK STREET FORCE MAIN
EXTENSION**
PLAN SHEET
WILLARD AVE & CR 468



HALFF
902 North Sinclair Ave.
Tallahassee, Florida 32378
Office: 352.343.8481
Fax: 352.343.8455
Certificate of Authorization Number: 33980

DATE: AUGUST, 2021
DESIGNED BY: BJ
DRAWN BY: BJ
CHECKED BY: TEM
JOB NO.: 061040.0077
FILE NAME:
Sheet 7

Troy Mitchell, P.E.
Registered Eng #0190



MATCHLINE EE

**STA: 94+54.59, 24.73'L
INSTALL:
(1) AIR RELEASE VALVE**

**STA: 94+58.54, 24.73'L
PROPOSED TRANSITION FROM 12"
HDPE TO 10" PVC FORCE MAIN**

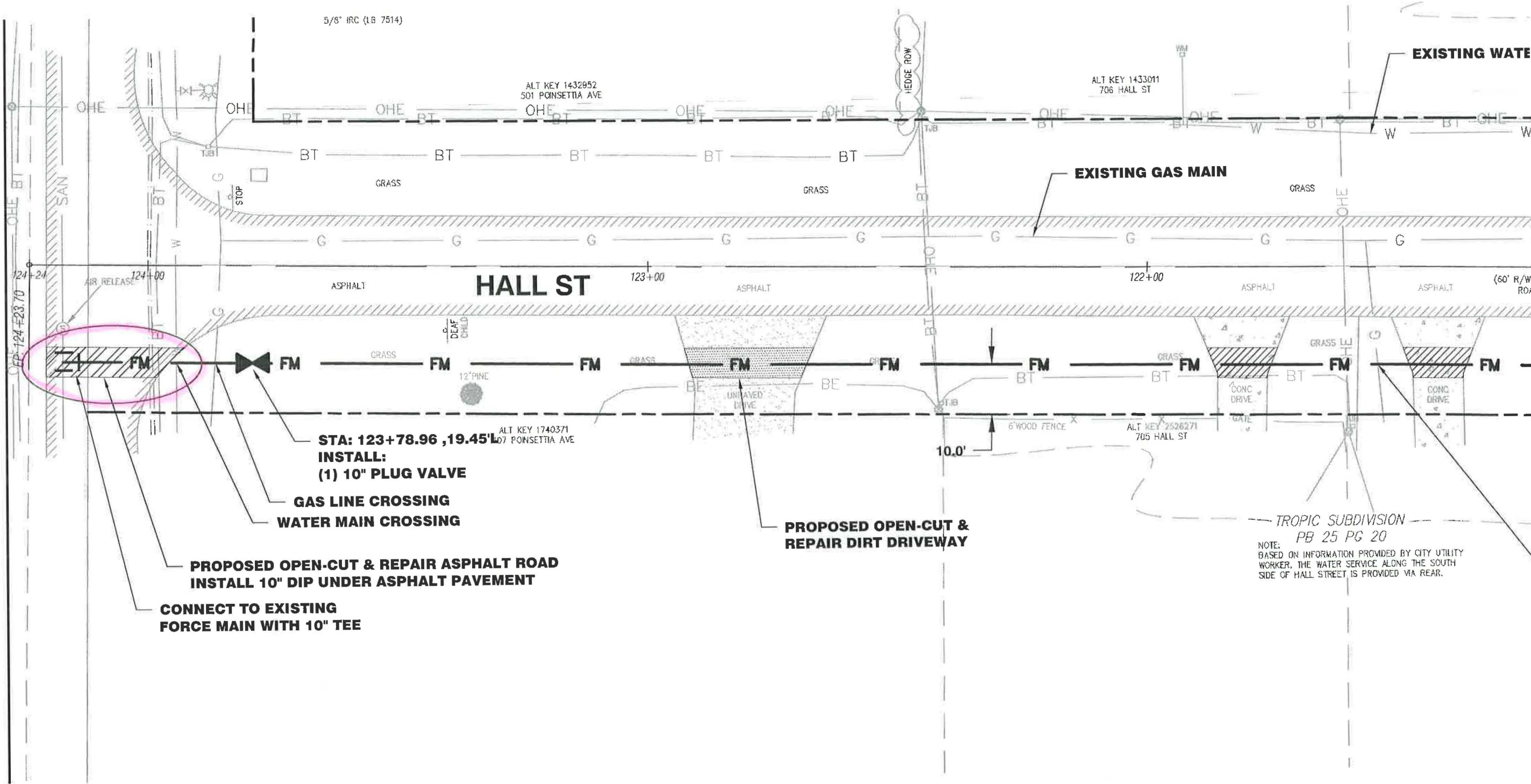
**PROPOSED DIRECTIONAL BORE, 12"
PE 3408, SDR 11 FORCE MAIN, 52'±
(SEE SHEET 14)**

**INSTALL:
(1) 10" PLUG VALVE**

**PROPOSED TRANSITION FROM 10"
PVC TO 12" HDPE FORCE MAIN**

**INSTALL:
(1) 10" 90° BEND
(1) AIR RELEASE VALVE**

NIN



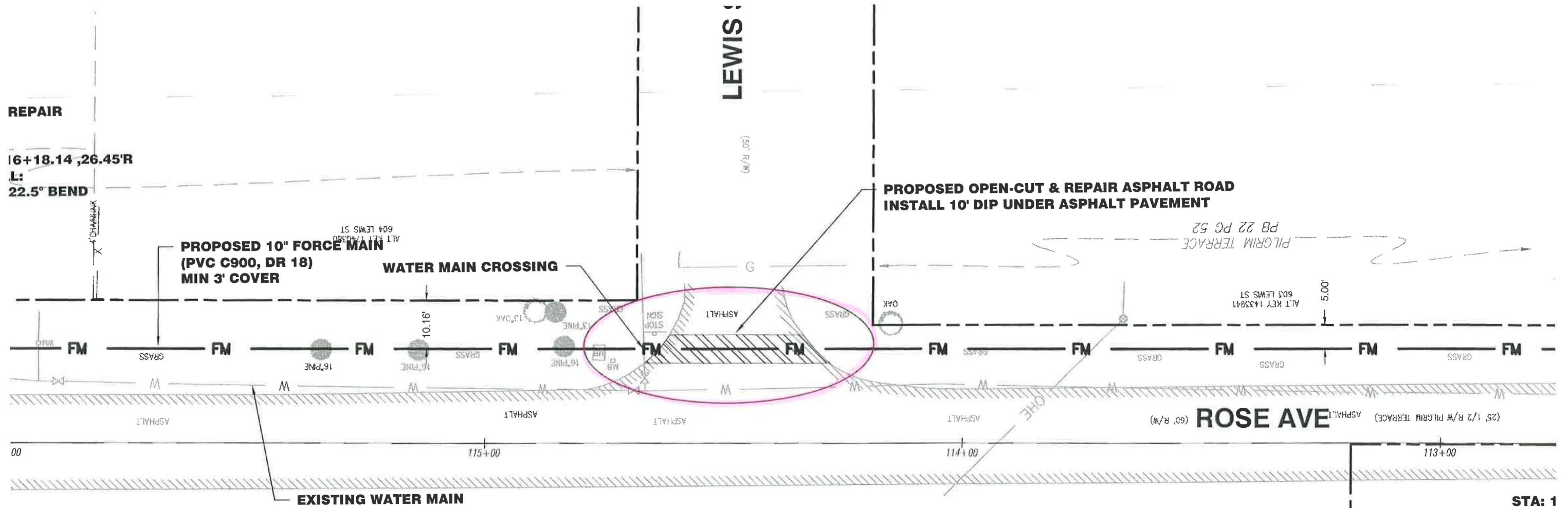
STA: 123+78.96 ,19.45'
 INSTALL:
 (1) 10" PLUG VALVE

GAS LINE CROSSING
 WATER MAIN CROSSING

PROPOSED OPEN-CUT & REPAIR ASPHALT ROAD
 INSTALL 10" DIP UNDER ASPHALT PAVEMENT
 CONNECT TO EXISTING
 FORCE MAIN WITH 10" TEE

PROPOSED OPEN-CUT &
 REPAIR DIRT DRIVEWAY

TROPIC SUBDIVISION
 PB 25 PG 20
 NOTE:
 BASED ON INFORMATION PROVIDED BY CITY UTILITY
 WORKER, THE WATER SERVICE ALONG THE SOUTH
 SIDE OF HALL STREET IS PROVIDED VIA REAR.



STA: 1
INSTA
(1) AIF

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

ITEM TITLE: Resolution 2023-030 Public Works A1A CO 4 PR 1
Cost Change Order – New Public Works Building –
Revisions to Civil Drawings

MEETING DATE: Thursday, May 11, 2023

DATE SUBMITTED: Tuesday, April 11, 2023

SUBMITTED BY: City Attorney/City Manager/Public Works Director

BRIEF NARRATIVE: Resolution 2023-030 Change order revising
dumpster pad layout to a more optimal location for pickup and to change the
property entry gate from a double swing gate at the entrance to the property to
sturdier single cantilever slide gate.

FUNDS BUDGETED: \$835.29 (deduction) Capital – 30541-60620

ATTACHMENTS: Proposed resolution, A1A document

RECOMMENDATION: Staff recommends approval

ACTION: Adopt Resolution 2023-030.

RESOLUTION 2023-030

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 4 TO THE EJCDC STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE BETWEEN THE CITY OF FRUITLAND PARK AND GSB CONSTRUCTION & DEVELOPMENT, INC. TO PROVIDE FOR AN INCREASE OF \$835.29 IN THE STIPULATED SUM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park issued Invitation to Bid No. 2022-01 for construction of the City’s public works building and entered into that certain contract titled EJCDC Standard Form of Agreement between Owner and Contractor on the Basis of a Stipulated Price between the City of Fruitland Park and GSB Construction & Development Inc. (the “Contract”); and

WHEREAS, the City requested the solid waste dumpster pad layout be changed to a more optimal location for pickup, and further requested a change in the property entry gate from a double swing gate to a single cantilever slide gate that is sturdier thereby resulting in a net increase of the Stipulate Sum by \$835.29; therefore it is necessary to amend the Contract; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds it is in the best interest of the City to approve Change Order No. 4.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Stipulated Sum set forth in the Contract is increased by \$835.29.

Section 2. The Commission authorizes the city manager to execute any required approval of such extension including Change Order No. 4, a copy of which is attached hereto.

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

PASSED AND RESOLVED this 27th day of April, 2023, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

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

Approved as to form:

Anita Geraci-Carver, City Attorney



AIA[®] Document G701[™] – 2017

Change Order

PROJECT: <i>(name and address)</i> Fruitland Park Public Works 2601 Spring Lake Rd. Fruitland Park, FL 34731	CONTRACT INFORMATION: Contract For: New Construction Date: October 13, 2022	CHANGE ORDER INFORMATION: Change Order Number: 4 Date: April 10, 2023
OWNER: <i>(name and address)</i> The City of Fruitland Park 506 West Berckman St. Fruitland Park, FL 34731	ARCHITECT: <i>(name and address)</i> GatorSketch Architects 1000 E. Hwy 50, Suite 201A Clermont, FL 34711	CONTRACTOR: <i>(name and address)</i> GSB Construction & Development, Inc. 8470 NE 44th Dr., Suite B Wildwood, FL 34785

The Contract is changed as follows:



(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

As per GSB Construction Change Request #4

The original (Contract Sum) (Guaranteed Maximum Price) was	\$	<u>3,234,00.00</u>
The net change by previously authorized Change Orders	\$	<u>(22,100.81)</u>
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was	\$	<u>3,211,899.19</u>
The (Contract Sum) (Guaranteed Maximum Price) will be <u>(increased)</u> (decreased) (unchanged) by this Change Order in the amount of	\$	<u>835.29</u>
The new (Contract Sum) (Guaranteed Maximum Price), including this Change Order, will be	\$	<u>3,212,734.48</u>
The Contract Time will be (increased) (decreased) <u>(unchanged)</u> by		() days.
The new date of Substantial Completion will be		

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

GatorSketch Architects	GSB Construction & Development, Inc.	The City of Fruitland Park
ARCHITECT <i>(Firm name)</i>	CONTRACTOR <i>(Firm name)</i>	OWNER <i>(Firm name)</i>
		
SIGNATURE	SIGNATURE	SIGNATURE
<u>William Guidry - CA</u>	Dominic Giannini, Pres.	
PRINTED NAME AND TITLE	PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
<u>4-10-23</u>	<u>4-10-23</u>	
DATE	DATE	DATE

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.



Change Request

To: The City of Fruitland Park
506 West Berckman St.
Fruitland Park, FL 34731

Number: 4
Date: 3/27/23
Job: 22-23 Fruitland Park Public Works
Phone:

Description: Civil Revisions PR 01

We are pleased to offer the following specifications and pricing to make the following changes:
Change Request #4 is being submitted for the revisions to the Civil Drawings per PR 01 Summary attached.

The total amount to provide this work is \$835.29
(Please refer to attached sheet for details.)

The schedule is not affected by this change.

If you have any questions, please contact me at 352-748-1949.

Submitted by: DOM GIANNINI

Approved by: _____
Date: _____



Change Request 4 Price Breakdown
 Continuation Sheet

Description: Civil Revisions PR 01

Description	Labor	Material	Equipment	Subcontract	Other	Price
Changes to Dumpster Enclosure				\$-6,850.00		\$-6,850.00
Changes to Entry Gate				\$7,609.35		\$7,609.35
Changes to Sitework/Utilities						
					Subtotal:	\$759.35
			OH/P	\$759.35	10.00%	\$75.94
					Total:	\$835.29



Change Order Request #1

Date: 3/10/23

Project Name: Fruitland Park Public Works

To: GSB Construction

Attention: Dominic Giannini

Cost or Credit for:

Removing the CMU walls and gate foundations from the dumpster enclosure, all that remains is the concrete pad and we acknowledge the new dumpster's location on the site plan per PR 01 (Changes to site drawings) sent to us on 3/6/23.

Labor and Concrete Pump	\$	-3,680.00
Material	\$	<u>-3,170.00</u>
Material & Labor Sub-Total	\$	-6,850.00
Restocking Fee for Materials Already On-Site	\$	<u>0.00</u>
This Change Will be a Cost Increase to our Contract for the Amount of (tax included)	\$	<u>-6,850.00</u>



311 NW 11th Place
 Ocala, FL 34475
 (352) 274-0823
 salesocalafence@gmail.com

Estimate Number:

E-6025

Estimate Prepared By:

Brandon Lower

4/3/2023

Estimate for:

GSB Construction & Development, Inc.

Job #1114 - Fruitland Park Public Works

2601 Spring Lake Rd

Fruitland Park, FL 34731

Sub-Total

FL-Marion (7.0000 %)

When Paying by Cash or Check

Estimate Total

When Paying by Credit/Debit Card

Convenience Fee

Total*

*Credit/Debit card payments include a convenience fee of 2.99%+29¢ per transaction.

Change Order

Line Items

Product	Description	Price	Qty	Amount
Original Contract Price				

CHANGE ORDER ITEMS LISTED

\$7,609.35

BELOW

Product	Description	Price	Qty	Amount
72"h x 32"w Aluminum Ind Cantilever Gate	SPS OnGuard 32' Aluminum Slide Gate (Cantilever) Dual Track	\$16,829.68	1.00	\$16,829.68
*326GDDIND240	IND DD GATE 32Wx6 2" SPS40 9ga	\$6,365.74	-1.00	(\$6,365.74)
*GP6581140	GALV 6-5/8" x 11' x Sch40F	\$290.76	2.00	\$581.52
*GPSDOME658	PS DOME CAP 6-5/8"	\$33.43	2.00	\$66.86
*PSBULLDOG658	BULLDOG HINGE 6-5/8" PS	\$50.78	-4.00	(\$203.12)
52-61-TAIOO	ROLLING GATE TRACK TRUCK ASSEM	\$224.00	4.00	\$896.00
*60lbBagConcrete	* 60lbs Bags High-Strength Concrete	\$5.20	40.00	\$208.00
*HDSW24UL-MC	Heavy Duty Swing Gate Operator Includes (1) LMRRUL photoeye. Continuous Duty 24V Brushless DC Motor (1.5 HP Peak), 2,800 lbs / 22 ft Capacity, Variable speed, myQ, Wireless Master/Second.	\$4,510.95	-2.00	(\$9,021.90)
*INSL24UL-MC	Industrial DC Slide Gate Operator w/BBU Includes S505AL & LMRRUL 24VDC Brushless DC Motor Drive Continuous-duty 30FT #40 BLK Chain, 120/230V single-phase, 3PHCONV optional kit converts an input voltage of 208/230/460/575VAC, 5 Year WTY, For 2200# 70FT Gates	\$5,295.63	1.00	\$5,295.63
*DSP-7LP	Diablo Controls, Inc.-- Designed for solar powered applications. Designed to be cross talk free between other similar loops detectors. Plug and play. Switchless and self-adapting to most common installations, Small profile, Automatically compensates for loop and lead-in sizes.	\$142.57	-1.00	(\$142.57)
Saw cut loops		\$150.01	-1.00	(\$150.01)
*ELTW	Exit Loop w/ twisted wire	\$385.00	-1.00	(\$385.00)

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

ITEM TITLE: Resolution 2023-031 CDBG Program FYs 2023-24-2025-26 Lake County

MEETING DATE: Thursday, May 11, 2023

DATE SUBMITTED: Tuesday, April 11, 2023

SUBMITTED BY: City Attorney/City Manager

BRIEF NARRATIVE: Resolution 2023-031 the city's agreement to participate in Lake County Community Development Block Grant Program for FYs 2023-2025

FUNDS BUDGETED

ATTACHMENTS: Proposed resolution, agreement and letter

RECOMMENDATION: Staff recommends approval

ACTION: Adopt Resolution 2023-031

RESOLUTION NO. 2023-031

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, PERTAINING TO THE URBAN COUNTY COOPERATION AGREEMENT RELATING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING FOR APPROVAL OF AGREEMENT AND AUTHORIZATION TO EXECUTE; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under Title I of the Housing and Community Development Act of 1974, as amended (Title I), the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination or prevention of slums or urban blight, or activities which will benefit low and moderate-income persons or other urgent community development needs; and

WHEREAS, Title I provides federal funding to Lake County, Florida, to carry out eligible community development activities; and

WHEREAS, the City of Fruitland Park (City) is interested in cooperating with Lake County to undertake, or assist in undertaking, community and housing assistance activities that benefit low and moderate, income persons in the City; and

WHEREAS, the City has determined that participation in the Lake County Urban County Entitlement Community Development Block Grant Program will promote the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT RESOLVED by the City as follows:

Section 1. Recitals. The above recitals are hereby adopted as legislative findings of the City and are ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. Approval of Agreement and Authorization to Execute. **Exhibit A** County Cooperation Agreement Relating to the Community Development Block Grant Program between Lake County, Florida and the City of Fruitland Park, attached hereto as **Exhibit A**, is hereby approved. The Mayor, or a designee thereof, is authorized to execute The Urban County Cooperation Agreement relating to the Community Development Block Grant Program on behalf of the City.

Section 3. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as may be deemed necessary and appropriate in order to implement the provisions of this Resolution. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth

to such City employees as are deemed effectual and prudent.

Section 4. Savings Clause. All prior actions of the City pertaining to the Urban County Cooperation Agreement Relating to the Community Block Grant Program, which is the subject of this Resolution, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Resolution.

Section 5. Scrivener’s Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.

Section 6. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 7. Severability. If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Resolution.

Section 8. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED this _____ day of _____, 2023.

Chris Cheshire, Mayor

This ____ day of _____, 2023.

ATTEST:

Esther Coulson, City Clerk, MMC

Approved as to form and legality:

City Attorney

Exhibit "A"
Urban County Cooperation Agreement Relating to the
Community Development Block Grant Program
between the City and Lake County, Florida

URBAN COUNTY COOPERATION AGREEMENT
RELATING TO THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

This is an Urban County Cooperation Agreement between **LAKE COUNTY, FLORIDA**, a political subdivision of the State of Florida, the "COUNTY," through its Board of County Commissioners, and the **City of Fruitland Park**, a municipal corporation organized under the laws of the State of Florida, the "CITY," through its City Council.

WITNESSETH:

WHEREAS, the Housing and Community Development Act of 1974, as amended, makes provisions whereby urban counties may enter into cooperation agreements with certain units of local government to undertake or assist in undertaking essential activities pursuant to Community Development Block Grants (CDBG), and, where applicable, the Home Investment Partnership (HOME) Program, if at such time the COUNTY should become eligible to receive a HOME allocation, all of which are collectively referred to hereafter as "CDBGs;" and

WHEREAS, the COUNTY has qualified as an "urban county" under United States Department of Housing and Urban Development's (HUD) definition in 24 CFR § 570.3 for Fiscal Years 2021, 2022, and 2023, and intends to re-qualify as an urban county for the next successive three-year periods as required by HUD, and

WHEREAS, the COUNTY has developed and received approval of their Consolidated Plan, required by 24 CFR § 570.302 and 24 CFR Part 91, which covers the use of grant funds received under the CDBG and HOME Programs, and

WHEREAS, the COUNTY has the authority to carry out the essential community development and housing activities in the unincorporated areas of Lake County and seeks through this Agreement the authority by the CITY to carry out essential community development and housing activities within the CITY, and

WHEREAS, it is the desire of the parties that the COUNTY undertake activities in its role as an urban county necessary to plan and carry out or assist in carrying out the Community Development Program through the implementation of its Consolidated Plan for the benefit of residents of Lake County in unincorporated areas and within the CITY's limits.

NOW, THEREFORE, in consideration of the mutual covenants, premises, and representations, the parties agree as follows:

Section 1. The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this agreement upon adoption hereof.

Section 2. The CITY hereby authorizes the COUNTY to submit for and receive funding under the CDBG Entitlement Program and the HOME Program (CDBGs) from the HUD for fiscal years 2024, 2025, and 2026, and all successive three-year qualification periods thereafter. The CITY further authorizes the inclusion of the CITY'S population for the purposes of calculating and making CDBGs directly to the COUNTY.

Section 3. The COUNTY shall, at no cost to the CITY, provide staff resources and other services necessary for planning and administering the Community Development Program.

Section 4. The COUNTY and CITY hereby agree that this agreement covers the CDBG Entitlement Program and where applicable, and the HOME Program, collectively referred to herein as CDBGs.

Section 5. By executing this agreement, the CITY hereby states that it understands it:

A. May not apply for grants from appropriations under the State CDBG Program for the fiscal years during the period in which it is participating in the Urban County CDBG Program; and

B. May receive a formula allocation under the HOME Program only through the COUNTY. Thus, even if the COUNTY does not receive a HOME formula calculation, the CITY cannot form a HOME consortium with other local governments; provided, however, that this does not preclude the COUNTY or the CITY from applying to the State for HOME funds, if the State allows.

Section 6. The CITY hereby acknowledges that pursuant to 24 CFR 570.501(b) the CITY is subject to the same requirements as are applicable to subrecipients, including the requirement of a written agreement set forth in 24 CFR 570.503.

Section 7. The COUNTY and the CITY do hereby agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities. The COUNTY will ensure that CITY officials and the citizens of the CITY have direct and frequent access to and influence on the process by which decisions are made concerning Community Development projects which either directly or indirectly affect the CITY through public hearing requirements as part of the Consolidated Planning process.

Section 8. The COUNTY and the CITY shall cooperate in the implementation of the approved Consolidated Plan during the period of the agreement for which the COUNTY qualifies as an urban county and for additional time as may be required for the expenditure of funds granted to the COUNTY for such period. The COUNTY has final responsibility for selecting CDBGs and filing the Consolidated Plan and annual Action Plans with HUD.

Section 9. With reference to the use of the CDBGs, funds to be received by the COUNTY, and including any program income generated from the expenditure of CDBGs, the COUNTY may either carry out the Community Development Program on behalf of the CITY or, in the event that the parties determine it is feasible for the CITY to perform any services in connection with the Community Development Program, the COUNTY may permit the CITY, through a separate written agreement, to carry out activities or projects in conformance with the COUNTY'S Community Development Program.

Section 10. The CITY does hereby agree to inform the COUNTY, in writing, of any income generated by the expenditure of CDBGs received by the CITY and that such program income must be paid to the COUNTY or may be retained by the CITY only if its use is defined in the separate agreement referenced in Section 9 above. The CITY agrees that any program income authorized to be retained under a separate agreement may only be used for eligible activities in accordance with all CDBG (and HOME, where applicable) requirements as may then apply.

Section 11. The parties agree that the COUNTY has the responsibility for monitoring and reporting to HUD on the use of any such program income thereby requiring appropriate record keeping and reporting by the CITY as required by 24 CFR 570.501 and 570.504. In the event the CITY closes out an income generating project or becomes eligible to receive CDBGs funds as an entitlement community, any program income on hand or received subsequent to the close out or change in status shall be paid to the COUNTY.

Section 12. The CITY shall not sell, trade, or otherwise transfer all or any portion of the CDBGs to another such metropolitan city, urban county, unit of general local government, or Indian Tribe, or insular area that directly or indirectly receives CDBGs in exchange for any other funds, credits or non-

URBAN COUNTY COOPERATION AGREEMENT RELATING TO THE CDBG PROGRAM

federal considerations, but must use the CDBGs for activities eligible under Title I of the Housing and Community Development Act of 1974 (P.L. 93-383) as amended.

Section 13. The CITY hereby agrees to notify the COUNTY, in writing, of any modification or change in use of real property from that planned at the time of acquisition or improvement with CDBGs including disposition. In the event property acquired or improved with CDBG funds is sold or transferred for a use which does not qualify under the CDBGs regulations, the COUNTY shall be reimbursed by the CITY an amount of the fair market value equal to the portion which CDBGs funds represented of the initial purchase price and improvements. All program income received by the COUNTY from the disposition or transfer or received from the income generating projects after the time when the CITY becomes an entitlement community shall be used for eligible activities within the COUNTY'S urban county program.

Section 14. The parties do hereby mutually commit to take all actions necessary to assure compliance with the COUNTY'S certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended. CDBGs will be conducted and administered by the parties in conformity with Title VI of the Civil Rights Act of 1964, and the implementing regulations at 24 CFR part 1; the Fair Housing Act, and the implementation of the regulations at 24 CFR part 100; will and affirmatively furthering fair housing. The parties shall also comply with Section 109 of Title I of the Housing and Community Development Act of 1974, and implementing regulations at 24 CFR part 6, which incorporates Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 28 CFR part 35; Title II of the Americans with Disabilities Act, and the implementing regulations at 28 CFR part 35; the Age Discrimination Act of 1975, and the implementing regulations at 24 CFR part 146; Section 3 of the Housing and Urban Development Act of 1968; and all other applicable laws.

Section 15. The parties acknowledge that the COUNTY is prohibited from funding activities in, or in support of, any cooperating municipality that does not affirmatively further fair housing within its own jurisdiction, or that impedes the COUNTY'S actions to comply with the COUNTY'S fair housing certification.

Section 16. The CITY and the COUNTY shall only be liable for negligence under this Agreement to the extent permitted under Chapter 768.28 of the Florida Statutes, as it may be amended from time to time. This section shall not be construed as waiving any defense or limitations which either party may have against any claim or cause of action by any person not a party to the agreement.

Section 17. The term of this agreement shall extend through a three-year period from the date the last party hereto signs this agreement, and shall cover HUD fiscal years 2024, 2025, and 2026. This agreement will automatically be renewed for participation in successive three-year qualification periods, unless the COUNTY or the CITY provides written notice that it elects not to participate in a new qualification period. The COUNTY, by the date specified in HUD's urban county qualification notice for the next qualification period, will notify the CITY, in writing, of its right to make such election. A copy of the COUNTY'S notification to the CITY shall be sent to the HUD Field Office, along with a copy of any written notice from the CITY indicating its election not to participate in future qualification periods, if any.

Section 18. Failure by either the COUNTY or the CITY to adopt an amendment to the agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period, and to submit the amendment to HUD as provided in the urban county qualification notice, will void the automatic renewal of such qualification period.

Section 19. This agreement will remain in effect until the CDBG (and HOME, where applicable) funds and program income received (with respect to the three-year qualification period of 2024, 2025, and 2026, and any successive three-year qualification periods) are expended and the funded activities completed. The COUNTY or the CITY may not terminate or withdraw from the agreement while the

URBAN COUNTY COOPERATION AGREEMENT RELATING TO THE CDBG PROGRAM

agreement remains in effect; provided, however, that the CITY may terminate or withdraw from this agreement if the COUNTY does not receive a grant for any year during such three-year qualification period.

Section 20. By signing this agreement, the CITY hereby verifies that it has adopted and is currently enforcing:

A. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and

B. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such a nonviolent civil rights demonstration within its jurisdiction.

Section 21. Notices and demands which are required to be given pursuant to this agreement will be made as follows:

A. All notices, demands, or other writings required to be given or made or sent pursuant to this agreement, or which may be given or made or sent, by any party, shall be deemed to have been fully given or made or sent when in writing and addressed as follows:

COUNTY:

Director
Office of Housing & Community Services
Lake County
P.O. Box 7800
Tavares, Florida 32778

CITY:

City Manager
City Manager's Office
City of Fruitland Park
506 West Berckman Street
Fruitland Park, FL 34731

WITH COPIES TO:

Lake County Attorney
P.O. Box 7800
Tavares, Florida 32778

B. All notices required, or which may be given hereunder, shall be considered properly given if (1) personally delivered, (2) sent by certified United States mail, return receipt requested, or (3) sent by Federal Express or other equivalent overnight delivery company.

C. The effective date of such notices shall be the date personally delivered, or if sent by mail, the date of the postmark, or if sent by overnight letter delivery company, the date of the notice picked up by overnight delivery company.

D. The parties may designate other parties or addresses to which notice shall be sent by notifying, in writing, the other party in a manner designated for the filing of notice hereunder.

Section 22. Upon signature of the last party to sign, this agreement supersedes all previous agreements between the parties relating to urban county participation.

URBAN COUNTY COOPERATION AGREEMENT RELATING TO THE CDBG PROGRAM

IN WITNESS WHEREOF, the CITY and COUNTY the parties have made and executed this Agreement on the respective dates under each signature: the COUNTY through its Board of County Commissioners, signing by and through its Chairman, and by CITY signing by its duly authorized representative.

_____, **FLORIDA**

Gary La Venia, City Manager

This ____ day of _____, 2023.

ATTEST:

City Clerk

Approved as to form and legality:

City Attorney

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

ATTEST:

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

Kirby Smith, Chairman

This ____ day of _____, 2023.

Approved as to form and legality:

Melanie Marsh, County Attorney



Office of Housing & Community Services
P.O. Box 7800 • 2008 Classique Lane • Tavares, FL 32778

April 18, 2023

Gary La Venia, City Manager
City of Fruitland Park
506 West Berckman Street
Fruitland Park, FL 34741

Re: Participation in Lake County Community Development Block Grant Program for Fiscal Years 2023, 2024 and 2025

Dear Mr. LaVenia:

Lake County qualifies as an Urban County Entitlement Community under the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program. Currently, Lake County is inviting your community to consider your participation in the CDBG Program for Fiscal Years 2023, 2024 and 2025. In accordance with HUD deadlines, a response from your municipality is required by May 15, 2023. In order to participate in the Lake County CDBG Program, your municipality must adopt a resolution (note enclosed draft resolution) to agree to participate and execute two copies of the attached Cooperation Agreement.

Your municipality's decision to authorize inclusion, or elect exclusion, from the program will be effective for three years covering the federal fiscal years 2023, 2024 and 2025. Please note that the amount of CDBG funds awarded to Lake County is based on the population within the municipalities participating in the CDBG program; exclusion by a municipality will effectively reduce available funds to all of Lake County.

In order to calculate Lake County's entitlement grant for 2023, HUD needs to know which jurisdictions are participating in our County. Therefore, we must receive the adopted certified resolution and two executed Cooperation Agreements of your intent to participate in the program, no later than May 15, 2023. We are available to make a formal presentation via teleconference to your Council members to explain the CDBG program and how your municipality can benefit. Please do not hesitate to contact me should you like to schedule a presentation.

Municipalities authorizing inclusion in the County CDBG Program are not eligible to apply for grants under the State of Florida CDBG program.

P 352.742.6540 • F 352.742.6542
Board of County Commissioners • www.lakecountyfl.gov

Douglas B. Shields
District 1

Sean M. Parks, AICP, QEP
District 2

Kirby Smith
District 3

Leslie Campione
District 4

Josh Blake
District 5

In accordance with Federal regulations, Lake County is notifying your municipality that it has the option to elect to be excluded from the CDBG entitlement program. If your municipality elects to be excluded from the CDBG entitlement program, please notify this office and the US HUD Jacksonville Field Office (address provided below) in writing by May 15, 2023. Such election to be excluded will be effective for the entire three-year period for which the urban county qualifies (federal fiscal years 2023, 2024, and 2025), unless your municipality specifically elects to be included in a subsequent year for the remainder of Lake County's three-year qualification period.

Notification of exclusion should be forwarded to:

Mr. Larry T. Hayes, Director
Community Planning & Development Division
ATTN: Larry M. Lopez, Senior CPD Representative
U. S. Dept. of Housing & Urban Development
Jacksonville Field Office
400 West Bay Street, Suite 1015
Jacksonville, Florida 32202

I have enclosed two copies of the Cooperation Agreement that should be executed by the designated elected official and returned to my attention at the address above. I have also enclosed a sample copy of the resolution that your municipality should adopt to ensure participation in the program for your review.

Thank you for considering participation in the Lake County CDBG Program. Please do not hesitate to contact me with any questions about this request or the Lake County CDBG program.

Sincerely,



Amy Elliott
Housing Services Specialist

Enclosure

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

ITEM TITLE: Resolution 2023-032 School Resource Officer Program 2023-2024

MEETING DATE: Thursday, May 11, 2023

DATE SUBMITTED: April 26, 2023

SUBMITTED BY: City Attorney/City Treasurer/ City Manager/Police Chief

BRIEF NARRATIVE: Resolution 2023-032 School Resource Officer Program for Fruitland Park Elementary School - Lake County School Board Agreement

FUNDS BUDGETED: None

ATTACHMENTS: Proposed resolution and agreement

RECOMMENDATION: Approval

ACTION: Adopt Resolution 2023-032

RESOLUTION 2023-032

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK, FLORIDA FOR SCHOOL RESOURCE OFFICER PROGRAM [2023-2024]; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the School Board of Lake County, Florida has requested the City provide a School Resource Officer for the Fruitland Park Elementary School for 2023-2024 school year and the School Board will pay \$68,784.00 plus pay overtime, if any; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds that providing a City of Fruitland Park officer to act as the school resource officer at Fruitland Park Elementary for the 2023-2024 school year is beneficial to the City and its residents and is authorized by Section 163.01, Florida Statutes, with the authority to enter into an agreement for this public purpose; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida desires to adopt the Agreement between the School Board of Lake County, Florida and the City of Fruitland Park, Florida for School Resource Officer Program [2023-2024].

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Agreement between the School Board of Lake County, Florida and the City of Fruitland Park, Florida for School Resource Officer Program [2023-2024], **a copy of which is attached hereto**, is approved.

Section 2. The Commission authorizes the Mayor to execute the Agreement between the School Board of Lake County, Florida and the City of Fruitland Park, Florida for School Resource Officer Program [2023-2024]

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

PASSED AND RESOLVED this 11th day of May, 2023, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

Chris Cheshire, Mayor

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

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

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

**AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA,
AND THE CITY OF FRUITLAND PARK, FOR
SCHOOL RESOURCE OFFICER PROGRAM [2023-2024]**

This **AGREEMENT** is entered into by and between the **City of Fruitland Park**, a Florida municipal corporation, hereinafter referred to as “**LAW ENFORCEMENT AGENCY**” and the **School Board of Lake County, Florida**, a political subdivision of the State of Florida, hereinafter referred to as “**SCHOOL BOARD**”.

WITNESSETH:

WHEREAS, the **SCHOOL BOARD** is seeking one (1) School Resource Officers (SROs) to interact with students during the regular class schedule and at extra-curricular school activities so as to provide additional security to students, school personnel, the school community and school property; and

WHEREAS, the **LAW ENFORCEMENT AGENCY** is willing to place one (1) **City of Fruitland Park** Police Officers at **Fruitland Park Elementary (1)** for the purpose of carrying out this school program.

NOW, THEREFORE, in and for consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree that the **LAW ENFORCEMENT AGENCY** will provide one (1) sworn **City of Fruitland Park** Police Officers who are certified pursuant to Section 943.10(1) *Florida Statutes* to the **SCHOOL BOARD** to act as SROs at the one (1) designated schools under the terms and conditions of this Agreement.

1. Term of Agreement. The term of this Agreement shall be for the next school year, beginning the 10th day of August 2023 through the last day of school for students in May 2024.

2. Compensation. The **SCHOOL BOARD** will pay the **City of Fruitland Park** the sum of Sixty-eight thousand seven hundred eighty-four (\$68,784.00) Dollars for services of the one (1) SROs provided pursuant to the terms of this Agreement. Such compensation shall be invoiced to the **SCHOOL BOARD** by the **LAW ENFORCEMENT AGENCY** in equal quarterly installments (September, November, February, and May) commencing on the 1st day of September 2023. Invoices shall be paid by the **SCHOOL BOARD** within fifteen (15) days of receipt. In the

event that The Board of County Commissioners of Lake County, Florida, agrees to pay for any or all of the police officers assigned to the schools pursuant to this Agreement, then the LAW ENFORCEMENT AGENCY agrees that the SCHOOL BOARD may assign its obligation to pay under this section to The Board of County Commissioners of Lake County, Florida.

3. Scope. The LAW ENFORCEMENT AGENCY shall assign an SRO for one (1) designated schools. The SROs shall interact with students and provide security at the one (1) designated schools. In addition, the SROs shall have the duties and responsibilities listed in Exhibit “A” attached hereto.

4. Background Investigations. The LAW ENFORCEMENT AGENCY represents and warrants to the SCHOOL BOARD that the LAW ENFORCEMENT AGENCY has read and is familiar with Sections 1012.32, 1012.465, 1012.467 and 1012.468, *Florida Statutes* regarding background investigations. The LAW ENFORCEMENT AGENCY covenants to comply with all requirements of the above-cited statutes and shall provide SCHOOL BOARD with proof of compliance upon request. The LAW ENFORCEMENT AGENCY agrees, to the extent permitted by law and only to the extent permitted by 768.28, *Florida Statutes*, to indemnify and hold harmless the SCHOOL BOARD, it’s officers, agents and employees from any liability in the form of physical injury, death, or property damage resulting from the LAW ENFORCEMENT AGENCY’s failure to comply with the requirements of this paragraph or Florida Statute Sections, 1012.32, 1012.465, 1012.467 and 1012.468, *Florida Statutes*. Any claim against the LAW ENFORCEMENT AGENCY by the SCHOOL BOARD under the preceding sentence shall not include punitive damages or any interest for the period before judgment. Additionally, the LAW ENFORCEMENT AGENCY shall not be liable pursuant to this indemnity to pay a claim or judgment by any one person which exceeds the sum of \$200,000 or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the LAW ENFORCEMENT AGENCY arising out of the incident or occurrence, exceeds the sum of \$300,000. Further, nothing in this paragraph shall be construed as an admission of liability on behalf of the LAW ENFORCEMENT AGENCY.

5. Assignment of Officers. The LAW ENFORCEMENT AGENCY shall determine which SROs will be assigned under this Agreement and will also determine the particular school to which the SRO will be assigned to. The LAW ENFORCEMENT AGENCY shall provide a

notice of the assigned SROs to the school principals of the one (1) designated school. In the event that the principal of the school where the SRO is assigned believes that the particular SRO is not effectively performing his/her duties and responsibilities, the principal shall notify the SRO in writing. If the situation is not corrected within three (3) working days, the principal shall contact the SRO's immediate supervisor and the Superintendent's designee in writing and provide a copy of said notice to each of them. If the situation is not resolved to the mutual satisfaction of both the SRO's immediate supervisor and the Superintendent's designee within ten (10) days, or if, during the same contract period, the principal determines for a second time that the SRO is not effectively performing his/her duties and responsibilities, then the Principal shall recommend to the Superintendent that the SRO be removed from the program at his/her school, and shall state the reasons as well as the efforts to resolve the problems in writing. The Superintendent, or his/her designee, shall review the request and, if approved, shall provide written notification to the LAW ENFORCEMENT AGENCY who shall transfer the SRO or take other appropriate action within ten (10) business days. In the event the principal considers the SRO's conduct to present a threat to the safety or well-being of the students or staff, the principal will immediately notify the Superintendent and the LAW ENFORCEMENT AGENCY. Upon receipt of such notification, the LAW ENFORCEMENT AGENCY shall take appropriate action.

6. Dismissal/Replacement/Absence. The LAW ENFORCEMENT AGENCY may dismiss or reassign SROs with or without cause. In the event of the resignation, dismissal, or reassignment of an SRO, or in the case of long-term absences by an SRO, the LAW ENFORCEMENT AGENCY shall provide a temporary replacement for the SRO as soon as practical.

7. Leaves/Coverage. The Chief of Police or another designated scheduling officer will approve vacations, sick leaves, and other leaves of absence for the SRO. The SRO will communicate approved vacation, sick leaves, trainings or any other leave that impacts SRO presence in schools with the SCHOOL BOARD'S Safety and Security Specialist. LAW ENFORCEMENT AGENCY shall provide coverage of an SRO during any time in which the SRO will be off campus of the school to include, but not be limited to vacations, sick leaves, other leaves of absence or due to other related assignments.

8. Hours of Assignment. The SROs will be stationed at the one (1) designated schools for eighty (80) hours per two-week period, Monday through Friday, as assigned and scheduled by the respective school principal and as approved by the LAW ENFORCEMENT AGENCY.

9. Additional Hours of Assignment. Additional hours of assignment during a two-week period may be made with prior approval of the LAW ENFORCEMENT AGENCY, if requested by the respective school principal. If the additional hours worked require that overtime be paid to the SROs, the SCHOOL BOARD will reimburse the LAW ENFORCEMENT AGENCY for overtime paid at the SRO's existing pay rate.

10. Off Campus Assignments. Upon the request of the respective school principal and with the prior approval of the LAW ENFORCEMENT AGENCY, an SRO's duties may occasionally include his/her assignment at school functions and activities that are held off campus.

11. Reassignment in Emergency Situations. Nothing in this Agreement shall prevent or interfere with the ability of the LAW ENFORCEMENT AGENCY to temporarily withdraw an assigned SRO from his/her post at the one (1) designated schools to respond to emergency situations as determined in the sole judgment and discretion of the LAW ENFORCEMENT AGENCY.

12. Supervising Authority. During the term of this Agreement, the SROs assigned shall remain employees of the LAW ENFORCEMENT, under the authority of the chain of command of the LAW ENFORCEMENT AGENCY and subject to all other rules and regulations of the LAW ENFORCEMENT AGENCY. The SROs will report to their respective school principal for assignment of duties and work schedules, including the extracurricular activities during the regular school day for up to eighty (80) hours for each officer per two-week period. Each SRO shall remain, at all times, an employee of the LAW ENFORCEMENT AGENCY. Workers Compensation coverage, as required by law, will be provided for the officer by the LAW ENFORCEMENT AGENCY.

13. Salary and Benefits. The LAW ENFORCEMENT AGENCY will provide the salary and benefits to each SRO assigned, including uniforms and equipment and any applicable overtime pay as agreed to above.

14. Vehicle. The LAW ENFORCEMENT AGENCY will provide vehicles for SROs if or when determined necessary by the LAW ENFORCEMENT AGENCY.

15. Threats to School Safety.

A. Pursuant to Section 1006.13(4), *Florida Statutes*, any acts that pose a threat to school safety, whether committed by a student or adult, shall be reported to the School Principal, or his or her designee, who shall report the acts to the SRO and the School Board's School Safety Specialist.

B. If requested by the School Principal, or his or her designee, the SRO, or other appropriate law enforcement officers, shall assist in the investigation of the acts that pose a threat to school safety; upon conclusion of the investigation, the SRO shall report the findings of the investigation to the School Board's School Safety Specialist to properly document the disposition of the incident. Additionally, the School Principal, or his or her designee, shall consult with SRO concerning appropriate delinquent acts and crimes.

16. Termination of Agreement. This Agreement may be terminated by either party upon thirty (30) days written notice. Notice shall be deemed given as of the date of deposit of such written NOTICE in the course of transmission in the United States Postal Service and addressed as follows:

SCHOOL BOARD:

Superintendent of Schools
School Board of Lake County
201 West Burleigh Boulevard
Tavares, FL 32778

LAW ENFORCEMENT
AGENCY:

Chief of Police
City of Fruitland Park Police
Department
506 W. Berckman Street
Fruitland Park, FL 34731

Upon termination pursuant to this subsection, payment will be made by the SCHOOL BOARD or reimbursement made by the LAW ENFORCEMENT AGENCY based on a pro rata

charge for services for that portion of the school year covered by this Agreement prior to termination.

17. Entire Agreement. This Agreement embodies the entire agreement and understanding between the parties with respect to the subject matter hereto and supersedes all prior Agreements, representations and understandings either oral, written or otherwise relating thereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the respective dates under each signature.

“SCHOOL BOARD”

**THE SCHOOL BOARD OF LAKE COUNTY,
FLORIDA**

By: _____
Marc Dodd, Chairperson

Date: _____

Approved as to form:

Attest: _____
Diane S. Kornegay, Superintendent

School Board Attorney

**“LAW ENFORCEMENT AGENCY”
CITY OF FRUITLAND PARK**

By: _____
Chris Cheshire, Mayor

Date: _____

Approved as to form:

Attest: _____
Anita Geraci-Carver,
City Attorney

EXHIBIT “A”

In addition to the routine duties and responsibilities of the SROs, the SROs shall have the following specific duties and responsibilities:

1. Each SRO shall at all times perform his/her duties in accordance with City of Fruitland Park Police Department's standard operating procedures.
2. The SROs shall serve as resource instructors providing programs in crime prevention that encourage students to become responsible citizens.
3. The SROs shall also assist the orderly flow of traffic on school grounds.
4. Each SRO shall maintain all law enforcement powers, duties, and responsibilities inclusive of his/her position as City of Fruitland Park Police Officers while assigned to the SRO program.
5. Each SRO shall be responsible to his/her agency in all matters relating to employment, however, activities conducted by the SROs which are part of the regular school instruction program shall be under the direction of the principal or his/her designee.
6. Each SRO shall be at his/her school during normal school hours of operation and shall utilize the school's computer-based management system to sign in and out to verify attendance. During times that the SROs are unable to be on campus or need to leave campus, those times will be coordinated with the principal or his/her designee and each SRO's supervisor. The SRO supervisor will assure that the School has a replacement SRO on campus.
7. The SROs shall perform such duties as directed by his/her agency when school is not in session. The principal or his/her designee shall advise the Officers' supervisor of the school's calendar.
8. The SROs may contact students during school hours in conjunction with a criminal investigation so long as such contact does not interfere with or impede the orderly operation of the school or the rights of the individual students.
9. All student record information will be maintained in accordance with the provisions of Florida Statutes.
10. The SROs shall interface with students between class breaks, during lunch periods, before and after school and at school activities at which the SROs are in attendance. The SROs will not be assigned to a permanent school related duty post so as not to establish predictable patterns.
11. In the interest of maintaining a safe and orderly school environment, student and campus supervision is of critical importance. The SROs shall take a prominent role in supervision responsibilities, which shall be coordinated with and agreed to by the SROs and the designated school principal. While school is in session, the SROs shall be present on and around the school campus except as permitted in paragraph 6 of this Exhibit A.

12. The SROs will serve as a referral resource for students, faculty and parents to community agencies.

13. The SROs will serve as a Law Enforcement resource to school administration and the district manager of security services.

14. The SROs shall be familiar and offer support with the plans and strategies for the prevention and control of dangerous situations at the school.

15. The SROs will serve as the mandated sworn law enforcement officer on the school Behavior Threat Assessment (BTA) team; and accordingly will complete the required Comprehensive Threat Assessment Guidelines (CSTAG) training in accordance with 6A-1.0018, F.A.C. and 1006.07, Florida Statutes.

16. The SROs will coordinate activities with the school administration and the school guidance department in an effort to identify those students who exhibit indications of early delinquent behavior.

17. The SROs shall attend meetings of school faculty and requested administrative meetings during school hours on a regular basis.

18. The SROs shall not act as a school disciplinarian, as disciplining students is a school responsibility. However, the principal shall contact the SROs for any violations of the law, and the SROs shall determine whether law enforcement action is appropriate.

19. The SROs shall take law enforcement action as necessary and as permitted under Florida law and shall inform the school principal of such action unless it would impede a criminal investigation, under such circumstances as practical. The SROs shall take appropriate law enforcement action against intruders and unwanted guests who may appear at the school and related school functions, to the extent that the SROs may do so under the authority of law. Whenever practical, the SROs shall advise the principal before requesting additional law enforcement assistance on campus.

20. The SROs shall be informed by school personnel of any situation occurring on school grounds that would appear to be a violation of the law of criminal nature.

21. The SROs shall maintain detailed accurate records of his/her activities, and provide a written monthly report to the LAW ENFORCEMENT AGENCY who shall provide such information to the Safe Schools Department of the SCHOOL BOARD.

22. The SROs and school administration shall work together to keep each other informed during the course of all criminal investigations as permitted by law and as practical. This provision shall not be interpreted so as to interfere with or impede the SROs' law enforcement duties, obligations and/or powers.

23. The SROs shall work with school administration when determining whether an arrest should be made, or if there is an alternative solution to the incident which would still be in compliance with Florida law. The final decision on whether arrest is appropriate will lie with the

attending SRO or other law enforcement officer on scene at the incident. This provision shall not be interpreted so as to interfere with or impede the SROs' law enforcement duties, obligations or powers.

24. The SROs shall affect a physical arrest for felonies committed on school grounds, particularly those that are "Zero Tolerance," as permitted by law.

25. The SROs shall give assistance to other law enforcement officers and government agencies in matters regarding his/her school assignment, whenever necessary.

26. The parties shall comply with the provisions of the Family Educational Rights and Privacy Act ("FERPA").

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

ITEM TITLE: Public Hearing – Resolution 2023-027 Preliminary Plan property located at 1130 & 1342 Lake Ella Rd.,
Petitioner: Resibuilt Homes, LLC

MEETING DATE: Thursday, May 11, 2023

DATE SUBMITTED: Friday, April 21, 2023

SUBMITTED BY: City Attorney/City Manager/Community Development

BRIEF NARRATIVE: Resolution 2023-027 Preliminary Plan, submitted by Resibuilt Homes, LLC, for the proposed development of 159.49 ± acres to construct 603 residential units: 413 single family homes and 190 townhomes.

FUNDS BUDGETED: None

ATTACHMENTS: Proposed Resolution 2023-027 and affidavit

RECOMMENDATION: Present Resolution 2023-027 for approval to city commission only after fully executed Ordinance 2022-019 Planned Unit Development/Master Development Agreement (enacted by city commission on January 26, 2023) is executed by the owner. The resolution was approved by the Planning and Zoning Board (P&Z) on April 20, 2023; however, P&Z voted that the resolution for the preliminary plan should not move forward to the city commission until receipt of the fully executed ordinance for the PUD/MDA.

ACTION:

RESOLUTION 2023-027

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING PRELIMINARY PLAN APPROVAL OF ROLLING ACRES AT LAKE ELLA GENERALLY LOCATED SOUTH OF LAKE ELLA ROAD AND EAST OF ROLLING ACRES ROAD, FRUITLAND PARK, FLORIDA; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant has petitioned for preliminary plat approval of Rolling Acres at Lake Ella consisting of 603 dwelling units consisting of 190 town home lots and 413 single family residential lots; and

WHEREAS, the subject property consisting of 159.49 +/- acres is zoned PUD and has a future land use of Multiple-Family Low Density; and

WHEREAS, the Planning and Zoning Board and the City Commission have considered the application in accordance with Sec. 157.060(d) of the City of Fruitland Park Land Development Code and made recommendation to the City Commission; and

WHEREAS, the City Commission of the City of Fruitland Park has considered the application in accordance with the procedures for granting preliminary plan approval set forth in Sec. 157.060(d) of the City of Fruitland Park Land Development Code; and

WHEREAS, the City Commission finds that the Preliminary Plan for Rolling Acres at Lake Ella is in compliance with the City's land development regulations.

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

Section 1. Granting Preliminary Plan Approval.

Approval of the Preliminary Plan for Rolling Acres at Lake Ella, a copy of which is attached hereto, is **GRANTED WITH CONDITIONS**.

Section 2. Conditions of Approval. Prior to the start of any construction activities, the Applicant shall resolve, to the satisfaction of the town manager or designee, the following Planning and Administrative matters:

- a. During the construction review process, the Applicant shall submit for approval by the City a detailed landscaping and irrigation plan that provides for trees to be planted outside of right-of-way and in locations that will not interfere with or adversely affect utility lines and sidewalks.
- b. During the construction review process, and prior to approval of construction plans, the Applicant must meet with Lake County to address to the County's satisfaction access spacing off the two county roads and offsite improvements, as

well as other transportation improvements set forth in the Master Development Agreement.

Section 3. Effective Date.

This resolution shall become effective immediately upon its passage.

PASSED AND RESOLVED this ____ day of _____, 2023, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

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

Approved as to form:

Anita Geraci-Carver, City Attorney

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 #1122260 in the matter of

NOTICE OF PUBLIC HEARING

was published in said newspaper in the issues of

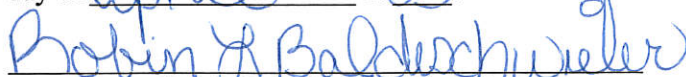
APRIL 13, 2023

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.

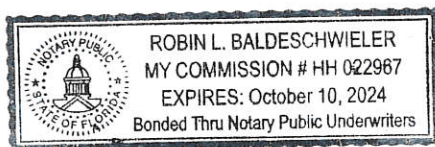


(Signature Of Affiant)

Sworn to and subscribed before me this 13
day of April 2023.

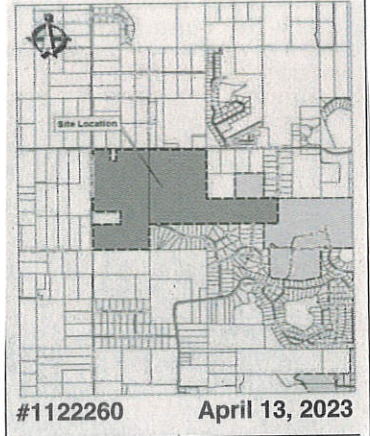

Robin L. Baldeschwieler, Notary

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



NOTICE OF PUBLIC HEARING RESOLUTION 2023-027

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING PRELIMINARY PLAN APPROVAL OF ROLLING ACRES AT LAKE ELLA GENERALLY LOCATED SOUTH OF LAKE ELLA ROAD AND EAST OF ROLLING ACRES ROAD, FRUITLAND PARK, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.



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

Fruitland Park Planning &
Zoning Board Meeting
on April 20, 2023 at 6:00 p.m.

Fruitland Park City Commission
Hearing on April 27, 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 Resolution and metes and bounds legal description of property may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed Resolution.

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

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

ITEM TITLE: Public Hearing - Resolution 2023-028 Major Site Plan - Approximately 1.686± Acres - County Road 466 A, Lot 4. Petitioner: Villages VEC, LLC

MEETING DATE: Thursday, May 11, 2023

DATE SUBMITTED: Monday, May 1, 2023

SUBMITTED BY: City Attorney/City Manager/Community Development

BRIEF NARRATIVE: Resolution 2023-028 Owner is requesting a major site plan approval to construct a 9,850 square-foot veterinary emergency clinic (VEC) along County Road 466A and Village Park Drive. The property is currently zoned planned unit development (Rezoning Ordinance 2018-002) with an existing land use of mixed community. The proposed VEC is a permitted use pursuant of said ordinance. This item was approved by the Planning and Zoning Board at its April 20, 2023 meeting.

FUNDS BUDGETED: None.

ATTACHMENTS: Draft resolution 2023-028, aerial, site location and overall site plan maps, legal description, affidavit and March 3, 2023 staff report.

RECOMMENDATION: Staff recommends approval

ACTION: Adopt Resolution 2023-028.

RESOLUTION 2023-028

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING MAJOR SITE PLAN APPROVAL WITH CONDITIONS TO ALLOW FOR CONSTRUCTION OF A 9,850 SF VETERINARY EMERGENCY CLINIC TO BE LOCATED ON LOT 4 OF THE VILLAGE PARK COMMERCIAL SUBDIVISION ON CR 466A; AUTHORIZING THE CITY MANAGER TO ISSUE A NOTICE OF SITE PLAN APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Villages VEC, LLC through its manager James Martin filed an application for Major Site Plan Approval to allow for construction of a 9,850 square feet veterinary emergency clinic with associated parking, stormwater and utility facilities on real property located on Lot 4 of the Village Park Commercial Subdivision and said real property having an address of xxxx CR 466A, Fruitland Park; and

WHEREAS, the Planning and Zoning Board of the City of Fruitland Park has considered the application in accordance with the Land Development Regulations for Major Site Plan Approval in Chapter 160 of the Land Development Regulations; and

WHEREAS, the City Commission of the City of Fruitland Park has considered the application in accordance with the Land Development Regulations for Major Site Plan Approval in Chapter 160 of the Land Development Regulations, subject to conditions;

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

Section 1. Granting of Major Site Plan Approval.

The Site Plan attached hereto and incorporated herein filed by Villages VEC, LLC (hereafter referred to as “Applicant”), to allow for construction of a 9,850 square feet veterinary emergency clinic with associated parking, stormwater and utility facilities on real property located at xxxx CR 466A Fruitland Park is hereby GRANTED, for the following described property

Alt. Key Number: 3924369 (The Property)

LEGAL DESCRIPTION: See attached Exhibit A.

Section 2. Recording of Notice.

The City Manager is authorized to issue and record a Notice of Site Plan Approval in the public records of Lake County, Florida.

Section 3. Effective Date.

This resolution shall become effective immediately upon its passage.

PASSED and ADOPTED at a regular meeting of the City Commission of the City of Fruitland Park, Lake County, Florida this _____ day of _____, 2023.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK

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

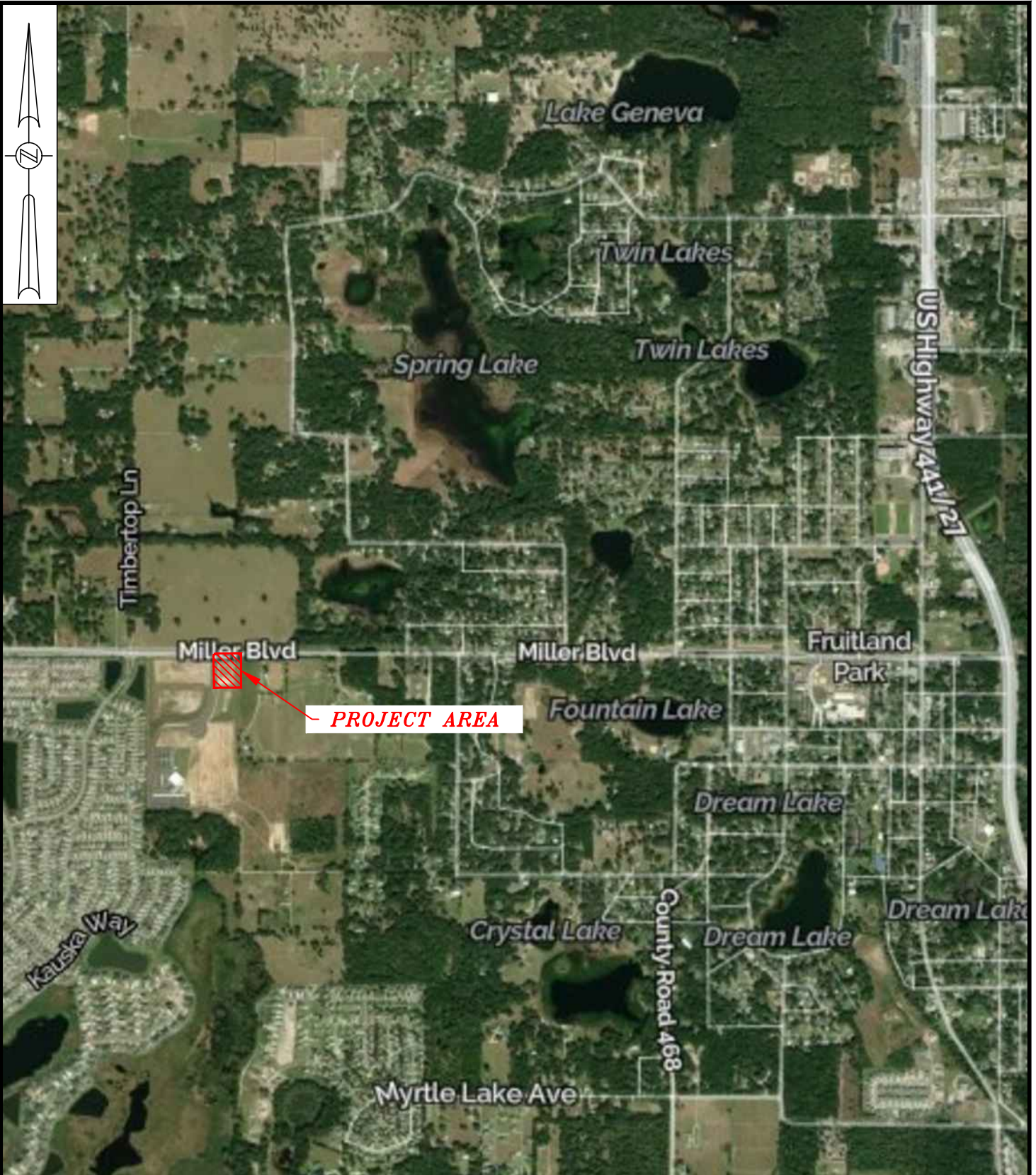
Approved as to form:


Anita Geraci-Carver, City Attorney

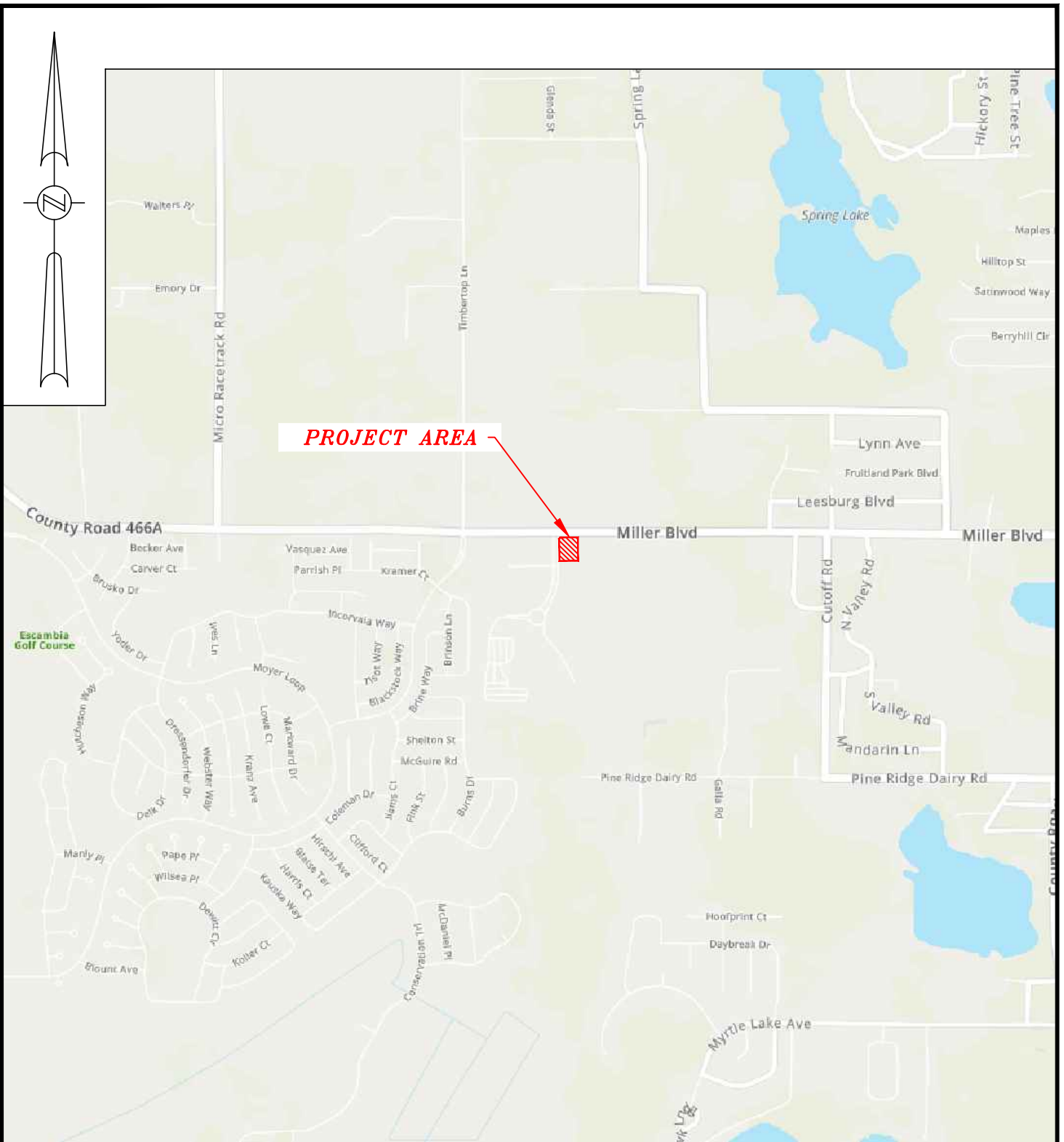
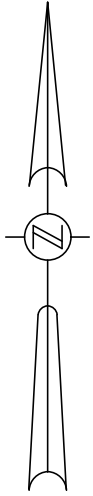
EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Lot 4, Village Park Commercial Subdivision, according to the plat thereof recorded in Plat Book 74, Pages 23-24, of the Public Records of Lake County, Florida.



PROJECT NAME: VETERINARY EMERGENCY CLINIC - VILLAGES		2022 AERIAL PHOTOGRAPHY MAP	
CLIENT: VILLAGES VEC, LLC		 FLORIDA ENGINEERING GROUP Engineering the Future	5127 S. Orange Avenue, Suite 200 Orlando, FL 32809 Phone: 407-895-0324 Fax: 407-895-0325 www.feg-inc.us
S, T, R: S 5, T 19, R 24	F.E.G. PROJECT NO.: 21-066		
DATE: MARCH 01, 2022	SCALE: 1" = 1000'		



PROJECT NAME: VETERINARY EMERGENCY CLINIC - VILLAGES	
CLIENT: VILLAGES VEC, LLC	
S, T, R: S 5, T 19, R 24	F.E.G. PROJECT NO.: 21-066
DATE: MARCH 01, 2022	SCALE: 1" = 1500'

SITE LOCATION MAP

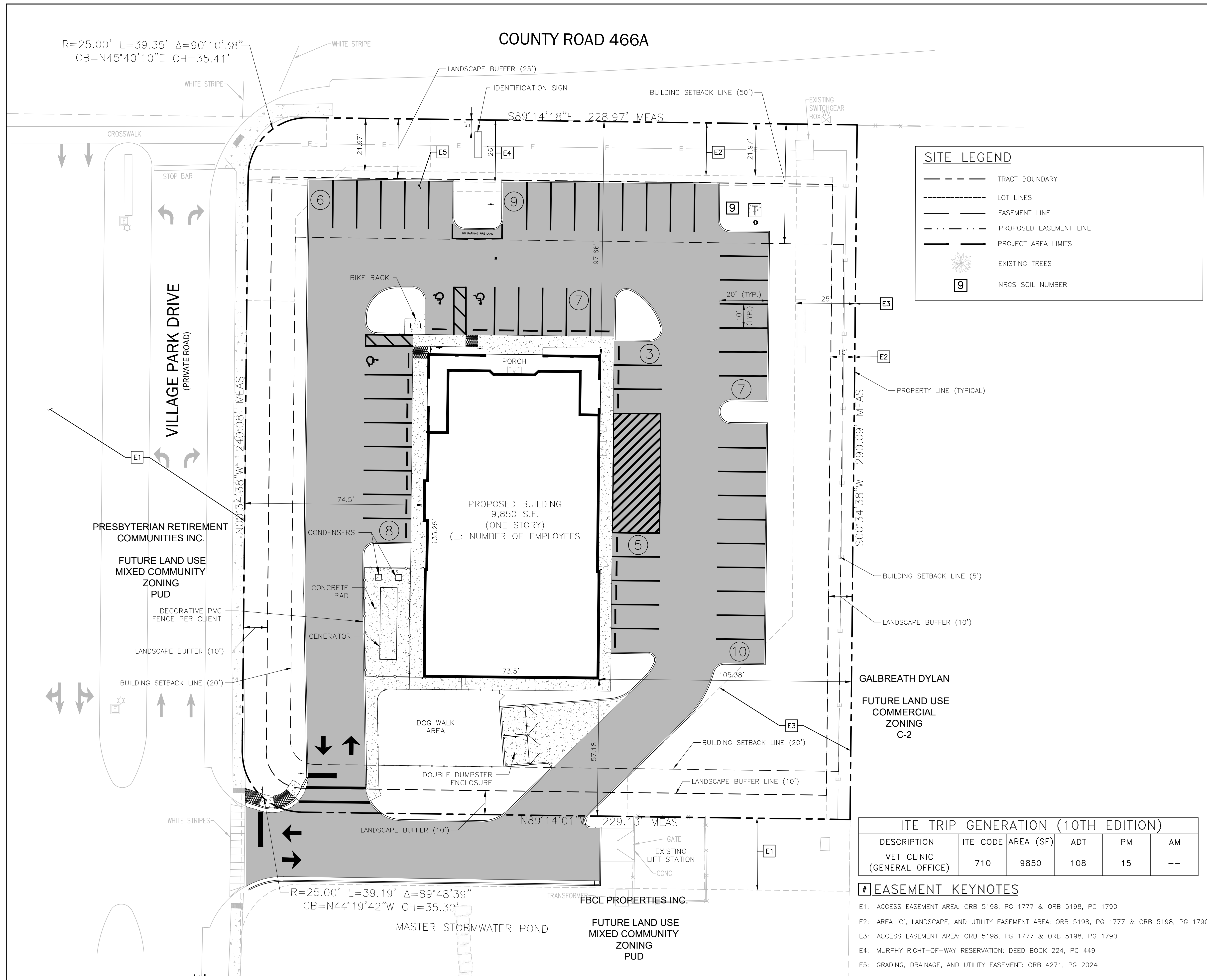


**FLORIDA
ENGINEERING
GROUP**

Engineering the Future

5127 S. Orange Avenue, Suite 200
Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325

www.feg-inc.us



SITE LEGEND

- TRACT BOUNDARY
- LOT LINES
- EASEMENT LINE
- - - PROPOSED EASEMENT LINE
- PROJECT AREA LIMITS
- ☼ EXISTING TREES
- 9 NRCS SOIL NUMBER

SITE DATA

PROPERTY LOCATION: COUNTY RD 466A, FRUITLAND PARK, FL
 PARCEL ID NO: 05-19-24-0010-000-00400

EXISTING PROPERTY ZONING: PUD
 PROPOSED PROPERTY ZONING: PUD

PROPERTY FUTURE LAND USE DESIGNATION: PLANNED UNIT DEVELOPMENT (PUD)
 EXISTING USE: VACANT
 PROPOSED USE: VET CLINIC
 TOTAL AREA: 1.686± ACRES
 PROJECT AREA: 1.875± ACRES

PROPOSED BUILDING: 9,850 S.F. (1 STORY)
 PROPOSED GROSS FLOOR AREA: 9,850 S.F. (1 STORY)

PROJECTED NUMBER OF EMPLOYEES: 10

BUILDING SETBACKS (REQUIRED)		BUILDING SETBACKS (PROPOSED)	
FRONT (NORTH)	50'	FRONT (NORTH)	97.66'
SIDE (WEST)	20'	SIDE (WEST)	74.50'
SIDE (EAST)	5'	SIDE (EAST)	105.38'
REAR (SOUTH)	20'	REAR (SOUTH)	57.18'

MAXIMUM ALLOWABLE BUILDING HEIGHT: 35'
 BUILDING HEIGHT (PROPOSED): <22'

BUILDING CONSTRUCTION TYPE

TYPE V-B (V1), UNPROTECTED - FULLY SPRINKLERED

PARKING

TYPE	REQUIREMENT	PROVIDED
PARKING REQUIRED	PROPOSED BUILDING (1 SPACES PER 180 SF)	9,850/180 = 55 SPACES
TOTAL PARKING REQUIRED		55 SPACES
SPACES REQUIRED TO BE RESERVED FOR HANDICAP		3 SPACES
PARKING PROVIDED		
STANDARD PARKING SPACES		52 SPACES
HANDICAP PARKING		3 SPACES
TOTAL PARKING PROVIDED		55 SPACES

SITE AREA CALCULATIONS

	EXISTING	PROPOSED
BUILDING	0 S.F.	9,850 S.F.
DUMPSTER/PAVING/SIDEWALK	0 S.F.	33,135 S.F.
IMPERVIOUS AREA	0 S.F. 0.000 AC. 0.000 %	42,985 S.F. 0.987 AC. 58.54 %
PERVIOUS AREA	73,427 S.F. 1.686 AC. 100.00 %	30,442 S.F. 0.699 AC. 41.46 %
TOTAL SITE AREA	73,427 S.F. 1.686 AC. 100.00 %	73,427 S.F. 1.686 AC. 100.00 %

MINIMUM OPEN SPACE REQUIRED: 20%
 OPEN SPACE PROVIDED: 41.46%

ESTIMATED # OF EMPLOYEES: 15 TOTAL (5-7 PER SHIFT)

FLOOD ZONE
 FLOOD ZONE X PER FEMA F.I.R.M. PANEL 12069C0306E DATED: DECEMBER 18, 2012

SOILS 9 - CANDLER SAND, 5 TO 12 PERCENT SLOPES

WETLAND STATEMENT
 THERE ARE NO WETLANDS WITHIN THE PROJECT AREA.

HAZARDOUS MATERIALS STATEMENT
 DURING CONSTRUCTION, WHEN COMBUSTIBLES ARE BROUGHT ONTO THE SITE IN SUCH QUANTITIES AS DEEMED HAZARDOUS BY THE FIRE OFFICIAL, ACCESS ROADS & A SUITABLE TEMPORARY SUPPLY OF WATER ACCEPTABLE TO THE FIRE DEPARTMENT SHALL BE PROVIDED & MAINTAINED.

LIGHTING NOTE
 LIGHTING SHALL COMPLY WITH CITY OF FRUITLAND PARK COMMERCIAL DESIGN STANDARDS.

COMMERCIAL DESIGN STANDARDS NOTE
 THE PROJECT SHALL COMPLY WITH THE COMMERCIAL DESIGN STANDARDS SET FORTH IN THE CITY OF FRUITLAND PARK LAND DEVELOPMENT CODE.

DUMPSTER NOTE
 THE DUMPSTER SHALL HAVE OPAQUE GATING AND THE WALL SHALL HAVE A DECORATIVE CONCRETE CAP. WALL SHALL BE ARCHITECTURALLY COMPATIBLE MATERIAL TO THE PRINCIPLE BUILDING.

SIGNAGE NOTE
 BILLBOARDS & POLE SIGNS SHALL BE PROHIBITED. GROUND & FASCIA SIGNS SHALL BE PER CITY OF FRUITLAND PARK LAND DEVELOPMENT CODE.

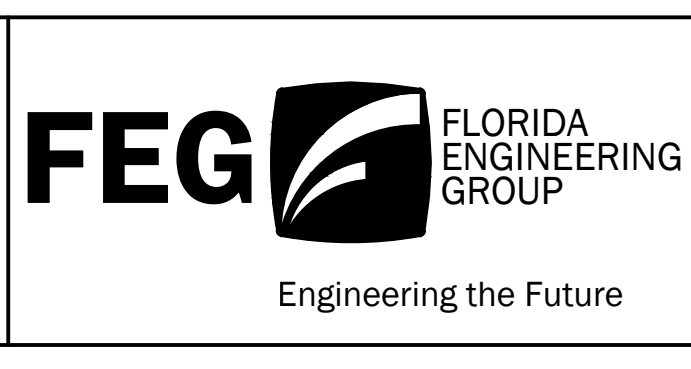
ITE TRIP GENERATION (10TH EDITION)

DESCRIPTION	ITE CODE	AREA (SF)	ADT	PM	AM
VET CLINIC (GENERAL OFFICE)	710	9850	108	15	--

- EASEMENT KEYNOTES**
- E1: ACCESS EASEMENT AREA: ORB 5198, PG 1777 & ORB 5198, PG 1790
 - E2: AREA 'C', LANDSCAPE, AND UTILITY EASEMENT AREA: ORB 5198, PG 1777 & ORB 5198, PG 1790
 - E3: ACCESS EASEMENT AREA: ORB 5198, PG 1777 & ORB 5198, PG 1790
 - E4: MURPHY RIGHT-OF-WAY RESERVATION: DEED BOOK 224, PG 449
 - E5: GRADING, DRAINAGE, AND UTILITY EASEMENT: ORB 4271, PG 2024

DATE	BY	CHECKED	REVISIONS
02/20/23	JWM	GRC	PER CITY COMMENTS
01/17/23	JWM	GRC	PER CITY COMMENTS
11/1/22	JWM	GRC	REVISED PER CITY AND CLIENT COMMENTS

CONSTRUCTION PLANS
VETERINARY EMERGENCY CLINIC - VILLAGES
 COUNTY RD 466A, FRUITLAND PARK, FL
 CITY OF FRUITLAND PARK



5127 S. Orange Avenue, Suite 200
 Orlando, FL 32809
 Phone: 407-895-0324
 Fax: 407-895-0325
 www.feg-inc.us

OVERALL SITE PLAN

DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY
CPN	CPN	GRC	GRC

PROJECT NO.	21-066
SCALE	1" = 20'
DATE	MARCH 01, 2022
SHEET NO.	C-6
SHEET	6 OF 17

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY: GREGORY R. CRAWFORD, P.E. ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

FLORIDA PROFESSIONAL ENGINEER
 No 51335
 STATE OF FLORIDA
 GREGORY R. CRAWFORD, P.E.
 LICENSE NO. 52335

21-066 OverallSitePlan.dwg

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

SITE PLAN

Owner: James Martin, Villages VEC

Engineer: Greg Crawford, Florida Engineering Group

General Location: Southside of CR 466A & East of Village Park Drive

Number of Acres: 1.875 ± acres

Existing Zoning: PUD

Existing Land Use: Mixed Community

Date: March 3, 2023

Description of Project

The owner is seeking site plan approval for construction of Veterinary Emergency Clinic of 9,850 SF within the Village Park Commercial Subdivision. The proposed veterinary emergency clinic is a permitted use pursuant to Ordinance 2021-002. Development of the subject site must conform with PUD Ordinance 2018-002.

	Surrounding Zoning	Surrounding Land Use
North	PUD	Mixed Community
South	PUD	Mixed Community
East	C-2	Commercial
West	PUD	Mixed Community

Assessment

The revised plans meet the minimum technical requirements of Chapter 160 and PUD Ordinance 2018-002 and Ordinance 2021-002.

Recommendation

Staff recommends approval subject to engineering approval.

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 he 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 #1122268 in the matter of

NOTICE OF PUBLIC HEARING

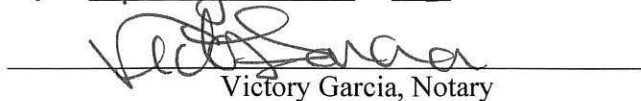
was published in said newspaper in the issues of

APRIL 13, 2023

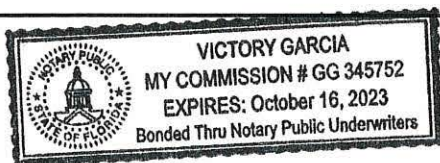
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake,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


(Signature Of Affiant)

Sworn to and subscribed before me this 1st day of May 2023.


Victory Garcia, Notary

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



NOTICE OF PUBLIC HEARING RESOLUTION 2023-028

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING MAJOR SITE PLAN APPROVAL WITH CONDITIONS TO ALLOW FOR CONSTRUCTION OF A 9,850 SF VETERINARY EMERGENCY CLINIC TO BE LOCATED ON LOT 4 OF THE VILLAGE PARK COMMERCIAL SUBDIVISION ON CR 466A; PROVIDING FOR CONDITIONS; AUTHORIZING THE CITY MANAGER TO ISSUE A NOTICE OF SITE PLAN APPROVAL UPON COMPLETION OF ALL CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

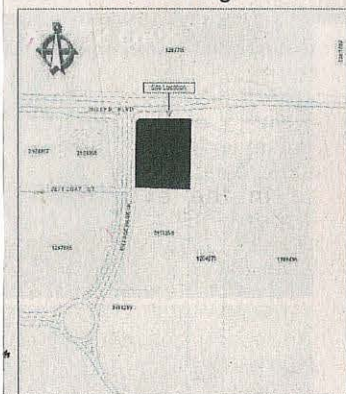
Fruitland Park Planning & Zoning Board Meeting on April 20, 2023 at 6:00 p.m.

Fruitland Park City Commission Hearing on May 11, 2023 at 6:00 p.m.

Fruitland Park City Commission Hearing on May 25, 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 Resolution and metes and bounds legal description of property may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed Resolution.

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



#1122268

April 13, 2023
May 10, 2023

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

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

MEETING DATE: Thursday, May 11, 2023

DATE SUBMITTED: Monday, May 1, 2023

SUBMITTED BY: City Attorney/City Manager/Community Development

BRIEF NARRATIVE: Ordinance 2023-001 Annexation – owner submitted an application for annexation, a small-scale comp plan amendment, and a rezoning to receive city services and develop a proposed subdivision comprised of 56 duplexes and 112 townhomes with a proposed density of 8.8 units/acre on approximately 19.10± acres.

FUNDS BUDGETED: None

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

RECOMMENDATION: A revised concept plan was submitted April 14, 2023 for consideration. The applicant will be requested to submit adequate school determination or school concurrency reservation. The Planning and Zoning Board recommended approval at its January 19, 2023 meeting. (The first reading was held on March 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)

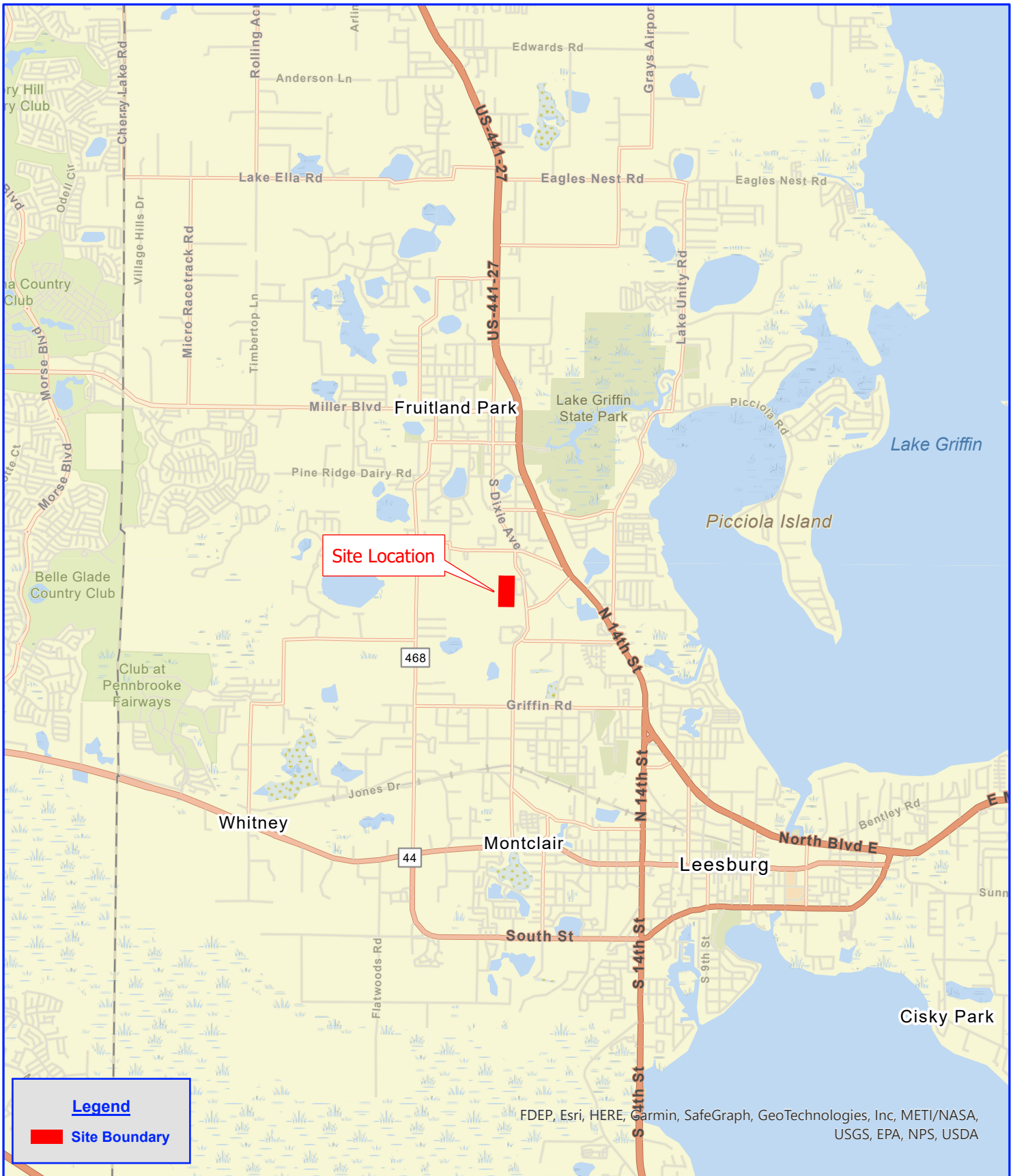
Denied First Reading March 9, 2023
Passed Second Reading _____

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

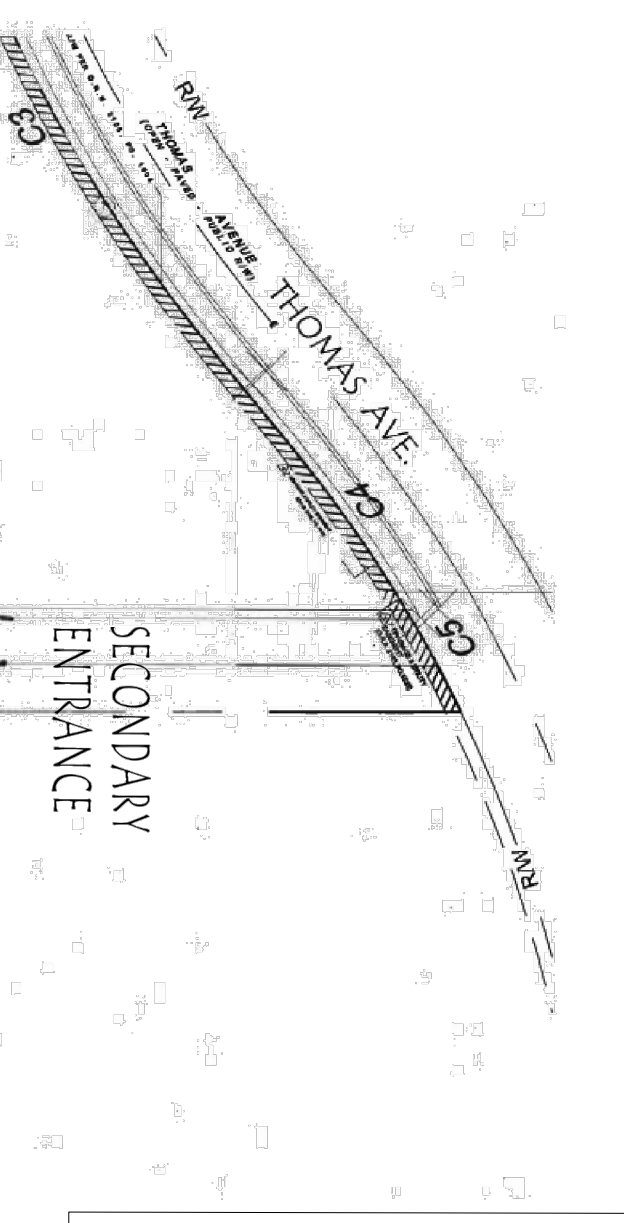
It is highly recommended that a conceptual plan be submitted with the rezoning to R-10. Please submit adequate schools determination or school concurrency reservation.



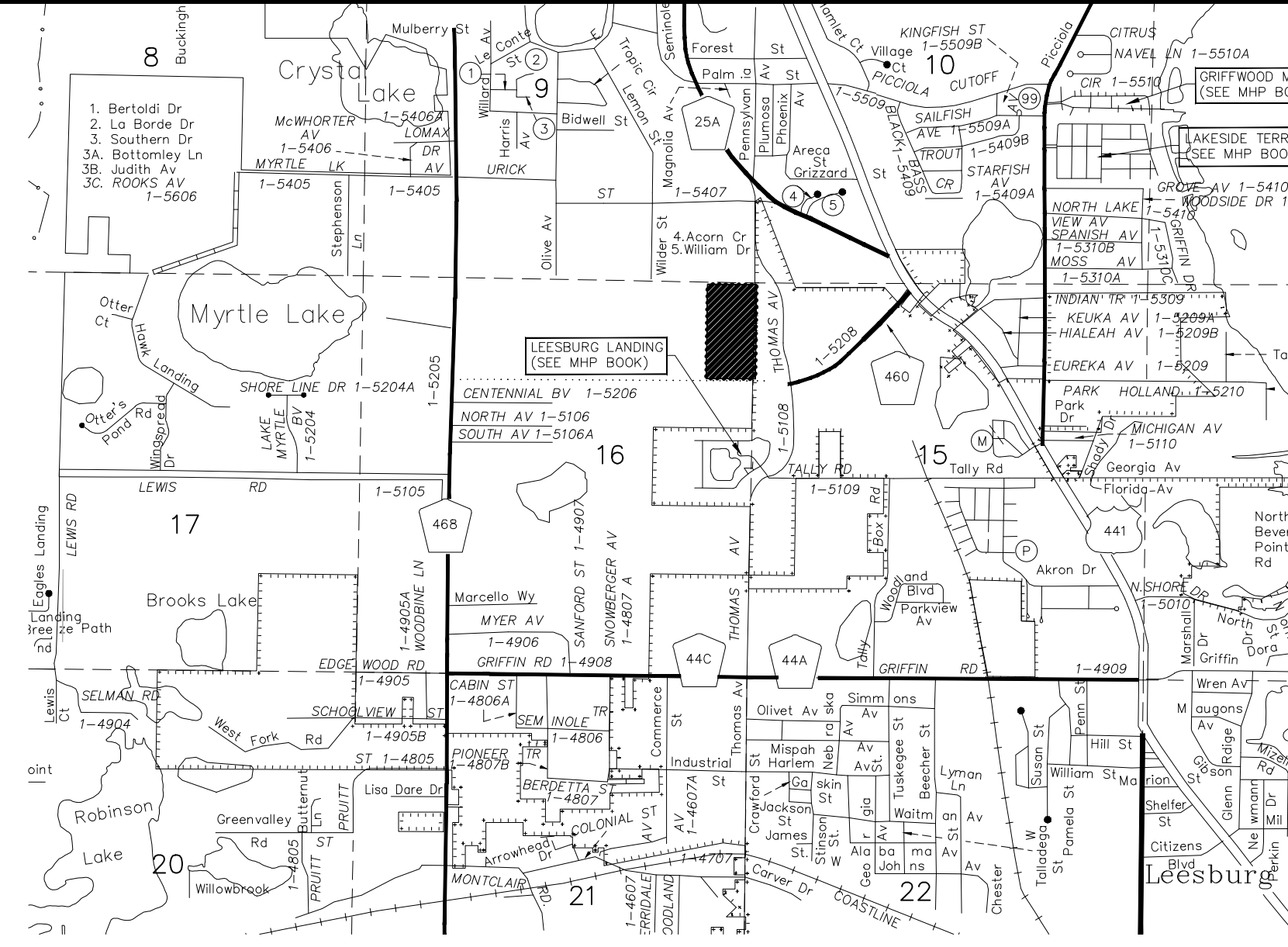
CONCEPT
SCALE = 1"=100'

SITE DATA

DUPLIX HOMES	= 56
TOWNHOMES	= 112
TOTAL	= 168



AERIAL
SCALE = 1"=100'



VICINITY MAP
SCALE = 1"=2000'

LAND USE

OWNER
KIMAYA, LLC
C/O VISHAAL GUPTA
5200 VINELAND ROAD, SUITE 200
ORLANDO, FL 32811

ACREAGE 19.11 AC (832,412 SF)
ALT KEY 1289891
EXISTING ZONING AGRICULTURE (COUNTY)
EXISTING LAND USE URBAN HIGH DENSITY (COUNTY)
PROPOSED ZONING MULTI FAMILY MEDIUM DENSITY (R10)
PROPOSED LAND USE MULTI FAMILY MEDIUM DENSITY
BUILDING HEIGHT UNITS 35' MAX.
DENSITY 168 UNITS
DENSITY 8.8 UNITS / ACRE

FLOOD ZONE

ZONE A & ZONE X PER FEMA MAP # 12069C0170E, EFFECTIVE 12/18/2012

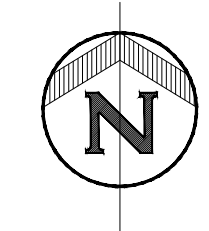
ZONING

NORTH: R-3 MULTI FAMILY HIGH DENSITY RESIDENTIAL (FRUITLAND PARK)
SOUTH: PUD (PLANNED UNIT DEVELOPMENT) (FRUITLAND PARK)
EAST: HIGH DENSITY RESIDENTIAL (LEESBURG)
WEST: PUD (PLANNED UNIT DEVELOPMENT) (FRUITLAND PARK)

WATER SEWER

FUTURE LAND USE
NORTH: MULTI FAMILY HIGH DENSITY RESIDENTIAL (FRUITLAND PARK)
SOUTH: PUD (PLANNED UNIT DEVELOPMENT) (FRUITLAND PARK)
EAST: HIGH DENSITY RESIDENTIAL (LEESBURG)
WEST: PUD (PLANNED UNIT DEVELOPMENT) (FRUITLAND PARK)

CITY OF FRUITLAND PARK
CITY OF FRUITLAND PARK



FRUITLAND PARK APARTMENTS AND TOWNHOMES ANNEXATION AND COMP PLAN



DATE:	FEBRUARY 2022
DESIGNED BY:	CCH
DRAWN BY:	CCH
CHECKED BY:	CCH
JOB NO.:	047773.001
FILE NAME:	KIMYA
Sheet 1	

CHARLES C. HIOTT, P.E.
PROFESSIONAL ENGINEER NO. 54813

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 #1122754 in the matter of

NOTICE OF PUBLIC HEARINGS

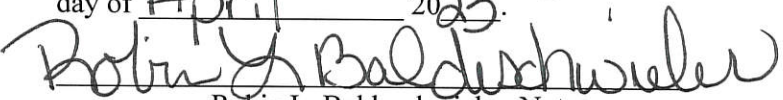
was published in said newspaper in the issues of

**APRIL 19, 2023
APRIL 26, 2023**

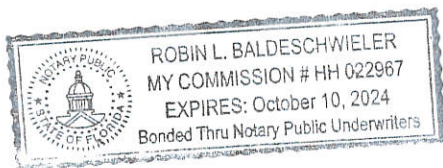
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake,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


(Signature Of Affiant)

Sworn to and subscribed before me this 27
day of April 2023.


Robin L. Baldeschwieler, Notary

Personally Known or
Production Identification _____
Type of Identification Produced _____



NOTICE OF PUBLIC HEARINGS

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

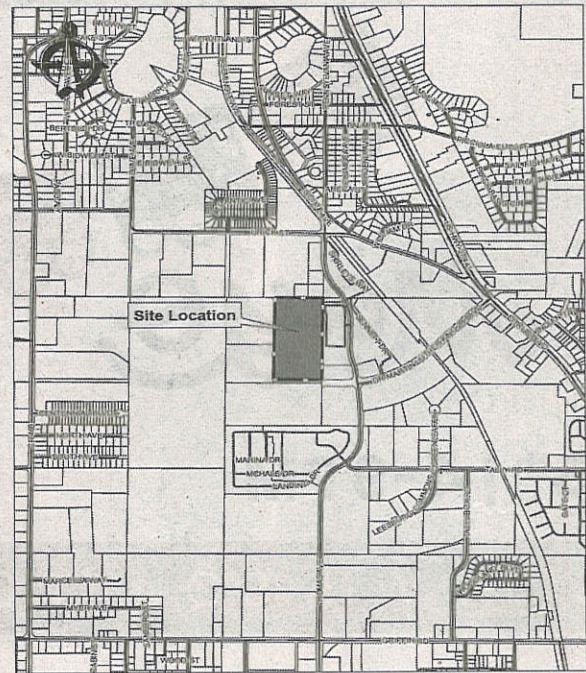
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.10 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) TO CITY OF FRUITLAND PARK R-10 WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY 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 – 2nd Hearing Meeting May 11th, 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: 5h

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

MEETING DATE: Thursday, May 11, 2023

DATE SUBMITTED: Friday, May 1, 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 proposed subdivision of 56 duplexes and 112 townhomes with a proposed density of 8.8units/acre. Currently zoned Lake County "Agriculture" and proposing R-10 city zoning on approximately 19.10+ acres.

FUNDS BUDGETED: None

ATTACHMENTS: Ordinance 2023-002, legal description and maps (see Item 5.(g) for staff report and advertising affidavit).

RECOMMENDATION: A revised concept plan was submitted April 14, 2023 for approval consideration. Applicant will be requested to submit adequate school determination or school concurrency reservation. (First reading was held on March 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)

Denied First Reading March 9, 2023
Passed Second Reading _____
(SEAL)

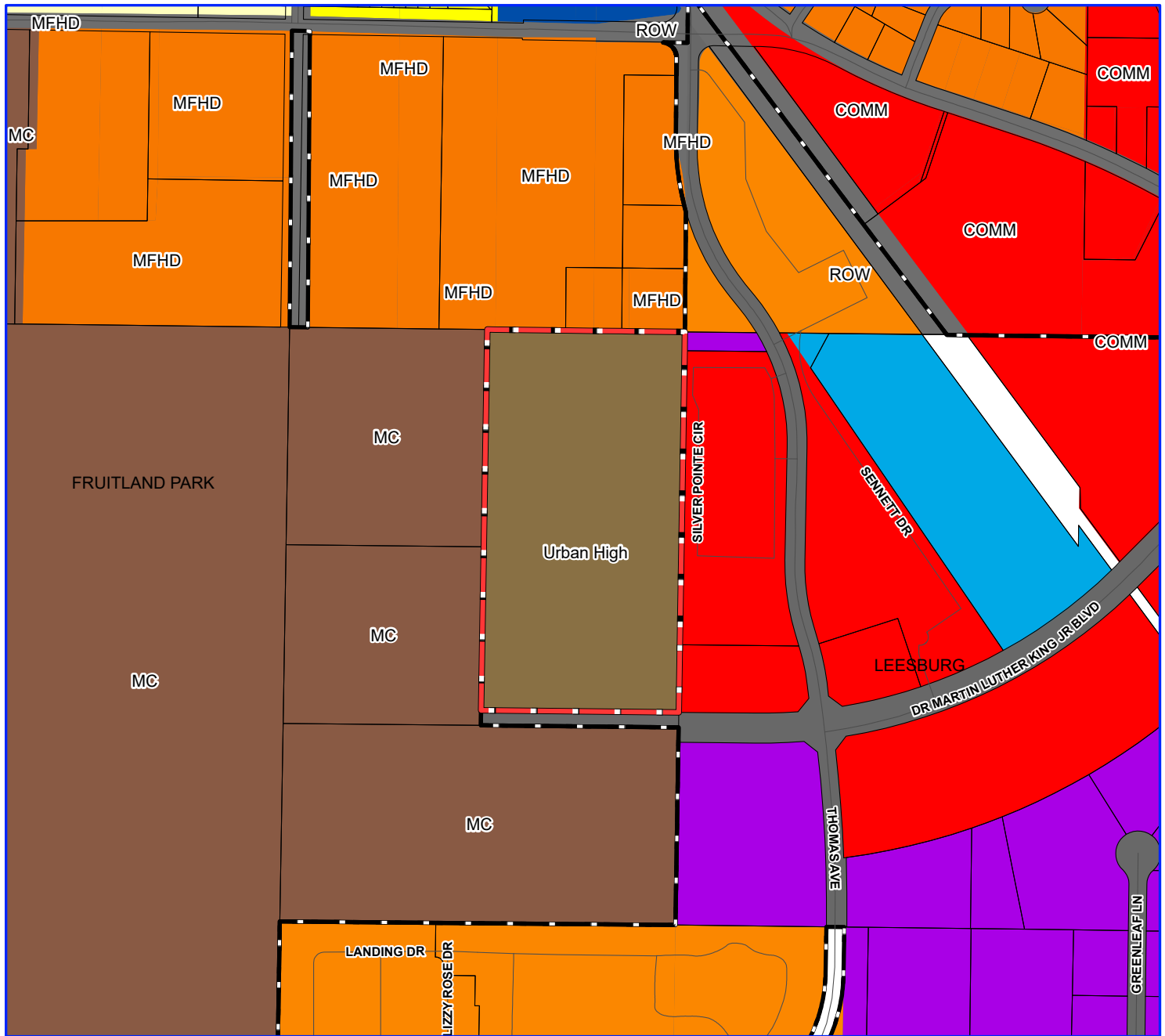
“EXHIBIT A”

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 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

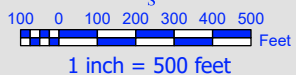
RIGHT-OF-WAY

GENERAL COMMERCIAL

INSTITUTIONAL

INDUSTRIAL

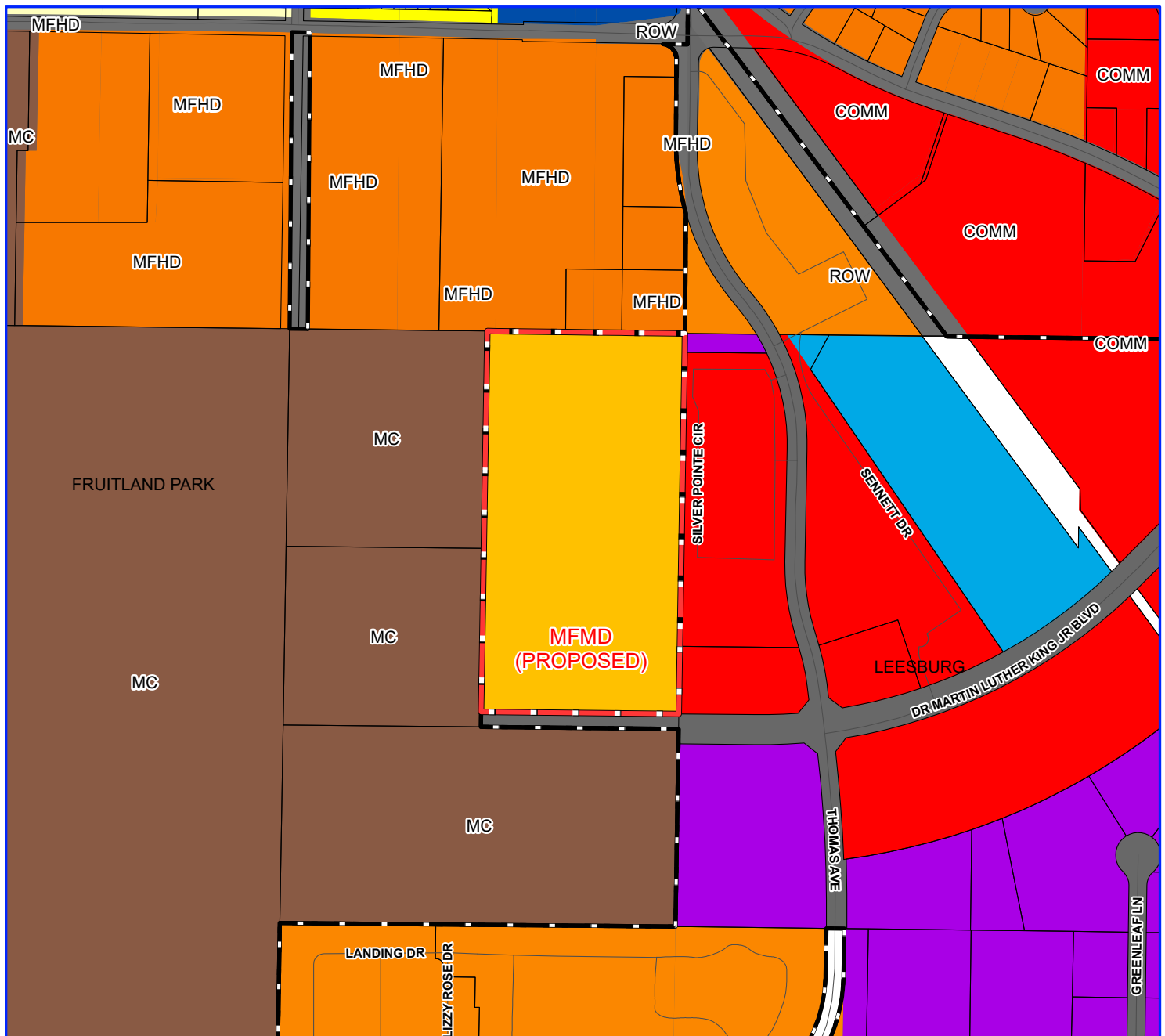
HIGH DENSITY



















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

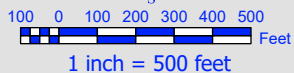
Project: 398-22-10
File: Existing FLU
Name: Park Square
PM: Sherie Lindh
Date: December 7, 2022
Created By: J.Wilson





Legend

-  Site Boundary
-  City Limits
- Lake County Future Land Use**
-  Urban High Density
- City of Fruitland Park Future Land Use**
-  SFLD, Single Family Low Density
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-  RIGHT-OF-WAY
-  GENERAL COMMERCIAL
-  INSTITUTIONAL
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**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 14, 2022
Created By: J.Wilson



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

ITEM TITLE: Second 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, May 11, 2023

DATE SUBMITTED: Monday, May 1, 2023

SUBMITTED BY: City Attorney/City Manager/Community Development

BRIEF NARRATIVE: Ordinance 2023-003 Rezoning for approximately 19.10± acres to receive city services and develop a proposed subdivision of 56 duplexes and 112 townhomes with a proposed density of 8.8 units/acre.

FUNDS BUDGETED: None

ATTACHMENTS: Ordinance 2023-003, proposed and existing zoning maps (see Item 5.(g) for staff report and advertising affidavit).

RECOMMENDATION: A revised concept plan was submitted April 14, 2023 for approval consideration. Applicant will be requested to submit adequate school determination or school concurrency reservation. The Planning and Zoning Board recommended approval at its January 19, 2023 meeting. (First reading was held on March 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)

Denied First Reading March 9, 2023
Passed Second Reading _____
(SEAL)

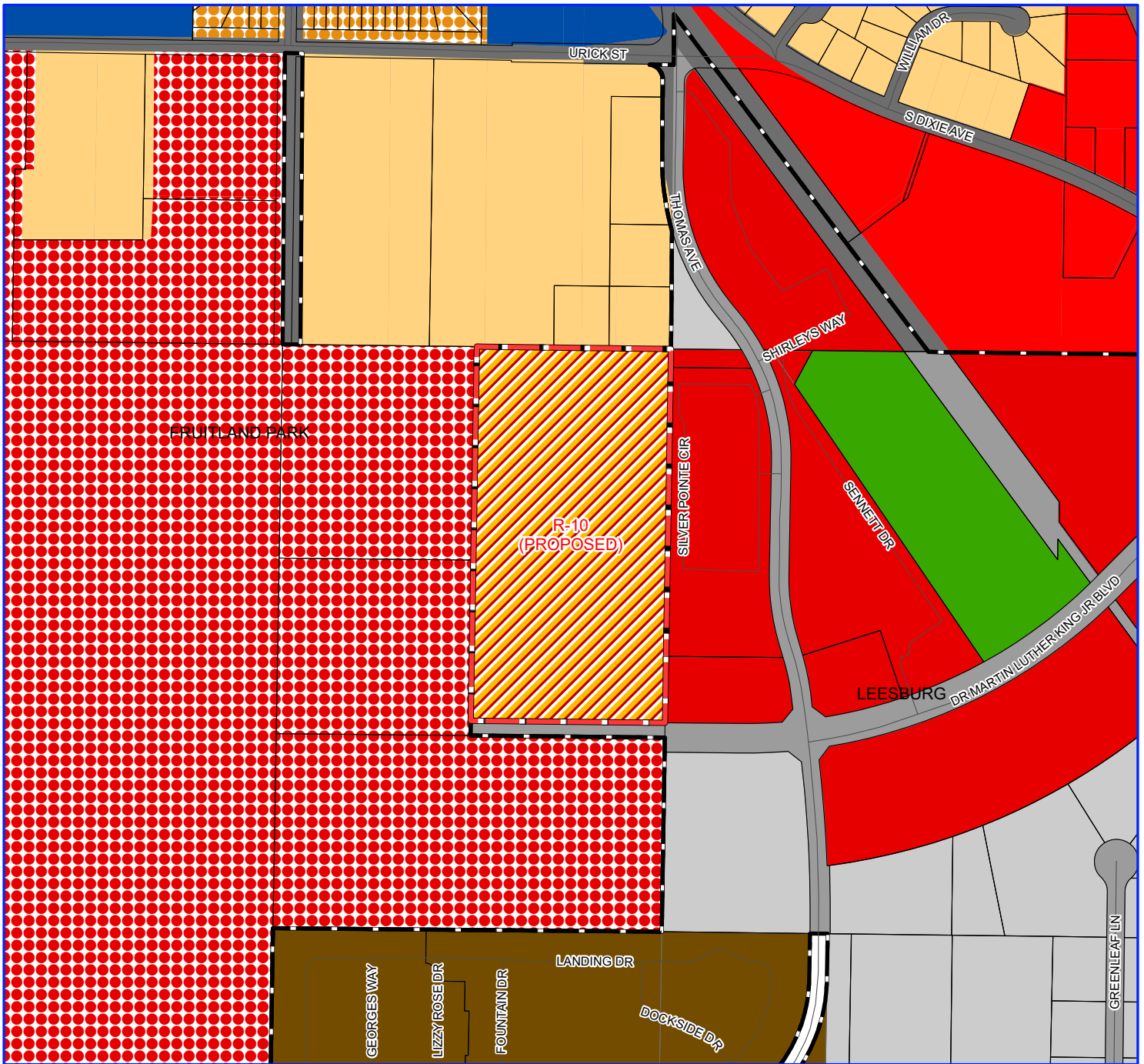
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EXHIBIT B



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

R-10, Multi-family Medium Density Residential

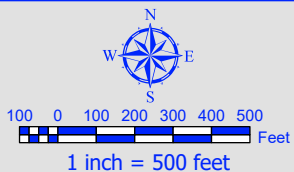
City of Leesburg Zoning

C-3

M-1

P

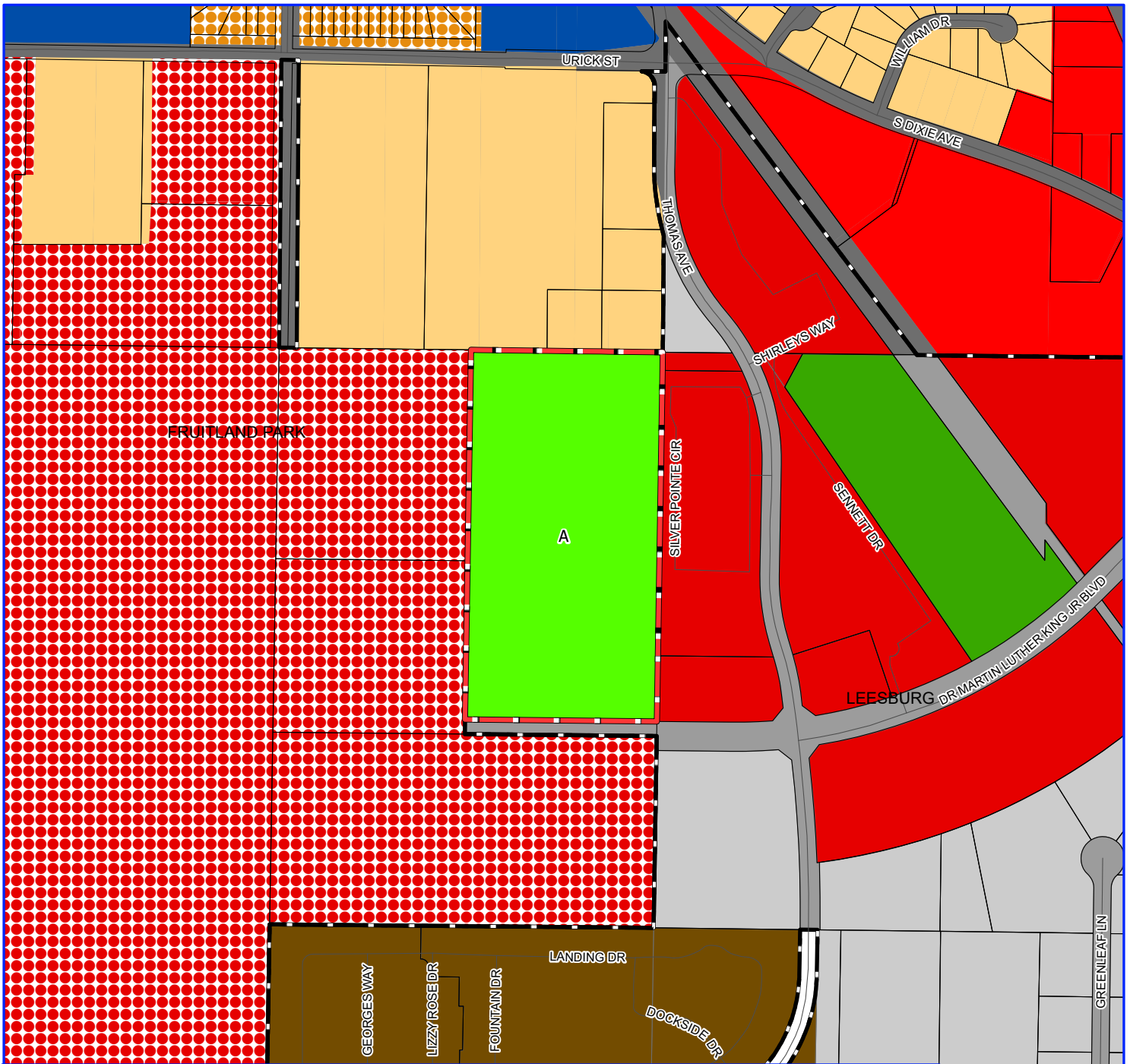
R-3



**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 14, 2022
Created By: J. Wilson





Legend

Site Boundary

City Limits

Lake County Zoning

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City of Fruitland Park Zoning

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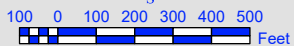
City of Leesburg Zoning

C-3

M-1

P

R-3



1 inch = 500 feet

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

Project: 398-22-10
File: Existing Zoning
Name: Park Square
PM: Sherie Lindh
Date: December 7, 2022
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**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 6a**

ITEM TITLE: CITY MANAGER'S REPORT

MEETING DATE: Thursday, May 11, 2023

DATE SUBMITTED: Wednesday, April 19, 2023

SUBMITTED BY: City Manager

BRIEF NARRATIVE: City Manager's Report

- i. Economic Development Status Update
- ii. Commercial Developments Permits Issued Status Report

FUNDS BUDGETED: None

ATTACHMENTS:

RECOMMENDATION:

ACTION: None

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

ITEM TITLE: CITY ATTORNEY REPORT
MEETING DATE: Thursday, May 11, 2023
DATE SUBMITTED: Wednesday, April 19, 2023
SUBMITTED BY: City Attorney
BRIEF NARRATIVE: **City Attorney Report**

City of Fruitland Park v. State of Florida – Department of Management Services: The insurance company paid FRS \$612,086.00 in March 2023 to finalize the claim.

U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845 (Judge Baxley): The property owner’s lender is foreclosing on the property for non-payment of approximately \$33,204.15. The property is located at 412 Sunny Court, Fruitland Park. The City has a code enforcement lien on the property. As of June 17, 2022 the fines have accrued to \$23,350.00 and outstanding costs of \$117.04. Attorney Mark K. McCulloch, Roper & Roper, P.A. has been appointed by the City’s insurance company to defend the City. A Final Judgment of Foreclosure was entered March 24, 2023 in the amount of \$52,811.09. The sale has been scheduled for May 23, 2023 at 11 am. If the property sells at public auction for more than the judgment amount, the surplus proceeds will be held pending further Order of the Court.

Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628: The City was served with a lawsuit on September 8, 2022. A copy has been provided to the Commission. Plaintiffs file a two-count Verified Complaint. Count I – Inverse Condemnation and Count II – Trespass. Plaintiffs allege the City’s construction of the library has caused storm water to flood across Rose Avenue onto their property located at 100 Rose Ave., Fruitland Park and have converted their property into a storm water retention system. Public Risk Management (PRM) retained attorney Donovan A. Roper and Mark K. McCulloch of Roper & Roper, P.A. to defend the City. An answer and affirmative defenses were filed on behalf of the City. On October 27, 2022 Plaintiff filed a reply to the City’s affirmative defenses. A Civil Case Management Order Requiring Disclosures was entered by Judge Takac. The Order requires a non-jury trial to occur no later than 18 months from filing the original Complaint, if not sooner resolved. The trial must be held by March 2, 2024. On February 2, 2023 the City served Interrogatories and a Request to Produce on Plaintiffs. Plaintiffs filed responses March 6, 2023. No further activity has occurred since the filing of discovery responses.

Kaitlin Delong vs. City of Fruitland Park, Lake County Case No. 2022-CA-00463: Plaintiff filed a lawsuit against the City alleging damages resulting from a motor vehicle crash between a vehicle Plaintiff was operating and a marked Fruitland Park Police Department vehicle.. Insurance assigned Roper & Roper to defend the City. An Answer and Affirmative Defenses were filed on July 22, 2022. Discovery has been ongoing. Trial is scheduled on the trial docket beginning February 19, 2024. The City took the deposition of the Records Custodian from Adventhealth Walterman on April 4, 2023. Prior to the deposition it was determined that outstanding medical costs are \$35,222.85. Pre-trial conference has been ordered to occur on October 2, 2023 and for

trial to commence during the three-week trial term beginning October 9, 2023. No further activity has occurred since the deposition on April 4, 2023.

Code of Ordinances Codification: As of February 16, 2023 CivicPlus is in receipt of the City's comments. They are working to prepare proofs for the City's further review.

LDR Codification: CivicPlus was provided the adopted LDRs on September 22, 2022. On April 7, 2023 CivicPlus posted Ordinance 2022-001 which amended and restated the City's LDRs online under Code of Ordinances, "Adopted Ordinances Not Yet Codified."

FUNDS BUDGETED: 1None

ATTACHMENTS:

RECOMMENDATION:

ACTION: None

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

ITEM TITLE: Public Comments

MEETING DATE: Thursday, May 11, 2023

DATE SUBMITTED: Monday, April 17, 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