



**FRUITLAND PARK CITY COMMISSION  
REGULAR MEETING AGENDA**

**March 9, 2017 (Revised 3:00 p.m.)**

City Hall Commission Chambers

506 W. Berckman Street

Fruitland Park, FL 34731

**6:00 p.m.**

- 1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE** (revised)  
Invocation – Reverend Marge Brown, Unity Spiritual Church

Pledge of Allegiance – Deputy Police Chief Dennis Cutter

**2. ROLL CALL**

**3. 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 .

**Approval of Minutes** (city clerk)

February 23, 2017 regular meeting

**4. REGULAR AGENDA**

**PUBLIC HEARING**

- (a) Second Reading and Public Hearing – Ordinance 2016-031 Comprehensive Plan Amendment** (city manager/community development director)

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF FLORIDA STATUTE 163.3184; AMENDING THE CITY'S COMPREHENSIVE PLAN (ATTACHED AS EXHIBIT A); ADDING OR ADOPTING REVISIONS TO THE FUTURE LAND USE, TRANSPORTATION, HOUSING, PUBLIC FACILITIES, CONSERVATION, RECREATION AND OPEN SPACE, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENTS, AND CONCURRENCY MANAGEMENT, ELEMENTS OF THE COMPREHENSIVE PLAN; ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN ARISING FROM CHANGES FROM THE 2010 CENSUS; ELIMINATING RECREATION AND OPEN SPACE LEVEL OF SERVICE; ELIMINATING THE PUBLIC

SCHOOL FACILITIES ELEMENT OF THE FORMER COMPREHENSIVE PLAN; DIRECTING THE CITY CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on December 8, 2016.)

**(b) Second Reading and Public Hearing - Ordinance 2017-001 - On-Line Bill Payment Service** (city treasurer/city attorney)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 99.110 TO IMPOSE A FEE FOR ONLINE BILL PAYMENT SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on February 23, 2017.)

**QUASI-JUDICIAL PUBLIC HEARING**

**(c) Second Reading and Public Hearing – Quasi-Judicial Public Hearing – Ordinance 2017--013 - Boundary Amendment – North of CR 466A and West of Timbertop Lane — Petitioner: Kurt and Suzanne Damron** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 6.0 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; 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 SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on February 23, 2017.)

**(d) Second Reading and Public Hearing – Quasi-Judicial Public Hearing – Ordinance 2017-014 -Comprehensive Plan – 6.0+ Acres - North of CR 466A and West of Timbertop Lane - Petitioner: Kurt and Suzanne Damron** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S

COMPREHENSIVE PLAN FOR APPROXIMATELY 6.0+ ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on February 23, 2017.)

- (e) **Second Reading and Public Hearing – Quasi-Judicial Public Hearing – Ordinance 2017-015 - Rezoning – 6.0+ Acres – AG-C2 – Petitioner: Kurt and Suzanne Damron** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 6.0 ± ACRES OF THE PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on February 23, 2017.)

#### **END OF QUASI-JUDICIAL PUBLIC HEARING**

### **5. NEW BUSINESS**

### **6. 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.

### **7. OFFICERS' REPORTS**

(a) **City Manager** (revised)

- . **Fire Assessment – March 2, 2017 Workshop**
- . **FRDAP Grants Status Update** (Parks and Recreation Department Director)
- . **Roads and Streets** (Public Works Department Director)
- . **Status Update** (Community Development Department Director)

- (b) **City Attorney**
  - . **Litigation Updates**
  - . **Purchasing/Competitive Bidding**

**8. COMMISSIONERS' COMMENTS**

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

**9. MAYOR'S COMMENTS**

**10. ADJOURNMENT**

**DATES TO REMEMBER** (revised)

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

March 10, 2017 – LCLC *Superintendent of Lake County Schools Meeting*, Lake Receptions 4425 N Highway 19-A, Mount Dora, FL 32757 at 12:00 noon

March 18, 2017 – *Fruitland Park Beautification Day* City Hall at 10:00 a.m.

March 23, 2017 – Household Hazardous Waste Mobile Unit Outreach Event at 9:00 a.m.

March 23, 2017 - Regular Commission Meeting at 6:00 p.m.

April 1, 2017 – *Fruitland Park Day*, City Hall at 10:00 a.m.

April 13, 2017 – Regular Commission Meeting at 6:00 p.m.

April 14, 2017 - LCLC *New Vision for Independence, Inc.* Meeting, Lake Receptions 4425 N Highway 19-A, Mount Dora, FL 32757 at 12:00 noon

April 26, 2017 – Lake-Sumter Metropolitan Planning Organization Governing Board, 1616 S 14 Street, Leesburg, FL 34748 at 2:00 p.m.

April 27, 2017 – Regular Commission Meeting at 6:00 p.m.

May 6, 2017 - *Employee Picnic*, Veterans Park 11:00 a.m.

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

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

**PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.**



<b>AGENDA ITEM NUMBER</b>  <b>3</b>
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## CONSENT AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Draft Minutes		
<b>For the Meeting of:</b>	March 9, 2017		
<b>Submitted by:</b>	City Clerk		
<b>Date Submitted:</b>	March 3, 2017		
<b>Are Funds Required:</b>		Yes	X No
<b>Account Number:</b>	N/A		
<b>Amount Required:</b>	N/A		
<b>Balance Remaining:</b>	N/A		
<b>Attachments:</b>	Yes.		
<p><b>Description of Item:</b> 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</p> <p>Approve the February 23, 2017 regular meeting minutes</p>			
<b>Action to be Taken:</b> Approval			
<b>Staff's Recommendation:</b> Approval			
<b>Additional Comments:</b>			

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the consent agenda: \_\_\_\_\_  
Mayor

**FRUITLAND PARK CITY COMMISSION REGULAR  
MEETING MINUTES  
February 23, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, February 23, 2017 at 6:00 p.m.

**Members Present:** Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Ray Lewis, and Rick Ranize.

**Also Present:** City Manager Gary La Venia, City Attorney Anita Geraci-Carver, City Treasurer; Jeannine Racine-Michaud; Police Chief Michael A. Fewless; Deputy Police Chief Dennis Cutter, Police Department; Interim Fire Chief Don Gilpin; Lieutenant Tim Yoder; Parks and Recreation Director Michelle Yoder; Community Development Director Charlie Rector, Public Works Director Dale Bogle; Deputy City Treasurer Sue Parker, Ruthie Barker, and City Clerk Esther B. Coulson.

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

After Pastor Omega Collier, Mount Pleasant African Methodist Episcopal Church of Fruitland Park, gave the invocation and Police Chief Fewless led in the Pledge of Allegiance to the flag, Mayor Cheshire called the meeting to order at 6:02 p.m.

**2. ROLL CALL**

At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present.

**3. LOCAL PLANNING AGENCY Recess 6:00 p.m. or Thereafter**

**By unanimous consent, the city commission recessed its meeting at 6:03 p.m. to convene the Local Planning Agency meeting and reconvened at 6:10 p.m.**

**4. CONSENT AGENDA**

**A motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission approve Consent Agenda Items 4.(a) to (e).**

At Ms. Coulson's request, and **by unanimous consent, the city commission withdrew Item 4.(e) on the Consent Agenda from consideration.**

**An amended motion was made by Commissioner Lewis, seconded by Commissioner Ranize and unanimously carried, the city commission approved Consent Agenda Items 4(a) to (d):**

- (a) Approved the January 26, 2017 regular meeting minutes as submitted.**

- (b) **Adopted Resolution 2017-006 Website Design Aha Consulting as follows:**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE LETTER OF ENGAGEMENT BETWEEN AHA CONSULTING, INC. AND THE CITY OF FRUITLAND PARK, FLORIDA TO PROVIDE WEBSITE REDESIGN AND HOSTING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.**

- (c) **Adopted Resolution 2017-010 Audit Committee Sunset as follows:**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, TO SUNSET THE AUDIT COMMITTEE PREVIOUSLY ESTABLISHED BY THE COMMISSION BECAUSE THE AUDIT COMMITTEE HAS ACCOMPLISHED THE PURPOSE FOR WHICH IT WAS CREATED; PROVIDING FOR AN EFFECTIVE DATE.**

**and**

- (d) **Adopted Resolution 2017-012 Online Payment System, Credit Card Vendor Agreement – Elavon Inc. as follows:**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE AGREEMENT ELAVON INC. AND THE CITY OF FRUITLAND PARK, FLORIDA TO PROVIDE AUDITING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.**

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

- (e) **Resolution 2017-013 – P&Z Board Appointment Amendment – Thomas C. Bradley**

The city commission considered its action to adopt Resolution 2017-013, the substance of which is as follows:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE CITY OF FRUITLAND PARK PLANNING AND ZONING BOARD; PROVIDING THE TERM EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

After discussion and following Ms. Coulson's request to revise Resolution 2017-013, Ms. Geraci-Carver agreed to postpone same to a future meeting.

**On motion of Commissioner Bell, seconded by Vice Mayor Gunter and unanimously carried, the city commission postponed its adoption of the**

**previously cited Resolution 2017-013 at the city clerk's request to the next meeting for more information.**

**5. REGULAR AGENDA**

**(a) Gamble/Humble Investments Agreement – Addendum - Extension**

Ms. Geraci-Carver reported on the ability to close this day (on the property 1639 Miller Street) and pointed out the documents (namely, affidavits, agreement, mortgage documents) that were executed prior to this evening's meeting.

Ms. Carver explained that she is waiting to hear from Mr. Adam Gamble's attorney on the quit claim deed -- corrective actions to the prior transaction with whom Mr. Gamble purchased the property -- who is out of town; anticipated him signing same during the week commencing February 27, 201, and stated that she will hold the documents in question in escrow and reverse the funds in action.

Ms. Geraci-Carver confirmed, in response to Mayor Cheshire's question, that no action is required from the city commission.

**(b) First Reading - Ordinance 2017-001 - On-Line Bill Payment Service**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-001, the substance of which is follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 99.110 TO IMPOSE A FEE FOR ONLINE BILL PAYMENT SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on March 9, 2017.)

After further discussion, **a motion was made by Commissioner Lewis, and seconded by Commissioner Bell that the city commission approve proposed Ordinance 2017-001 as previously cited.**

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

**By unanimous consent, Mayor Cheshire opened the public hearings at this evening's meeting.**

**PUBLIC HEARING**

**(c) Second Reading and Public Hearing – Ordinance 2017-011 – Local Truck Traffic Movement Regulations**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-011, the substance of which is as follows, Ms. Geraci-Carver read into the record the title and Mayor Cheshire called for interested parties to be heard:



AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONTROLLING AND REGULATING TRAFFIC MOVEMENT BY DESIGNATING CERTAIN STREETS TO ONLY ALLOW LOCAL TRUCK TRAFFIC AND NOT THROUGH TRUCK TRAFFIC, SPECIFICALLY HICKORY AVENUE, MAPLE AVENUE AND ELM AVENUE; PROVIDING FOR DIRECTIONS AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT HEREIN; SETTING AN EFFECTIVE DATE. (The first reading was held on January 26, 2017.)

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

After discussion, **a motion was made by Vice Mayor Gunter and seconded by Commissioner Lewis that the city commission enact Ordinance 2017-011 as previously cited to become effective as provided by law.**

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

- (d) **Second Reading and Public Hearing – Ordinance 2017-012 –Traffic Yield Sign**  
It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-012, the substance of which is as follows, Ms. Geraci-Carver read the title and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONTROLLING AND REGULATING TRAFFIC MOVEMENT BY INSTALLING A YIELD SIGN ON BIDWELL STREET TO REQUIRE TRAFFIC ON BIDWELL STREET TO YIELD TO TRAFFIC ON WILLARD AVENUE; PROVIDING FOR DIRECTIONS AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT HEREIN; SETTING AN EFFECTIVE DATE. (The first reading was held on January 26, 2017.)

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

Following further discussion, **a motion was made by Vice Mayor Gunter and seconded by Commissioner Lewis that the city commission enact Ordinance 2017-012 as previously cited to become effective as provided by law.**

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

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

**(e) First Reading – Quasi-Judicial Public Hearing – Ordinance 2017--013 - Boundary Amendment – North of CR 466A and West of Timbertop Lane — Petitioner: Kurt and Suzanne Damron**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-013, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 6.0 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; 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 SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on March 9, 2017.)

Ms. Geraci-Carver swore-in Mr. Rector to give testimony at this evening's proceedings who highlighted the proposed use of the subject property.

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

**A motion was made by Commissioner Ranize and seconded by Vice Mayor Gunter that the city commission approve the Local Planning Agency's recommendation of approval on proposed Ordinance 2017-013 as previously cited.**

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

(f) **First Reading – Quasi-Judicial Public Hearing – Ordinance 2017-014 - Comprehensive Plan – 6.0± Acres - North of CR 466A and West of Timbertop Lane - Petitioner: Kurt and Suzanne Damron**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-014, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 6.0± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on March 9, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

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

**A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission approve the Local Planning Agency's recommendation of approval on proposed Ordinance 2017-014 as previously cited.**

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

(g) **First Reading – Quasi-Judicial Public Hearing – Ordinance 2017-015 - Rezoning – 6.0± Acres – AG-C2 – Petitioner: Kurt and Suzanne Damron**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-015, the substance of which is as follows and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 6.0 ± ACRES OF THE PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR

CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on March 9, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

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

**A motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission approve the Local Planning Agency's recommendation of approval on proposed Ordinance 2017-015 as previously cited.**

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

**(h) Second Reading – Quasi-Judicial Public Hearing – Ordinance 2017-005 – Boundary Amendment - - Gamble Family Revocable Trust**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-005, the substance of which is as follows, Ms. Geraci-Carver read into the record the title and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 0.31 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466A AND EAST OF LAKE JOSEPHINE DRIVE; 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 SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on January 26, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

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

After discussion, a motion was made by Vice Mayor Gunter and seconded by Commissioner Lewis that the city commission enact Ordinance 2017-005 as previously cited to become effective as provided by law.

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

(i) **Second Reading – Quasi-Judicial Public Hearing – Ordinance 2017-006 - Comprehensive Plan - Gamble Family Revocable Trust**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-006, the substance of which is as follows, Ms. Geraci-Carver read into the record the title and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 0.31± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND EAST OF LAKE JOSEPHINE DRIVE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on January 26, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

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

A motion was made by Commissioner Ranize and seconded by Commissioner Bell that the city commission enact Ordinance 2017-006, as previously cited, to become effective thirty-one (31) days after adoption. If the ordinance is challenged within thirty (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.

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

(j) **Second Reading – Quasi-Judicial Public Hearing – Ordinance 2017-007 – Rezoning - Gamble Family Revocable Trust**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-007, the substance of which is as follows, Ms. Geraci-Carver read into the record the title and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 0.31 ± ACRES OF THE PROPERTY FROM LAKE COUNTY MIXED RESIDENTIAL DISTRICT (R-7) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on January 26, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

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

**A motion was made by Commissioner Lewis and seconded by Commissioner Bell that the city commission enact Ordinance 2017-007 as previously cited to become effective immediately upon the effective date of the comprehensive plan amendment for the subject property. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.**

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

(k) **Second Reading – Quasi-Judicial Public Hearing – Ordinance 2017-009 – Humble Investments Inc. – Boundary Amendment**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-009, the substance of which is as follows, Ms. Geraci-Carver read into the record the title and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 0.37 ± ACRES OF LAND GENERALLY LOCATED NORTH OF

CR 466A AND EAST OF LAKE JOSEPHINE DRIVE; 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 SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on January 26, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

After discussion, **a motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission enact Ordinance 2017-009 as previously cited to become effective as provided by law.**

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

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

(1) **Second Reading – Quasi-Judicial Public Hearing – Ordinance 2017-010 – Comprehensive Plan Amendment - - Humble Investments Inc.**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-010, the substance of which is as follows, Ms. Geraci-Carver read into the record the title and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 0.37± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND EAST OF LAKE JOSEPHINE DRIVE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. ((The first reading was held on January 26, 2017.))

Mr. Rector, who was previously sworn, noted the subject proposed use.

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

**A motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission enact Ordinance 2017-010, as previously cited, to become effective thirty-one (31) days after adoption. If the ordinance is challenged within thirty (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.**

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

**(m) Second Reading – Quasi-Judicial Public Hearing – Ordinance 2017-008 – Rezoning - Humble Investments Inc.**

It now being the time advertised to hold a public hearing to consider proposed Ordinance 2017-008, the substance of which is as follows, Ms. Geraci-Carver read into the record the title and Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 0.37 ± ACRES OF THE PROPERTY FROM LAKE COUNTY MIXED RESIDENTIAL DISTRICT (R-7) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on January 26, 2017.)

Mr. Rector, who was previously sworn, noted the subject proposed use.

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

**A motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission enact Ordinance 2017-008 as previously cited to become effective immediately upon the effective date of the comprehensive plan amendment for the subject property. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.**

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

**END OF QUASI-JUDICIAL PUBLIC HEARING**



**6. NEW BUSINESS**

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

**7. PUBLIC COMMENTS**

No one from the public appeared before the city commission at this time.

**8. OFFICERS' REPORTS**

**(a) City Manager**

**i. Gym Membership**

Mr. La Venia referred to the city commission's direction at its January 26, 2017 regular meeting to conduct a poll due to the possibility of providing a gym membership for the employees with Infinity Fitness and Spa Inc. As a result of communications received from various departments, he reported that approximately 40 employees are interested in partaking in such an opportunity and quoted from the proposed agreement the "... number of employees of 36 but can be up to 50 ..."; "... yearly rate of \$2,000 ...", and "... renewed for additional one-year terms ...".

After discussion and in response to a question posed by Commissioner Lewis who is a gym member, Ms. Geraci-Carver explained that she will review the State of Florida Commission on Ethics' advisory opinions and the gift prohibitions and disclosure laws.

**By unanimous consent and upon Vice Mayor Gunter's request, the city commission postponed its action to a future meeting on the proposed agreement with Infinity Fitness and Spa Inc. for further information from the city attorney.**

**ii. Road Program**

After Mr. La Venia referred to documents relating to the road program and reviewed with Mr. Bogle the 2017 Street Repave List and the 2017 Sidewalk Repairs; copies of which are filed with the supplemental papers to the minutes of this meeting.

After discussion, Mr. Bogle mentioned the bids he obtained for said repairs and his communication with three paving companies and upon receiving the city commission's acceptance, his intention to proceed on same; however, in response to Commissioner Ranize' question, it is unknown as to when work on the road program will end.

The city commission had no objections to staff's request.

**iii. Administrative Vehicle**

Mr. La Venia pointed out the ability to fund, in the mid-year 2016-17 budget, an administrative/code enforcement vehicle and pointed out Bartow

Ford's pricing of \$22,558.30; a copy of which is filed with the supplemental papers to the minutes of this meeting.

After discussion, Commissioner Ranize expressed concerns on the public's perception of the subject matter; the justification of same, and such requirements on city ordinances to which Vice Mayor Gunter voiced his concurrence.

Subsequent to further discussion, Commissioner Ranize recognized the local dealership available in the city and after questioning the cost, acknowledged the city commission's ultimate decision-making on the best vehicle and price.

After Mayor Cheshire addressed the need for an existing policy and procedure for citywide purchases, Ms. Geraci-Carver addressed her intent to communicate with Ms. Coulson in this regard.

Mr. Bogle referred to Sumter Air and Heat Inc.'s invoice for \$5,300 due to an emergency for a purchase required for the air conditioning unit for the server room; copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.

Following much discussion and **at Mayor Cheshire's request, the city commission, by unanimous consent, postponed its action to consider bids for an administrative/code enforcement vehicle and direct the public works department director to obtain more bids.**

**iv. Community Development Department**

**- Office Enclosure**

Mr. La Venia referred to the previously budgeted item by the city commission at its July 11, 2016 budget workshop at a cost of \$12,000 to build an office for the community development director and requested permission to proceed with same to which Mr. Rector gave reasons on the need for same.

**By unanimous consent, the city commission agreed with staff's request as previously cited.**

**- Fruitland Park Library Construction Plans**

Mr. La Venia reviewed various plans from Senatore Inc. for the Fruitland Park Library construction; copies of which are filed with the supplemental papers to the minutes of this meeting.

Mr. Rector described the remaining work required to be complete before the final stage; pointed out the respective plans presented to him from Mr. James Senatore, Senatore Inc. (design build-consultant retained by

the city) earlier this day where there were no changes to the building's structure, and conveyed his earlier remarks made previously before the city commission that he will not proceed further until he receives the city commission's consent.

Mr. Rector pointed out the proposed library construction's furniture plan and recognized that Ms. JoAnn Glendinning, Fruitland Park Library Director, is currently working on same noting the grant application she plans to submit on interior upgrades and furniture is helpful to Mr. Senatore.

The city commission had no objection to Mr. Rector's request to continue with the basic layout and final stages of the architectural plan, agreeable by Ms. Glendinning, for the subject proposed library construction.

In response to Vice Mayor Gunter's inquiry, Mr. Rector anticipated the bid opening to commence by the end of May 2017 and for work to start 30 days thereafter.

- **Soccer Field Drawings – Northwest Lake Community Park**

Mr. Rector reported on the completion of the grade soccer field plan submitted earlier this day by Mr. Duane K. Booth, Booth, Ern, Straughan & Hiott Inc., (engineers retained by the city), for Northwest Lake Community Park which was forwarded to Rainey Construction Company to grade said field in accordance to the future plans outlined by Mr. Roberto "Bobby" Bonilla, Lake County Public Works Department, Parks and Trails Division Manager. (A copy of the respective plan was distributed for the record and filed with the supplemental papers to the minutes of this meeting.)

- **Village Park Property**

Later in the meeting, Mr. Rector relayed his conversations with Mr. La Venia on February 22, 2017 regarding the execution of the Village Park contract (formerly known as Westminster Church).

v. **Public Works Department Director – Water Meter Readers**

Earlier in the meeting, Mr. Bogle referred to the bid proposal for reading equipment for the water meters from HD Supply Waterworks for \$8,965; gave an overview of the replacements and the costs involved which is currently in the FY 2016-17 budget, and described the future plans in implementing same; a copy of the proposal is filed with the supplemental papers to the minutes of this meeting.

**By unanimous consent, the city commission accepted the public works department director request to proceed with the purchase of the reading equipment for the water meters from HD Supply Waterworks for \$8,965.**

vi. **Parks and Recreation Department Director**

- **Fruitland Park 5k Love Run 2017**

Ms. Yoder gave an overview of the 2017 Fruitland Park 5k Love Run and identified the total sponsorships and donations received with the total proceeds of \$1,433.55 to Beyond the Walls Food Pantry (a ministry of Heritage Community Church) and the match of same towards Fruitland Park Recreation Department's movie night program. (A copy of which is filed with the supplemental papers to the minutes of this meeting.

- **Sports Coordinator**

Ms. Yoder relayed her conversations with Mr. La Venia on the need to retain a part time sports coordinator to manage the city's recreational program; noted that the coordinator's salary would be generated from the program's revenue and sponsorships, and pointed out her previous meeting with Ms. Michaud where according to the final bullet point from the sports coordinator proposal funding would be implemented by means of budget amendments. (A copy of the proposal is filed with the supplemental papers to the minutes of this meeting)

Following Ms. Yoder's description of the sport coordinator's job requirements, Ms. Geraci-Carver, in response to an inquiry, addressed her intent to contact the labor and employment law attorney, retained by the city, on the concept.

**On motion of Commissioner Bell, seconded by Vice Mayor Gutner and unanimously carried, the city commission approved the parks and recreation department director's request for a part time sports coordinator position.**

- **Veterans Park**

After Mr. La Venia recognized that the Veterans Park baseball field is not earmarked in the FY 2016-17 budget, Ms. Yoder recalled the city commission's previous concerns regarding the condition of Veterans Park; referred to her recent meeting with Ms. Michaud that Veterans Park baseball field is located in the Community Redevelopment Area (CRA) and that there is a balance in the CRA budget of \$137,000.

Due to daylight savings time in March 2017, Ms. Yoder addressed the ability for seasonal baseball programs to resume at Veterans Park; however, said program would need to be relocated in August 2017. She referred to the quote received from Musco Lighting for lighting system to be mounted at Veterans Park at a cost of \$37,200; a copy of which is filed with the supplemental papers to the minutes of this meeting.

- **Cales Park**

Ms. Yoder described the condition of the softball fence at Cales Park; reviewed Fence-It's proposal on the options on installation for \$44,588 and recognized the revenue source generated from the softball program which could cover the costs of same. (A copy of which is filed with the supplemental papers to the minutes of this meeting.

After much discussion, Ms. Michaud-Racine concurred in the affirmative to Ms. Yoder's identification of \$75,000 which is excluded from the FY 2016-17 budget but included in the recreation's CRA plan, except for the soccer field, to which Mr. La Venia suggested could be utilized.

**(b) City Attorney**

**i. Angelica Dobruck v. City of Fruitland Park, et. al.**

Ms. Geraci-Carver reported that the Angelica Dobruck case has been dismissed which was concluded in the city's favor.

**ii. George Fernandez v. City of Fruitland Park**

For the George Fernandez case, Ms. Geraci-Craver recognized the March 6, 2017 mediation date scheduled and indicated that Mr. La Venia recently met with Ms. Stephanie J. McCulloch, McLin Burnsed, retained by the city, who was working on the discovery items.

**iii. James and Rita Homonai v. Foster, Crenshaw and City of Fruitland Park**

With respect to the James and Rita Homoni v. Crenshaw and City of Fruitland Park case, Ms. Geraci-Carver explained that Ms. McCulloch is in the process of filing a response in that regard.

**iv. James Hartson – Notice of Claim**

Ms. Geraci-Carver referred to the notice on this case and explained that Ms. McCulloch is reviewing the taser incident with another agency.

v. **Green v. City of Fruitland Park, Hunnewell, Isom and Isaacs**

Ms. Geraci-Carver explained that Ms. McCulloch was assigned to the cases of former Police Chiefs Mark Isom and Terry Isaacs; however, Mr. “Mike” Michael J. Roper, Bell & Roper P.A., is representing Mr. George Hunnewell.

vi. **Anthony Mancino – Notice of Claim**

Ms. Geraci-Carver requested direction from the city commission on the Anthony Mancino notice of claim and recognized that as litigation has not yet been filed, a closed-session meeting cannot be held.

Ms. Geraci-Carver referred to the initial demand from Mr. Mancino’s attorney which has since doubled; relayed that Ms. McCulloch was continuing to review the issue, and depicted the breakdown in his attorney’s costs of \$2,819,000.

Ms. Geraci-Carver reported on the research she conducted on the lis pendens case law which was not withdrawn from the city; relayed her disagreement on his attorney’s advice and the lis pendens remaining on the property until the court ordered the lis pendens to be removed or dismissed, based on Florida Statutes (relating to the seizure of the homestead property which was not withdrawn by the city but since released) and noted the subsequent dismissal of said lis pendens.

Ms. Geraci-Carver recommended that the city pays a portion of the attorney’s fees whereby she represented Mr. Mancino on the criminal case as well as the civil forfeiture action where probable cause was found, pursued, and later dismissed by the state attorney’s office for \$21,405.85 and suggested the offer of \$11,000 or \$12,000 for attorney’s fees.

Commissioner Ranize shared his comments he had with Ms. Geraci-Carver on the potential conflict of interest he has on the subject issue and the need to be recused.

Ms. Geraci-Carver explained the process if a lawsuit is filed and the city commission’s opportunity - in a closed session meeting – to hear all the details and have the ability to settle at that time as the offer continues to increase.

Commissioner Ranize recalled his question, approximately a month ago, and the response received on the insurance company’s handling of the case where the city had no position and could not discuss anything further.

In response, Ms. Geraci-Carver explained the misunderstanding on the issue between her and Ms. McCulloch and notified Mr. Mancino’s attorney.

After extensive deliberations, a motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that and unanimously carried, the city commission approve the city attorney's recommendation to offer \$11,500 in the Anthony Mancino case in response to the letter from the attorneys who are representing Mr. Anthony Mancino.

Mayor Cheshire called for a roll call vote on the motion with the city commission members voting as follows:

Commissioner Bell	Yes
Commissioner Lewis	Yes
Commissioner Ranize	Abstained
Vice Mayor Gunter	Yes
Mayor Cheshire	Yes

The motion was declared carried. (From 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers disclosing the nature of Commissioner Ranize' conflict of interest was filed with the minutes of this meeting.)

In response to Mayor Cheshire's request, Ms. Geraci-Carver stated that she will keep the city commission apprised of the matter.

**vii. Impact Fees**

Ms. Geraci-Carver confirmed in the affirmative to Commissioner Ranize' inquiry raised at the January 26, 2017 regular city commission meeting that police and fire impact fees studies can be used to support the city's figures.

**viii. Nepotism Ordinance**

Ms. Geraci-Carver referred to the nepotism issue which is addressed under the Florida Statutes indicates that one cannot advocate, hire or promote their relatives. She pointed out her previous discussions with Ms. Dottie Green, the labor and employment law attorney retained by the city, who provided her with information for discussion purposes.

In response, Mayor Cheshire described the need for a nepotism policy and addressed the previous perception to which Ms. Geraci-Carver indicated that the statute applies to public elected and appointed officials (namely; the city attorney, city manager, city treasurer, and city clerk) and employees. She confirmed, in answering a question posed by Mayor Cheshire, that vendors are not identified in the statute; however, it can be included in the city's nepotism policy and mentioned her intent to communicate with Ms. Green in that regard and present same before the city commission.

After much discussion, the city commission indicated that they are in favor with the implementation of a nepotism policy.

**9. COMMISSIONERS' COMMENTS**

**(a) Commissioner Ranize**

**i. Notices of Claims/Intent**

Commissioner Ranize referred to the notices of claims received against the city and requested that Ms. Geraci-Carver provide the city commission with background of the cases and identify their amounts.

Ms. Geraci-Carver referred to the Notice of Claim Breach of Jurisdiction dated January 29, 2017 received from Larry D. Odum who is institutionalized in the Marion Correctional Institution. She explained that Mr. Odum is filing Civil Action for John Mataey on August 20, 2006 for a speeding ticket and driving under the influence due to newly discovered evidence. (A copy of the notice is filed with the supplemental papers to the minutes of this meeting.)

Ms. Geraci-Carver explained that although the Notice of Claim was submitted to the insurance company, she has not had the opportunity to review same. She confirmed in the affirmative that she will comply with Commissioner Ranize' request.

**ii. City Projects Tracker**

Commissioner Ranize addressed his agreement to Commissioner Lewis' request at the January 12, 2017 regular meeting for staff to provide a spreadsheet (preferably in Microsoft Excel format) or a visual display in the chambers tracking of updated status reports of ongoing city projects with timelines available to the city commission.

Mr. La Venia indicated that he will provide same.

**iii. Sidewalk Improvements**

Commissioner Ranize referred to concerns addressed to him and raised by residents/business owners at the conclusion of the February 22, 2017 Fire Services Advisory Committee (FSAC) meeting regarding the need to extend the existing 25-yard sidewalk on Dixie Avenue, from west Miller Street beyond the Family Dollar store, to Cales Park ballpark and include same on the five-year plan. He recognized said sidewalk to be on the county's right-of-way; noted issues with the county providing any assistance, and expressed problems with the existing drainage culvert and the safety of children walking from the park to the store.

Commissioner Ranize noted a similar problem on Miller Street to Berkman Street and proposed a similar request recognizing a business owner making such improvements around his property at his own expense.



**(b) Commissioner Lewis - 2017 Lake Legislative Days**

Commissioner Lewis referred to the exercise he undertook at the 2017 Lake Legislative Days “Dialing for Dollars” with the anticipation that such efforts would pay off.

Commissioner Lewis mentioned the \$7 million request and the partial funding to complete the CR 466A roadway improvement project. He relayed his conversations with Lake County Engineering Division Director Mr. Fred Schneider who gave the indication on the ability to possibly acquire and divide for the project’s next phase, \$3 million for the intersection of Rose Avenue.

**(c) Commissioner Bell - 2017 Lake Legislative Days**

Commissioner Bell, who also attended the 2017 Lake Legislative Days along with Mr. La Venia, addressed his optimism and relayed his conversations with District 32 State Representative Larry Metz who gave his assurance on his support for the city.

Mr. La Venia concurred with Commissioner Bell’s statements on the need to follow up on the issue and write letters to the respective individuals.

**(d) Vice Mayor Gunter, Jr.**

Vice Mayor Gunter stated that he has nothing to report at this time.

**10. MAYOR’S COMMENTS**

**(a) Curfew Regulations**

Mayor Cheshire relayed his conversations with business owners and Deputy Chief Dennis Cutter, Police Department, following the February 22, 2017 FSAC on enlisting the city’s help; recalled addressing at a previous city commission meeting the enforcement of curfews at city parks, and indicated that without an ordinance and although signs are erected at the city’s parks, the city’s law enforcement personnel are unable to prohibit trespassers.

Deputy Cutter described the gathering after hours at city parks and discussed with the city commission the notion of locked gates to prevent trespassers from entering into the parks after hours.

Mayor Cheshire voiced his agreement with Commissioner Ranize’ request that Ms. Geraci-Carver draft an ordinance addressing the closure of all city parks and the Fruitland Park Library.

**(b) FSAC**

In response to Commissioner Ranize’ reference to the previous FSAC meetings, Mayor Cheshire referred to the committee’s concluding tasks and addressed the need, based on timeframes and imminent deadlines, for the city commission to hold a workshop on its direction relating to the provision of fire services.

After much discussion and **by unanimous consent, the city commission agreed to hold a workshop on the provision of fire services on Thursday, March 2, 2017 at 7:00 p.m. and directed staff (city manager, city treasurer, and the interim fire chief) to provide advance information not addressed before the Fire Services Advisory Committee for discussion.**

With respect to the sunset of the FSAC, Ms. Geraci-Carver explained that she will review the adopted FSAC Resolution 2016-042 and report back at the next meeting.

In response to a question posed by Commissioner Ranize on the recognition of the committee members, Mayor Cheshire explained that Ms. Coulson will work on same.

**(c) Dates to Remember**

Mayor Cheshire recognized the following events:

- February 27, 2017, Movie on the Lawn, City Hall - Food Truck at 5:00 p.m. and Movie at 6:00 p.m.;
- March 9, 2017 – Regular Commission Meeting at 6:00 p.m.;
- March 10, 2017 – LCLC *Superintendent of Lake County Schools* Meeting, Lake Receptions 4425 N Highway 19-A, Mount Dora, FL 32757 at 12:00 noon;
- March 18, 2017 – *Fruitland Park Beautification Day* City Hall at 10:00 a.m.;
- March 23, 2017 – Household Hazardous Waste Mobile Unit Outreach Event at 9:00 a.m.
- March 23, 2017 - Regular Commission Meeting at 6:00 p.m.
- April 1, 2017 – *Fruitland Park Day*, City Hall at 10:00 a.m.
- April 13, 2017 – Regular Commission Meeting at 6:00 p.m.
- April 14, 2017 - LCLC *New Vision for Independence, Inc.* Meeting, Lake Receptions 4425 N Highway 19-A, Mount Dora, FL 32757 at 12:00 noon
- April 26, 2017 – Lake-Sumter Metropolitan Planning Organization Governing Board, 1616 S 14 Street, Leesburg, FL 34748 at 2:00 p.m., and
- April 27, 2017 – Regular Commission Meeting at 6:00 p.m.

**11. ADJOURNMENT**

**There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 8:02 p.m.**

The minutes were approved at the March 9, 2017 regular meeting.

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

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

DRAFT

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>Ranize Richard Eugene</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Commissioner City of Fruitland Park, Florida</b>
MAILING ADDRESS <b>213 North Valley Road</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <b>Fruitland Park</b>	COUNTY <b>Lake</b>
DATE ON WHICH VOTE OCCURRED <b>2/23/2017</b>	NAME OF POLITICAL SUBDIVISION: MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Richard E. Ranize, hereby disclose that on February 23, 20 17 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

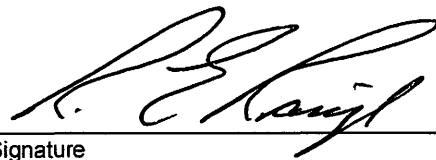
On or about July 1, 2012 and until Nov 1, 2014, I had communication with Laura Hargrove of Gause & Hargrove, PLLC regarding Mr. Mancino's arrest by the Fruitland Park Police Department. From the information discussed during are conversations and the information I learned about this case, I feel it would be improper and create a conflict for me to discuss this case with fellow Commissioners. I hereby abstain from discussing or voting on the Mancino case.

For the record I have not receive any payment, compensation, nor have I gained or lost privileges from any information exchanged regarding the Mancino case.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2/27/2017

Date Filed



Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



**AGENDA ITEM  
NUMBER  
4a**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Ordinance 2016-031 Amending the City's Comprehensive Plan			
<b>For the Meeting of:</b>	March 9, 2017			
<b>Submitted by:</b>	City Manager/Community Development Director/City Attorney			
<b>Date Submitted:</b>	February 21, 2017			
<b>Are Funds Required:</b>		Yes	X	No
<b>Account Number:</b>	N/A			
<b>Amount Required:</b>	N/A			
<b>Balance Remaining:</b>	N/A			
<b>Attachments:</b>	Yes			
<p><b>Description of Item:</b> 2035 Comprehensive Plan and revisions including the Ten-Year Water Supply Facilities Work Plan (2016-2025):</p> <ul style="list-style-type: none"> <li>a. Future Land Use,</li> <li>b. Transportation,</li> <li>c. Housing,</li> <li>d. Public Facilities,</li> <li>e. Conservation,</li> <li>f. Recreation and Open Space,</li> <li>g. Intergovernmental Coordination,</li> <li>h. Capital Improvements and Concurrency Management Elements to the Comprehensive Plan from the 2010 Census,</li> <li>i. Eliminating Level of Service Requirements for Recreation and Open Space Elements,</li> <li>j. Eliminating the Public School Facilities Element of the Former Comprehensive Plan, and</li> <li>k. Adopting the 10 year Water Supply Facilities Work Plan by Reference</li> </ul>				
<b>Action to be Taken: Approval</b>				
<b>Staff's Recommendation:</b>				
<b>Additional Comments:</b> First reading was held on December 8, 2016				

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the consent agenda: \_\_\_\_\_  
Mayor

## **ORDINANCE 2016-031**

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF FLORIDA STATUTE 163.3184; AMENDING THE CITY'S COMPREHENSIVE PLAN (ATTACHED AS EXHIBIT A); ADDING OR ADOPTING REVISIONS TO THE FUTURE LAND USE, TRANSPORTATION, HOUSING, PUBLIC FACILITIES, CONSERVATION, RECREATION AND OPEN SPACE, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENTS, AND CONCURRENCY MANAGEMENT, ELEMENTS OF THE COMPREHENSIVE PLAN; ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN ARISING FROM CHANGES FROM THE 2010 CENSUS; ELIMINATING RECREATION AND OPEN SPACE LEVEL OF SERVICE; ELIMINATING THE PUBLIC SCHOOL FACILITIES ELEMENT OF THE FORMER COMPREHENSIVE PLAN; DIRECTING THE CITY CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Fruitland Park, Florida on November 26, 1991, by Ordinance No 91-016, adopted a Comprehensive Plan which incorporated a Future Land Use Element setting forth the goals, objectives, and policies to guide and direct future development and growth; and

**WHEREAS**, the City Commission has determined that it is in the best interest of the health, safety and welfare of the citizens of the City of Fruitland Park to adopt a new Comprehensive Plan to govern land use and development through the year 2035;

**THEREFORE BE IT ORDAINED BY THE** City Commission of the City of Fruitland Park, Florida, as follows:

**SECTION 1.** The adopted local Comprehensive Plan for the City of Fruitland Park, Florida, as hereby amended.

**SECTION 2.** With the recommendations of the City Commission, the proposed Comprehensive Plan Amendments are hereby transmitted by the City Commission to the Florida Department of Economic Opportunity for appropriate review and/or approval.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

**SECTION 5.** A copy of said Comprehensive Plan Amendment is filed in the Office of the City Clerk of the City of Fruitland Park as a matter of permanent record of the City and that 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 6.** That the City Clerk, after passage of this ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Fruitland Park.

**SECTION 7.** The effective date of this Ordinance shall be the date the state land planning agency issues a final order determining the Comprehensive Plan, as attached hereto and amended prior to this Ordinance becoming effective, to be in compliance with Chapter 163, Florida Statutes, or the date the Division of Administrative Hearings issues a final order determining the adopted 2035 Comprehensive Plan to be in compliance with Chapter 163, Florida Statutes, whichever occurs first.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

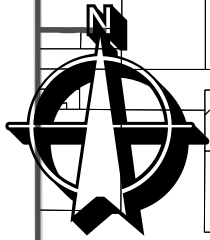
\_\_\_\_\_  
Esther Coulson, CMC, City Clerk

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

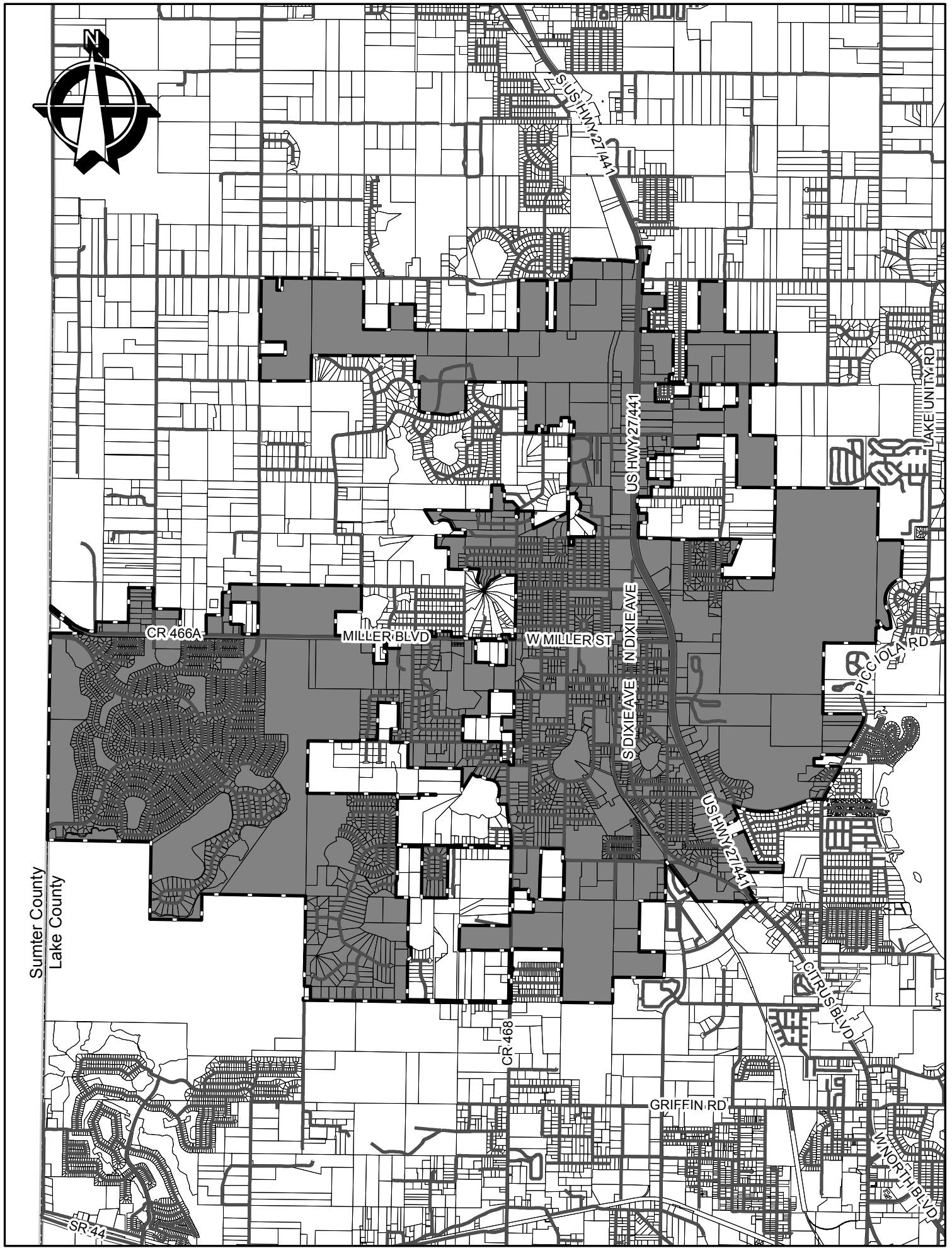
Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading December 8, 2016  
Passed Second Reading \_\_\_\_\_  
(SEAL)





Sumter County  
Lake County



CR 466A

MILLER BLVD

W MILLER ST

US HWY 27/441

S DIXIE AVE N DIXIE AVE

US HWY 27/441

CITRUS BLVD

PICCOLA BLVD

LAKE UNIT BLVD

CR 468

GRIFFIN RD

NORTH BLVD

SR 44

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

February 16, 2017

The Honorable Chris Cheshire  
Mayor, Fruitland Park  
506 West Berckman Street  
Fruitland Park, Florida 34731

Dear Mayor Cheshire:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Fruitland Park (Amendment No. 16-1ER), which was received on December 19, 2016 and determined complete on December 20, 2016. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. This letter serves as the Department's Objections, Recommendations, and Comments Report.

The Department did not identify any objections to the proposed amendment but offers one comment, provided below, for the City's consideration. This comment is offered as a suggestion to strengthen the City's Comprehensive Plan and is technical in nature, designed to ensure compliance with the provisions of Chapter 163, F.S.

Comment: The City updated its level of service standards within the Potable Water Sub-Element (Policy 4.10.1) but did not make a corresponding change to these standards within the Capital Improvements Element (Policy 8.3.1). This comment is also identified in the response to the amendment provided by the St. Johns River Water Management District. In response, prior to adoption of this amendment, the City should revise Policy 8.3.1 to ensure that it is consistent with the updated Policy. 4.10.1.

The Department is available to assist the City in crafting an appropriate response to this comment. The Water Management District's comments, as well as, comments received by the Department of Economic Opportunity from other review agency, are enclosed for the City's review and consideration.

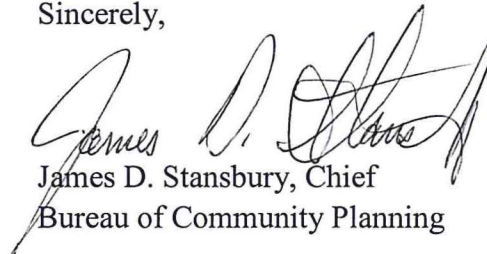
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](http://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](http://www.facebook.com/FLDEO)

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The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that section 163.3184(4)(e)1., F.S., provides that if the second public hearing is not held within 180 days of your receipt of the Department of Economic Opportunity's report, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

If you have any questions related to this review, please contact Dan Pennington, at (850) 717-8524, or by email at [dan.pennington@deo.myflorida.com](mailto:dan.pennington@deo.myflorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning

JDS/dp

Enclosures: Procedures for Adoption  
Agency Comments

cc: Charlie Rector, Community Development Director, Fruitland Park  
Hugh Harling, Jr., P.E., Executive Director, East Central Florida Regional Planning  
Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

**FOR STATE COORDINATED REVIEW**

**Section 163.3184(4), Florida Statutes**

**May 2011**

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

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

\_\_\_\_\_ Department of Economic Opportunity identification number for adopted amendment package;

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

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

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

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

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

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

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

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

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

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

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

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the Department of Economic Opportunity posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

\_\_\_\_\_ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

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

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity to the ORC report from the Department of Economic Opportunity.

## Eubanks, Ray

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**From:** Steve Fitzgibbons <SFitzgibbons@sjrwmd.com>  
**Sent:** Wednesday, January 18, 2017 3:57 PM  
**To:** DCPexternalagencycomments  
**Cc:** 'creator@fruitlandpark.org'; 'gregb@lpgurp.com'  
**Subject:** City of Fruitland Park proposed comprehensive plan amendment 16-1ER

Dear Mr. Eubanks,

St. Johns River Water Management District (District) staff have reviewed City of Fruitland Park proposed comprehensive plan amendment 16-1ER in accordance with the provisions of Chapter 163, *Florida Statutes*. Based on review of the submitted materials, District staff have no comments on the proposed amendment. However, District staff provide the following technical assistance.

1. Policies 4.10.1 and 8.3.1 contain the City's potable water level of service standards. The proposed amendment revises the standards in Policy 4.10.1, but not Policy 8.3.1. To maintain consistency, the District recommends that Policies 4.10.1 and 8.3.1 contain the same standards. In addition, the Public Facilities Element Data, Inventory, and Analysis should also utilize the same standards referenced in these revised policies.

If you have any questions or need additional information, please contact me. Also, Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at [sfitzgibbons@sjrwmd.com](mailto:sfitzgibbons@sjrwmd.com).

Sincerely,  
Steve Fitzgibbons

Steven Fitzgibbons, AICP  
Intergovernmental Planner  
Governmental Affairs Program  
St. Johns River Water Management District  
7775 Baymeadows Way, Suite 102  
Jacksonville, FL 32256  
Office (386) 312-2369  
E-mail: [sfitzgibbons@sjrwmd.com](mailto:sfitzgibbons@sjrwmd.com)  
Website: [www.sjrwmd.com](http://www.sjrwmd.com)  
Connect with us: [Newsletter](#), [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [Pinterest](#)



[www.sjrwmd.com/epermitting](http://www.sjrwmd.com/epermitting)

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

### Notices

• Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of confidentiality or privacy.

• Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/>

## Eubanks, Ray

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**From:** Plan\_Review (Shared Mailbox) <Plan.Review@dep.state.fl.us>  
**Sent:** Tuesday, January 10, 2017 11:15 AM  
**To:** Eubanks, Ray; DCPexternalagencycomments  
**Subject:** Fruitland Park 16-1ER Proposed

To: Ray Eubanks, DEO Plan Review Administrator

Re: Fruitland Park 16-1ER -- State Coordinated Review of Proposed Comprehensive Plan Amendment

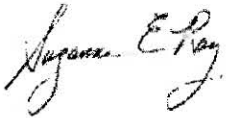
\*Please note the new contact information below.

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at [Suzanne.e.ray@dep.state.fl.us](mailto:Suzanne.e.ray@dep.state.fl.us) or (850) 717-9037 for assistance or additional information. Please send all amendments, both proposed and adopted, to [plan.review@dep.state.fl.us](mailto:plan.review@dep.state.fl.us) or

Florida Department of Environmental Protection  
Office of Intergovernmental Programs, Plan Review  
2600 Blair Stone Rd. MS 47  
Tallahassee, Florida 32399-2400







*Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

719 S. Woodland Boulevard  
DeLand, Florida 32720-6834

JIM BOXOLD  
SECRETARY

January 13, 2017

Mr. D. Ray Eubanks  
Plan Review and DRI Processing Unit  
Florida Department of Economic Opportunity  
107 East Madison Street  
Tallahassee, FL 32399-4120

**Subject:** Proposed Comprehensive Plan Amendment  
**Local Government:** City of Fruitland Park  
**DEO #:** 16-1EAR

Dear Mr. Eubanks,

The Department of Transportation has completed its review of the above proposed Comprehensive Plan Amendment as requested in the City's letter dated December 16, 2016, and received by the Department on December 21, 2016.

We appreciate the opportunity to participate in this review process. Since the amendment does not appear to have significant adverse impacts to the State Highway System (SHS) or the Strategic Intermodal System (SIS), the Department does not have any comments or recommendations.

If you have any questions, please contact Steve Shams at (386) 943-5421 or email at [steve.shams@dot.state.fl.us](mailto:steve.shams@dot.state.fl.us).

Sincerely,

Jean Parlow  
Growth Management Coordinator

*Attachment*

C: Tim McClendon, Lake County  
Robert Chandler IV, Lake County  
Fred Milch, ECFRPC  
Adam Biblo, DEO

Carmen Monroy, FDOT  
Dana Reiding, FDOT  
Dennis Smith, FDOT  
David J. Cooke, FDOT

\\D5.Dot.State.FL.Us\D5dfs\OOC\Planning\Growth Management\CPA Project Files\Fruitland Park\_Lake\EAR\16-1EAR\Proposed\Fruitland\_Park\_Proposed\_16-1EAR\_Cvrltr.Doc

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## COMPREHENSIVE PLAN AMENDMENT STATE COORDINATED REVIEW COMMENTS

**Local Government:** City of Fruitland Park  
**DEO Amendment #:** Fruitland Park 16-1EAR  
**Date FDOT Received:** December 21, 2016  
**Review Comments Deadline:** January 20, 2017  
**Today's Date:** January 13, 2017

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### GENERAL BACKGROUND INFORMATION

The City of Fruitland Park has transmitted a proposed amendment to their Comprehensive Plan, specifically the amendment represents a complete update of the plan based on the City's Evaluation and Appraisal Report. The amendment package also includes supporting data, inventory, and analyses.

There is one state road within the City of Fruitland Park, US 27/441 (approximately 2.9 miles in length).

### AMENDMENT – Fruitland Park 16-1EAR

**Elements:** All Elements

**Statutory Reference:** Chapter 163.3177, F.S., Required and optional elements of comprehensive plan  
Chapter 163.3184, F.S., Process for adoption of plan amendment

#### Background:

The City of Fruitland Park has updated their comprehensive plan based on the Evaluation and Appraisal Report (EAR), and has transmitted the proposed amended plan for review.

The Department of Transportation's review focused on two elements, the Capital Improvements Element (as it relates to transportation) and the Transportation Element.

#### Capital Improvements Element

The City has updated the Capital Improvements Element to include the updated level of service (LOS) standards for transportation facilities within the City limits, including Bicycle, Golf Cart, Pedestrian, and Transit LOS. The Capital Improvements Element also includes a list of any planned transportation projects and the associated funding status and sources. US 27/441 is identified to be widened from Avenida Central to Lake Ella Road by 2035. This is consistent with the Lake Sumter Metropolitan Planning Organization Long Range Transportation Plan.

#### Transportation Element

The Transportation Element has been updated to include an analysis of the existing (2016) and projected (2040) LOS for the City's transportation network. No deficiencies are identified under existing or projected conditions. The City has established a LOS standard of D for all roadways within the City, including US 27/441.

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FDOT Contact:	Steve Shams, MURP FDOT District 5 (In-House) Project Manager 386-943-5421 E-mail: <a href="mailto:Steve.Shams@dot.state.fl.us">Steve.Shams@dot.state.fl.us</a> File: H:\OOC\Planning\Growth Management\CPA Project Files\Fruitland Park_Lake\EAR\16-1EAR\Proposed\Fruitland_Park_Proposed_16-1EAR_Review.doc	Reviewed by:	Clif Tate, PE Kimley-Horn and Associates, Inc. 407-898-1511 <a href="mailto:clif.tate@kimley-horn.com">clif.tate@kimley-horn.com</a>
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**COMPREHENSIVE PLAN AMENDMENT STATE COORDINATED REVIEW COMMENTS**

**Local Government:** City of Fruitland Park  
**DEO Amendment #:** Fruitland Park 16-1EAR  
**Date FDOT Received:** December 21, 2016  
**Review Comments Deadline:** January 20, 2017  
**Today's Date:** January 13, 2017

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We reviewed the projected volumes along US 27/441 provided by the City, and they appear to be reasonable. As previously noted, no deficiencies are anticipated for US 27/441 within the City's limits through 2040.

The Transportation Element also includes detailed LOS criteria for pedestrian, bicycle, golf cart, and transit modes of transportation. The City has adopted LOS D as the standard for pedestrians and transit, and LOS F for bicycle and golf cart facilities.

Transportation Facilities are shown in Map 2-2.

**Technical Assistance:**

The City of Fruitland Park's population is estimated to be 4,274 by the Bureau of Economic and Business Research. The City's comprehensive plan update appears to address mobility issues in relationship to the City's size.

Pursuant to F.S. 163.3184(4)(c), the Florida Department of Transportation (FDOT) does not have comments or recommendations at this time regarding the City's proposed amendment. The proposed change does not appear to adversely impact designated transportation resources and facilities of state importance.

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FDOT Contact:	Steve Shams, MURP FDOT District 5 (In-House) Project Manager	Reviewed by:	Clif Tate, PE Kimley-Horn and Associates, Inc.
Telephone:	386-943-5421		407-898-1511
E-mail:	<a href="mailto:Steve.Shams@dot.state.fl.us">Steve.Shams@dot.state.fl.us</a>		<a href="mailto:clif.tate@kimley-horn.com">clif.tate@kimley-horn.com</a>
File:	H:\OOC\Planning\Growth Management\CPA Project Files\Fruitland Park_Lake\16-1EAR\Proposed\Fruitland_Park_Proposed_16-1EAR_Review.doc		

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

**MEMORANDUM**

**TO:** Suzanne Ray, DEP  
Deena Woodward, DOS  
Tracy Suber, DOE  
Fred Milch, East Central Florida RPC  
Judy Pizzo, FDOT5  
Steven Fitzgibbons, St. Johns River WMD  
Lake County

**DATE:** December 20, 2016

**SUBJECT:** ***COMMENTS FOR PROPOSED*** COMPREHENSIVE PLAN AMENDMENT

**LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #:**

**Fruitland Park 16-1ER**

**CONTACT PERSON/PHONE NUMBER:** Adam Biblo - 850/717-8503

**COMMENTS DUE TO STATE LAND PLANNING AGENCY NO LATER THAN:**

**January 18, 2017**

Please contact the local government if you do not have a copy of the proposed amendment. Please review the proposed comprehensive plan amendment documents for consistency with applicable provisions of Chapter 163, Florida Statutes. Pursuant to Florida Statute 163.3184(4)(c), FS, forward comments to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the State Land Planning Agency E-mail address:  
[DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)

Please use the above referenced STATE LAND PLANNING AGENCY AMENDMENT NUMBER on all correspondence related to this amendment.

**Note: Review Agencies -** The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.

Florida Department of Economic Opportunity | Call Center Building | 107 W. Madison Street | Tallahassee, FL 32399

850.487.7111 | 850.487.7112  
[www.floridadeo.com](http://www.floridadeo.com)

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Community Development Department  
506 W. Berckman St.  
Fruitland Park FL 34731

Tel. (352) 360-6727  
Fax. (352) 360-6652

December 16, 2016

RECEIVED  
Bureau of Community Planning

DEC 19 2016

Div. of Community Development  
Dept. of Economic Opportunity

Mr. Ray Eubanks, Plan Processing Administrator  
State Land Planning Agency  
Caldwell Building  
107 E. Madison  
MSC 160  
Tallahassee, FL 32399

**RE: EAR BASED COMPREHENSIVE PLAN AMENDMENT – STATE COORDINATED REVIEW**

Dear Mr. Eubanks:

The City of Fruitland Park has updated their comprehensive plan and requests State coordinated review pursuant to Section 163.3184(4), F.S. The amendment is not within an area of critical state concern, not subject to the Wekiva River Protection Area and not subject to a Joint Planning Area. The Comprehensive Plan has been updated to a twenty year planning period through 2035.

The Land Planning hearing on these amendments was held on December 8, 2016 and the City Commission transmittal public hearing was held on December 8, 2016.

Please find enclosed the following documents in support of the amendment:

- Comprehensive plan - data and analysis, Goals, Objectives and Policies, including maps (1 copy and 2 CD Roms in PDF format)
- Ordinance No. 2016-031 authorizing the transmittal
- Certified copy of the minutes of the transmittal hearing
- Proof of publication

In accordance with State requirements a copy of the proposed amendment is also being sent simultaneously to the regulatory agencies listed at the end of the letter.

Should you have any questions regarding the transmittal package, please contact Charlie Rector, at 352-360-6727 ([crector@fruitlandpark.org](mailto:crector@fruitlandpark.org)) or Greg Beliveau, AICP at 352-385-1940 ([GregB@lpgurp.com](mailto:GregB@lpgurp.com)).

Sincerely,

Mayor Chris Cheshire

City of Fruitland Park

Memo: Page 2

Cc: Charlie Rector, Community Development Director  
Tracy Suber, FDOE  
Plan Reviewer, FDEP  
Deanna Woodward, FDOS  
Transportation Planning Manager, FDOT District Five  
Steven Fitzgibbons, SJRWMD  
Fred Milch, ECFRPC  
Robert Chandler, Lake County

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

December 20, 2016

The Honorable Chris Cheshire  
Mayor of Fruitland Park  
506 W. Berckman Street  
Fruitland Park, Florida 34731

Dear Mayor Cheshire:

Thank you for submitting City of Fruitland Park's proposed comprehensive plan amendments for our review. The reference number for this amendment is **Fruitland Park 16-1ER**.

We have conducted an inventory of the proposed plan amendment package to verify the inclusion of all required materials for the proposed amendments. The submission package appears to be complete, and your proposed plan amendments will be reviewed pursuant to Chapter 163.3184(4)(d), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. The State Land Planning Agency's Objection, Recommendation and Comment (ORC) report will be mailed to you on or about **February 17, 2017**.

If you have any questions please contact Anita Franklin, Plan Processor at (850) 717-8486 or Adam Biblo, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850) 717-8503.

Sincerely,

D. Ray Eubanks, Administrator  
Plan Review and Processing

DRE/af

Florida Department of Economic Opportunity | Call Center | 1107 E. Madison Street | Tallahassee, FL 32309  
Phone: (904) 717-1111 | Fax: (904) 717-1112  
[www.floridarelay.com](http://www.floridarelay.com) | [www.floridadeo.com](http://www.floridadeo.com)

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**AGENDA ITEM  
NUMBER  
4b**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Ordinance 2017-001 Online Bill Payment		
<b>For the Meeting of:</b>	March 9, 2017		
<b>Submitted by:</b>	City Treasurer/City Attorney		
<b>Date Submitted:</b>	November 30, 2016		
<b>Are Funds Required:</b>		Yes	X No
<b>Account Number:</b>	N/A		
<b>Amount Required:</b>	N/A		
<b>Balance Remaining:</b>	N/A		
<b>Attachments:</b>	Yes		
<b>Description of Item:</b>	First reading was held on February 23, 2017.		
<b>Action to be Taken:</b>	Select and approve a credit card vendor.		
<b>Staff's Recommendation:</b>			
<b>Additional Comments:</b>	At the October 13, 2016 regular meeting, the city commission approved the implementation of the citizen self-service (online utility payments).		

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the  Regular  Consent agenda: \_\_\_\_\_  
Mayor



**ORDINANCE 2017-001**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 99.110 TO IMPOSE A FEE FOR ONLINE BILL PAYMENT SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Fruitland Park is implementing an online bill payment service; and

**WHEREAS**, the City will incur a cost to purchase the online payment module and implement the online payment service and there will be an annual recurring fee; and

**WHEREAS**, the City is authorized pursuant to its exercise of the proprietary right to impose a fee on the user of the online bill payment service for the privilege of using the service; and

**WHEREAS**, the user is receiving a privilege benefit and/or the fee imposed is reasonable in relation to the privilege or service provided.

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

Section 1. **Miscellaneous Fees.** Sec. 99.110 of the Code of Ordinances of the City of Fruitland Park is amended to read as follows:

**Sec. 99.110. - Miscellaneous fees.**

- (A) The city is authorized to charge a fee for each of the uses of city property and each of the services set forth in subsection (B) below.
- (B) The uses of city property and services for which the city shall charge a fee and the amount of the fee for each use or service are as follows:

*Use or Service      Fee*

- (1) Burn permit (a maximum of two permits will be issued per year per property owner):
  - (a) Residential, per permit.....10.00
  - (b) Commercial, per permit.....20.00
- (2) Mandated annual fire inspection:
  - (a) Commercial, per annual inspection.....35.00
  - (b) Other required inspections, per inspection.....35.00
  - (c) First reinsertion.....15.00

(d) Additional inspections, per reinsertion.....15.00

(3) On-line bill payment .....2.99%

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

Section 3. This Ordinance shall be codified and included in the Municipal Code by the appropriate party. The section of this ordinance may be renumbered or reentered, and the word “Ordinance” may be changed to “Section”, “Article”, or other appropriate designation.

Section 4. This Ordinance shall take effect immediately upon final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED and ORDAINED this day of \_\_\_\_\_ 2017, by the City Commission of the City of Fruitland Park, Florida.

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

Attest:

\_\_\_\_\_  
Esther Coulson, City Clerk

Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Vice-Mayor Gunter	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Lewis	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Ranize	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Mayor Cheshire	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)

First Reading February 23, 2017

Second Reading

Approved as to form and legality:

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



**AGENDA ITEM  
NUMBER  
4c**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Quasi-Judicial Public Hearing – Second Reading - Ordinance 2017-013 Boundary Amendment – Petitioner Kurt and Suzanne Damron.			
<b>For the Meeting of:</b>	March 9, 2017			
<b>Submitted by:</b>	City Manager/Community Development Director/City Attorney			
<b>Date Submitted:</b>	January 6, 2017			
<b>Are Funds Required:</b>		Yes	X	No
<b>Account Number:</b>	N/A			
<b>Amount Required:</b>	N/A			
<b>Balance Remaining:</b>	N/A			
<b>Attachments:</b>	Yes			
<b>Description of Item:</b> Proposed ordinance will be considered before the LPA. The first reading was held on February 23, 2017.				
<b>Action to be Taken:</b> LPA's recommendations.				
<b>Staff's Recommendation:</b>				
<b>Additional Comments:</b>				

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the regular agenda: \_\_\_\_\_  
Mayor

**RESOLUTION 2004-014**

**A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF FRUITLAND PARK, FLORIDA; RELATING TO  
QUASI-JUDICIAL HEARINGS; ESTABLISHING  
PROCEDURES FOR THE DISCLOSURE OF EX PARTE  
COMMUNICATIONS; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statute 286.0115 allows municipalities to remove the presumption of prejudice attached to ex parte communications with local public officials in quasi-judicial proceedings through the adoption of a resolution or ordinance establishing a process for the disclosure of such communications; and

**WHEREAS**, the City Commission of the City of Fruitland Park desires to implement the provisions of F.S. 286.0115 with respect to quasi-judicial proceedings which occur before the City Commission as well as city boards and committees.

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

**Section 1.** The following procedures shall apply with regards to any quasi-judicial matters before the City Commission or any board or committee of the City:

**Procedures for quasi-judicial hearings;  
Disclosure of ex parte communications.**

(a) *Intent.* Pursuant to Section 286.0115(1), Florida Statutes, it is the intent of the city commission that this section is intended to remove the presumption of prejudice from *ex parte* communications with city officials and to permit, among other things, site visits, the receipt of expert opinion, and the review of mail and other correspondence relating to quasi-judicial proceedings by said city officials. .

(b) *Definitions.* As used in this section, the following terms shall be defined as follows:

- (1) "City official" means and refers to any elected or appointed public official holding a municipal position or office who recommends or takes quasi-judicial action as a member of a city board, commission, or committee, including, but not limited to, a member of the city commission, the code enforcement board, the planning and zoning board, or the local planning agency.
- (2) "*Ex parte* communication" means a communication involving a city official and a member of the public, regarding a pending quasi-judicial action, such that the city official may be exposed to only one perspective

or part of the evidence with regard to a quasi-judicial action pending before the commission or board on which the city official serves. *Ex parte* communications occur at other than a public meeting of the board on which the city official serves at which the quasi-judicial action discussed has been publicly noticed.

- (3) "Member of the public" refers to any person interested in a quasi-judicial action, including, but not limited to, an applicant, an officer or member of a homeowner's association, an officer or member of an environmental, homebuilding/development, or concerned citizen's organization, an official or employee of a governmental entity other than the City, a developer, a property owner, or an interested citizen, or a representative of or attorney for any of the foregoing.
- (4) "Quasi-judicial" refers to a land use, land development, zoning, or building related permit, application or appeal, as set forth below, in which city officials give notice and an opportunity to be heard to certain substantially affected persons, investigate facts, ascertain the existence of facts, hold hearings, weigh evidence, draw conclusions from the facts, and apply the law to the facts, as the basis for their decision.
- (5) "Site visit" means an inspection of real property subject to an application for any quasi-judicial action prior to a public hearing on the application conducted by a city official. The mere act of driving by a site in the daily course of driving to a particular location, such as work or a particular store, which act is not undertaken for the purpose of inspecting a particular parcel of real property is not a site visit for purposes of this section.

(c) *Ex parte communications between city officials and members of the public.*

- (1) A member of the public not otherwise prohibited by statute, charter provision or ordinance may have an *ex parte* communication with any city official regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below.
- (2) Except as otherwise provided by statute, charter provision, or ordinance, any city official may have an *ex parte* communication with any expert witness or consultant regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below. Nothing here,

however, shall restrict a city official access to city staff or expert witness or consultant retained by the City.

(3) Disclosure.

- (A) All city officials shall disclose the occurrence of all *ex parte* communications or discussions with a member of the public or an expert witness or consultant involving said city official which relate to the quasi-judicial action pending before the commission or board on which the city official serves.
  - (B) Disclosure shall occur by no later than the final public hearing, or if no formal public hearing is held, then any hearing at which the final decision regarding the quasi-judicial matter is made. The city official shall disclose the *ex parte* communication verbally or by memorandum. Any such memorandum disclosing the occurrence of the *ex parte* communication shall be placed in the official file regarding the pending quasi-judicial matter which file shall be maintained in the City Clerk's records.
  - (C) At the time of disclosure, the city official shall identify the person, group, or entity with whom the *ex parte* communication took place, the substance of the *ex parte* communication, and any matters discussed which are considered by the city official to be material to said city official's decision in the pending quasi-judicial matter.
- (d) *Oral or written communications between city staff and city officials.* City officials may discuss quasi-judicial matters pending before the commission or board on which said city official serves with city staff without the requirement to disclose pursuant to sub-section (c)(3) above.
- (e) *Site visits by city officials.* Any city official may conduct a site visit of any property related to a quasi-judicial matter pending before the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) above. Any disclosure of a site visit pursuant to sub-section (c)(3) shall disclose the existence of the site visit, and any information obtained by virtue of the site visit considered by the city official to be material to said official's decision regarding the pending quasi-judicial matter.
- (f) *Review of mail, correspondence, and written communications by city officials.* Any city official may review mail, correspondence, or written communications, related to a quasi-judicial matter pending before the commission or board on which the city official serves. Upon review of the mail, correspondence, or

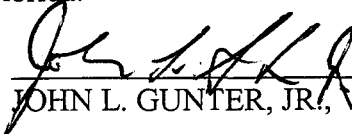
written communication, the document shall be placed in the official file regarding the pending quasi-judicial matter and maintained in the city clerk's records.

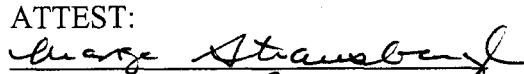
- (g) *City clerk's file.* All correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter shall be placed in the official file regarding said matter and maintained by the city clerk. Said correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter, or any disclosure memoranda as described in sub-section (c)(3)(B), shall be available for public inspection. By no later than the final public hearing, or if no formal public hearing is held, then at any hearing at which the final decision regarding the quasi-judicial matter is made, the city clerk shall make said correspondence, mail, written communications, or other matters, and any disclosure memoranda placed in the official file, a part of the record. All of the foregoing documents shall be received by the commission or board as evidence, with the exception of disclosure memoranda, subject to any objections interposed by participants at the hearing.
- (h) *Opportunity to comment upon substance of disclosure.* At such time that a disclosure regarding an *ex parte* communication, receipt of an expert opinion, site visit, or review of mail, correspondence, or other written communication is made a part of the record at a hearing, persons who may have opinions or evidence contrary to those expressed in the *ex parte* communication, expert opinion, or mail, correspondence, or other written communication, or noted during the site visit, shall be given a reasonable opportunity to refute or respond and provide contrasting information, evidence, or views.

**Section 2.** If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

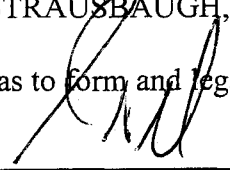
**Section 3.** This resolution shall be effective upon passage.

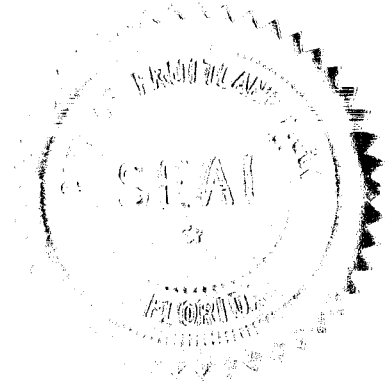
**PASSED AND RESOLVED** this 24<sup>th</sup> day of June, 2004, by the City Commission of the City of Fruitland Park, Florida.

  
\_\_\_\_\_  
JOHN L. GUNTER, JR., VICE MAYOR

ATTEST:  
  
\_\_\_\_\_  
MARGE STRAUSEBAUGH, CITY CLERK

Approved as to form and legality:

  
\_\_\_\_\_  
Scott A. Gerken, City Attorney





**AGENDA ITEM  
NUMBER  
4c**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Quasi-Judicial Public Hearing – Second Reading - Ordinance 2017-013 Boundary Amendment – Petitioner Kurt and Suzanne Damron.			
<b>For the Meeting of:</b>	March 9, 2017			
<b>Submitted by:</b>	City Manager/Community Development Director/City Attorney			
<b>Date Submitted:</b>	January 6, 2017			
<b>Are Funds Required:</b>		Yes	X	No
<b>Account Number:</b>	N/A			
<b>Amount Required:</b>	N/A			
<b>Balance Remaining:</b>	N/A			
<b>Attachments:</b>	Yes			
<b>Description of Item:</b> The first reading was held on February 23, 2017.				
<b>Action to be Taken:</b> Enact Ordinance 2017-013.				
<b>Staff's Recommendation:</b> Approval.				
<b>Additional Comments:</b>				

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the regular agenda: \_\_\_\_\_  
Mayor



**ORDINANCE 2017 - 013**

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 6.0 ± ACRES OF LAND GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; 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 SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a petition has been submitted by Charles Johnson, on behalf of Kurt and Suzanne Damron, Owners, requesting that approximately 6.0 acres of real property generally located north of CR 466A and west of Timbertop Lane (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**, the required notice of the proposed annexation has been properly published; and

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

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

Section 1. The following described property consisting of approximately 6.0 acres of land generally located north of CR 466A and west of Timbertop Lane, 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:** The South 435 feet of the West 435 feet of the Southeast ¼ of the Northeast ¼ of Section 6, Township 19 South, Range 24 East, lake County, Florida; and Begin at the Northwest corner of the Northeast ¼ of the Southeast ¼ of Section 6, Township 19 South, Range 24 East, Lake County, Florida, run South 80.47 feet, thence East 420 feet; thence South 139.01 feet, thence East 178.16 feet, thence North 219.48 feet to the North line of the Northeast ¼ of the Southeast ¼, thence West 598.6 feet to the Point of Beginning.

**Parcel Alternate Key No. 3693752**

Section 2. 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.

Section 3. 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. 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 5 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Esther Coulson, CMC, City Clerk

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

Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading February 23, 2017  
Passed Second Reading \_\_\_\_\_  
(SEAL)



**AGENDA ITEM  
NUMBER  
4d**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Quasi-Judicial Public Hearing – Second Reading - Ordinance 2017-014 Comprehensive Plan Amendment – Petitioner: Kurt and Suzanne Damron			
<b>For the Meeting of:</b>	March 9, 2017			
<b>Submitted by:</b>	City Manager/Community Development Director/City Attorney			
<b>Date Submitted:</b>	January 6, 2017			
<b>Are Funds Required:</b>		Yes	X	No
<b>Account Number:</b>	N/A			
<b>Amount Required:</b>	N/A			
<b>Balance Remaining:</b>	N/A			
<b>Attachments:</b>	Yes			
<b>Description of Item:</b> First reading was held on February 23, 2017.				
<b>Action to be Taken:</b> Enact Ordinance 2017-014				
<b>Staff's Recommendation:</b> Approval				
<b>Additional Comments:</b>				

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the regular agenda: \_\_\_\_\_  
Mayor

**ORDINANCE 2017 - 014**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 6.0± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a petition has been received from Charles Johnson as applicant on behalf of Kurt and Suzanne Damron as Owners, requesting that real property within the city limits of the City of Fruitland Park be assigned a land use designation of "Commercial" 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 the City of Fruitland Park, Florida, as follows:

**Section 1:** The following described property consisting of approximately 6.0 ± acres generally located north of CR 466A and west of Timbertop Lane and more particularly described as follows:

**LEGAL DESCRIPTION:** The South 435 feet of the West 435 feet of the Southeast ¼ of the Northeast ¼ of Section 6, Township 19 South, Range 24 East, lake County, Florida; and Begin at the Northwest corner of the Northeast ¼ of the Southeast ¼ of Section 6, Township 19 South, Range 24 East, Lake County, Florida, run South 80.47 feet, thence East 420 feet; thence South 139.01 feet, thence East 178.16 feet, thence North 219.48 feet to the North line of the Northeast ¼ of the Southeast ¼, thence West 598.6 feet to the Point of Beginning.

**Parcel Alternate Key No. 3693752**

shall be assigned a land use designation of Commercial under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "A" 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:** The City Manager or his designee, after passage of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Fruitland Park.

**Section 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:** 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.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

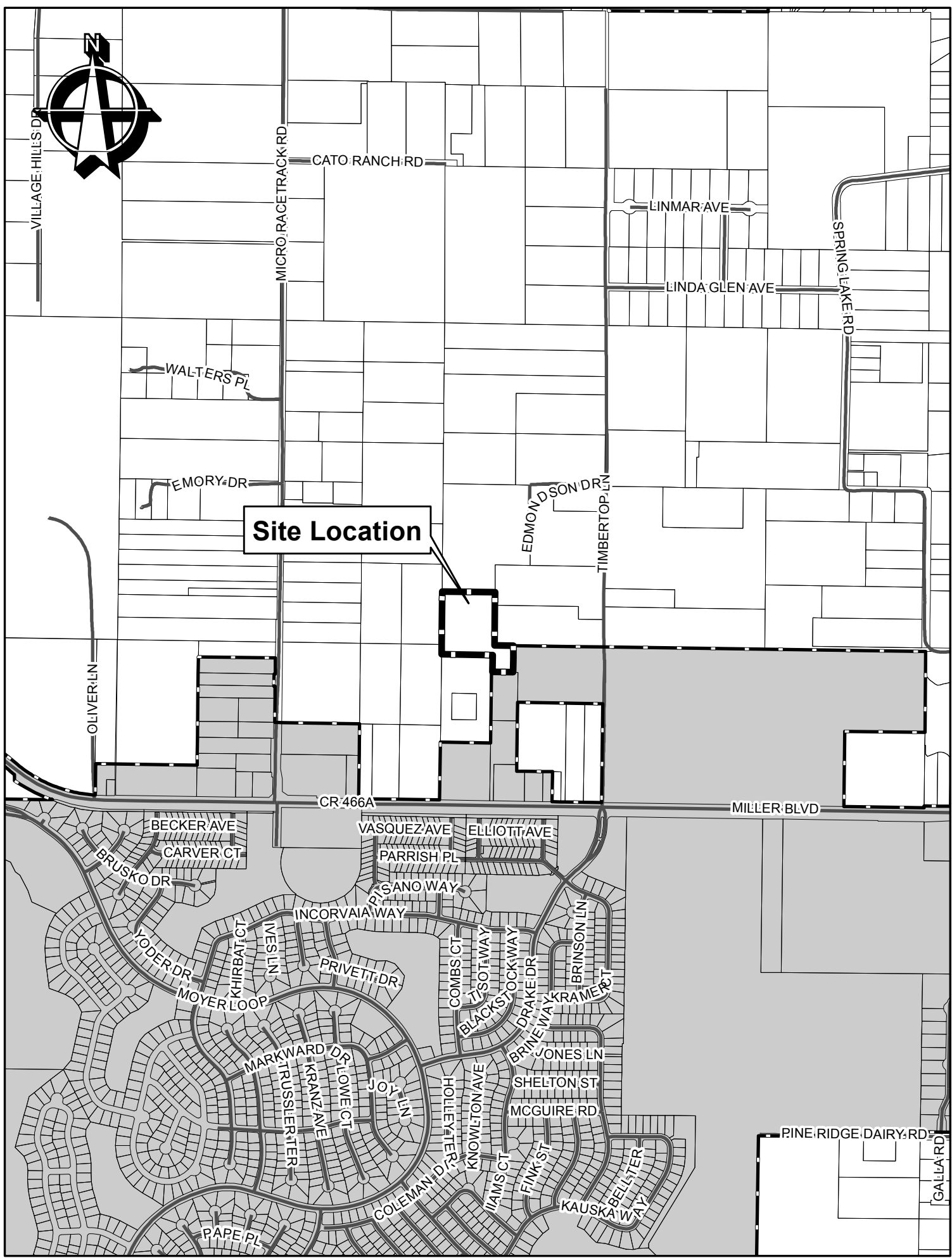
\_\_\_\_\_  
Esther Coulson, CMC, City Clerk

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

Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading February 23, 2017  
Passed Second Reading \_\_\_\_\_  
(SEAL)

**EXHIBIT A**



VILLAGE HILLS DR

MICRO RACE TRACK RD

CATO RANCH RD

LINMAR AVE

LINDA GLEN AVE

SPRING LAKE RD

WALTERS PL

EMORY DR

Site Location

EDMONDSON DR LN

TIMBERTOP LN

OLIVER LN

CR 466A

MILLER BLVD

BECKER AVE

VASQUEZ AVE

ELLIOTT AVE

BRUSKO DR

CARVER CT

PARRISH PL

PISANO WAY

INCORVAIA WAY

YODER DR

KHIRBAT CT

IVES LN

PRIVETT DR

MOYER LOOP

COMBS CT

TISOT WAY

BLACKSTOCKWAY

BRINEWAY

DRAKE DR

BRINSON LN

KRAMER CT

MARKWARD DR

TRUSSERTER

KRANZ AVE

FLOWER CT

JOY LN

COLEMAN DR

HOLLEYTER

KNOWTON AVE

IIAMS CT

FINK ST

JONES LN

SHELTON ST

MCGUIRE RD

PAPE PL

PINE RIDGE DAIRY RD

GALLA RD

KAUSKA WAY

BELLISTER



**AGENDA ITEM  
NUMBER  
4e**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Quasi-Judicial Public Hearing – Second Reading - Ordinance 2017-015– Rezoning - Petitioner: Kurt and Suzanne Damron			
<b>For the Meeting of:</b>	March 9, 2017			
<b>Submitted by:</b>	City Manager/Community Development Director/City Attorney			
<b>Date Submitted:</b>	January 6, 2017			
<b>Are Funds Required:</b>		Yes	X	No
<b>Account Number:</b>	N/A			
<b>Amount Required:</b>	N/A			
<b>Balance Remaining:</b>	N/A			
<b>Attachments:</b>	Yes			
<b>Description of Item:</b> Proposed ordinance will be considered before the LPA. The first reading was held on January 26, 2017.				
<b>Action to be Taken:</b> Approve the LPA’s recommendations.				
<b>Staff’s Recommendation:</b> Approval				
<b>Additional Comments:</b>				

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the regular agenda: \_\_\_\_\_  
Mayor



## ORDINANCE 2017 - 015

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 6.0 ± ACRES OF THE PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a petition has been submitted by Charles Johnson as applicant, on behalf of Kurt and Suzanne Damron, Owners, requesting that approximately 6.0 acres of real property generally located north of CR 466A and west of Timbertop Lane (the "Property") be rezoned from Lake County Agriculture (AG) to General Commercial (C-2) within the city limits of Fruitland Park; and

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

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

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

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

Section 1. The following described property consisting of approximately 6.0 ± acres of land generally located north of CR 466A and west of Timbertop Lane shall hereafter be designated as C-2, General Commercial, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described as:

**LEGAL DESCRIPTION:** The South 435 feet of the West 435 feet of the Southeast ¼ of the Northeast ¼ of Section 6, Township 19 South, Range 24 East, lake County, Florida; and Begin at the Northwest corner of the Northeast ¼ of the Southeast ¼ of Section 6, Township 19 South, Range 24 East, Lake County, Florida, run South 80.47 feet, thence East 420 feet; thence South 139.01 feet, thence East 178.16 feet, thence North 219.48 feet to the North line of the Northeast ¼ of the Southeast ¼, thence West 598.6 feet to the Point of Beginning.

### **Parcel Alternate Key No. 3693752**

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

Section 3. That the zoning classification is consistent with the Comprehensive Plan of the City of Fruitland Park, Florida.

Section 4. 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. Conflict. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall become effective immediately upon the effective date of the comprehensive plan amendment for the subject property. No development permits or land uses dependent on this zoning 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Esther Coulson, CMC, City Clerk  
(SEAL)

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

Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading February 23, 2017

Passed Second Reading \_\_\_\_\_



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

PHONE: 352/ 360-6727  
FAX: 352/ 360-6652

<b>Board Members:</b> Connie Bame, Chairwoman Colin Crews Daniel Dicus Philip Purlee Tom Bradley	<b>Others:</b> Charlie Rector, Community Development Director Tracy Kelley, Administrative Assistant
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**AGENDA  
PLANNING & ZONING BOARD  
FEBRUARY 16, 2017  
6:00PM**

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- I. **INVOCATION:**
- II. **ROLL CALL:**
- III. **MINUTES FROM PREVIOUS MEETING:** Approve minutes from January 19, 2017.
- IV. **OLD BUSINESS:** None
- V. **NEW BUSINESS:**
- A Damron Property Annexation, SSCPA & Rezoning (ALT Key #3693752)
    - a. Annexation from County Agriculture to City limits of Fruitland Park
    - b. SSCPA for 1 parcel totaling 6 ± acres
    - c. Rezoning from County Ag to City General Commercial (C2)

**BOARD MEMBERS' COMMENTS:**

**ADJOURNMENT:**



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

PHONE: 352/ 360-6727  
FAX: 352/ 360-6652

<b>Board Members:</b> Connie Bame, Chairman Colin Crews Daniel Dicus Philip Purlee Tom Bradley	<b>Others:</b> Charlie Rector, Community Development Director Tracy Kelley, Administrative Assistant
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**MINUTES  
PLANNING & ZONING BOARD  
JANUARY 19, 2017  
6:00PM**

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- I. **INVOCATION:** Vice Chairman Crews called the meeting to order at 6:00P.M. Vice Chairman Crews gave the invocation and led the pledge of allegiance.
- II. **ROLL CALL:** All Board members present to include new Board Member Bradley. Present CDD Rector and Assistant Kelley. Vice Chairman Crews explained commencing meeting in absence of former Chairman Schaller since resigning from Board.
- III. **MINUTES FROM PREVIOUS MEETING:** Approve minutes from December 15, 2016.
- IV. **OLD BUSINESS:** None
- V. **NEW BUSINESS:**

- A Introduction of new Planning & Zoning Board Member
- a. Appoint Chairman to Planning & Zoning Board

New board member Thomas Bradley introduced to the Planning & Zoning members by Vice Chairman Crews; Vice Chairman Crews stated a new Chairman is to be appointed to Planning & Zoning Board; Board member Purlee made a motion to nominate Board member Connie Bame/Second by Board member Dicus. Approved 5-0.

Vice Chairman Crews acknowledged to the Board and audience newly appointed Chairwoman Bame is the longest standing member and the appointment is well made.

Chairwoman Bame took seat of Chair and regular meeting commenced.

- B. Carrie Ross Blevins Variance
- a. Reduce building side setback on east side of property
- b. Reduce the side landscape buffer width on east & west sides of property
- c. Reduce the rear setback from 15' to 4' for dumpster enclosure
- d. Increase the maximum number of uninterrupted parking spaces from 10 to 13

Attending on behalf of applicant Carrie Ross Blevins, Mr. Terry Ross and applicant Engineer Keith Riddle.

CDD Rector introduced the application and the four requested variances to previously adopted Annexation, SSCPA, and Rezoning of the Ross property; the property is 100' wide and proves the variance requests are necessary for future development; LPG Land Planner has recommended approval; Vice Chairman Crews inquired if any response was given from surrounding property owners; CDD Rector confirmed one telephone call to the Community Development Department with concern of what was proposed development and the caller was not in opposition. CDD Rector confirmed attendance of applicant and applicant's engineer in attendance for any related questions.

Board member Dicus reminded CDD Rector to confirm with Board members his employment by Mr. Terry Ross (Ross Plumbing) does not conflict any votes as the Zoning Board is a recommending board only.

Board member Purlee made motion to approve the four variance requests as outlined:

- a. Reduce building side setback on east side of property
- b. Reduce the side landscape buffer width on east & west sides of property
- c. Reduce the rear setback from 15' to 4' for dumpster enclosure
- d. Increase the maximum number of uninterrupted parking spaces from 10 to 13

Second by Board member Crews. Approved 5-0.

C. Sunshine Properties & Rentals, Inc. Variance

- a. Reduce rear landscape buffer width of property to 10'

Attending applicants Mr. and Mrs. Pospisil, and Engineer Keith Riddle.

CDD Rector introduced application and request to reduce the rear property buffer with addition of a 6' vinyl privacy fence to run along the rear of property and along the west side of property to front wall of proposed building; LPG Land Planner recommends approval.

Board member Dicus questioned if there were any complaints from surrounding property owners; CDD Rector stated one telephone call to Community Development Department in regards to existing fence if would be removed – confirmed yes by applicants; CDD Rector reminded Board members new project complies with new architectural design standards previously adopted.

Board member Crews inquired if project is to include all asphalt parking; CDD Rector responded yes.

Board member Dicus made motion for variance approval. Second by Board member Purlee. Approved 5-0.

D. Gamble Family Revc Trust Annexation, SSCPA, and Rezoning

- b. Annexation from County to City limits of Fruitland Park
- c. SSCPA for 1 parcel totaling 0.31 ± acres
- d. Rezoning from County R-7 to City General Commercial (C-2)

CDD Rector introduced application as the future location for the City's lift station along CR 466A; CDD Rector reminded Board item D and E are contiguous to previous applicant SEMS Property as approved.

Board member Dicus questioned plans with property; CDD Rector stated applicant is in hopes of selling property.

Chairwoman Bame questioned future property also being rezoned to commercial; CDD Rector stated it is inevitable with future growth along CR 466A.

Motion to approve Annexation by Board member Crews. Second by Board member Dicus. Approved 5-0.

Motion to approve SSCPA by Board member Purlee. Second by Board member Crews. Approved 5-0.

Motion to approve Rezoning by Board member Crews. Second by Board member Dicus. Approved 5-0.

E. Humble Investments, Inc. Annexation, SSCPA, and Rezoning

- e. Annexation from County to City limits of Fruitland Park
- f. SSCPA for 1 parcel totaling 0.37 ± acres
- g. Rezoning from County R-7 to City General Commercial (C-2)

CDD Rector introduced application as parcel with 30' of property to be used for City's lift station.

Motion to approve Annexation by Board member Dicus. Second by Board member Purlee. Approved 5-0.

Motion to approved SSCPA by Board member Purlee. Second by Board member Dicus. Approved 5-0.

Motion to Rezone property by Board member Bradley. Second by Board member Dicus. Approved 5-0.

**BOARD MEMBERS' COMMENTS:** Chairwoman Bame noted the Board also needed to nominate a Vice Chairman with new approval of Chair. Chairwoman Bame nominated Board member Purlee.

Motion to approve Board member Purlee as Board Vice Chair to the Planning & Zoning Board by Chairwoman Bame. Second by Board member Dicus. Approved 4-0.

No further Board comments.

**ADJOURNMENT:** 6:29PM



Community Development Department  
506 W. Berckman St.  
Fruitland Park FL 34731

Tel. (352) 360-6727  
Fax. (352) 360-6652

## STAFF REPORT

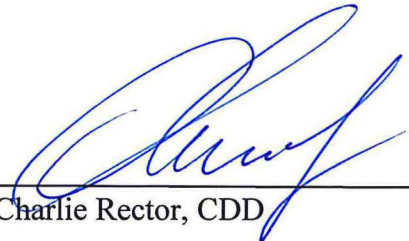
Project: Damron Property Annexation, SSCPA and Rezoning  
Project Owner: Charles D. Johnson, Attorney at Law (applicant)  
Kurt H & Suzanne M Damron  
803 CR 466A  
Fruitland Park, FL 34731  
Project Address: 803 CR 466A, Fruitland Park, FL 34731  
Alternate Key#: 3693752 (approximately 6 acre parcel)  
Proposed: Annexation, Small Scale Comp Plan Amendment (SSCPA) and Rezoning  
(County Agriculture (Ag) to General Commercial (C2))

The applicant indicates they would like to annex and rezone said property to develop site as commercial property.

The proposed road improvements of CR 466A makes this zoning acceptable with projected City growth and development.

City Land Planner (LPG) is also recommending approval for the Annexation, SSCP and Rezoning application.

I hereby recommend APPROVAL of the Annexation, SSCPA and APPROVAL of Rezoning.

  
Charlie Rector, CDD 2-10-17  
Date

cc: File



**SELLAR, SEWELL, RUSS, SAYLOR & JOHNSON, P.A.**

ATTORNEYS AND COUNSELLORS AT LAW

907 WEBSTER STREET

LEESBURG, FLORIDA 34748

STEPHEN G. SEWELL (OF COUNSEL)  
BRUCE A. SAYLOR  
CHARLES D. JOHNSON

TELEPHONE (352) 787-2308  
FACSIMILE (352) 787-4341  
CHUCKJ@907WEBSTER.COM

January 12<sup>th</sup> 2017

Mr. Charles Rector  
City of Fruitland Park  
Fruitland Park, FL 34731

RECEIVED JAN 12 2017

Via hand delivery

Re: Damron parcel Alt Key number <sup>AP</sup>3603752 3693752

1/31/17

Dear Mr. Rector:

In consideration of our conversation please initiate the process to annex and rezone the remaining Damron property into the city. This annexation is conditioned upon the city waiving all fees related thereto.

Sincerely,

  
Charles D. Johnson

APPLICANT'S AFFIDAVIT

STATE OF Florida

COUNTY OF Lake

Before me, the undersigned authority, personally appeared Charles D. Johnson

\_\_\_\_\_, who being by me first duly sworn on oath, deposes and says:

- 1) That he/she affirms and certifies that he/she understands and will comply with all ordinances, regulations, and provisions of the City of Fruitland Park, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further that this application and attachments shall become part of the Official Records of the City of Fruitland Park, Florida, and are not returnable.
- 2) That the submittal requirements for the application have been completed and attached hereto as part of that application.
- 3) That he/she desires Fruitland Park to allow annexation and rezoning of the property as set forth in this application.

ALT Key # 3693752

[Signature]  
Affiant (Applicant's signature)

Signed and sworn to (or affirmed before me on Oct 3, 2016

(date) by Charles D. Johnson (name of affiant).

He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification.

[Signature] (Signature of Person Taking Acknowledgment)  
**Michelle H. Adkins** (Name of Acknowledger Typed, Printed or Stamped)  
 \_\_\_\_\_ (Title or Rank)  
 \_\_\_\_\_ (Serial Number, if any)



**OWNER'S AFFIDAVIT**

STATE OF Florida

COUNTY OF Lake

Before me, the undersigned authority, personally appeared Kurt H. Damron and

Suzanne Damron, who being by me first duly sworn on oath, deposes and says:

- 1) That he/she is the fee-simple owner of the property legally described on page two of this application.
- 2) That he/she desires Fruitland Park to allow Charles D. Johnson, Attorney at Law, to obtain annexation and rezoning of the real property set forth in this application ALT Key 3693752
- 3) That he/she has appointed Charles D. Johnson to act as agent in his/her behalf to accomplish the above. The owner is required to complete the Applicant's affidavit of this application if no agent is appointed to act in his/her behalf.

[Signature]  
X

[Signature]  
Affiant (Owner's signature)

Signed and sworn to (or affirmed before me on OCT 03, 2016

(date) by Kurt H. Damron and Suzanne Damron (name of affiant).

He/she is personally known to me or has produced

\_\_\_\_\_ (type of identification) as

identification.

[Signature]

(Signature of Person Taking Acknowledgment)

Michelle H. Adkins (Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_ (Title or Rank)

\_\_\_\_\_ (Serial Number, if any)



Select Language | ▼

## Property Record Card

### General Information

<b>Owner Name:</b>	DAMRON KURT H & SUZANNE M	<b>Alternate Key:</b>	3693752
<b>Mailing Address:</b>	00803 COUNTY ROAD 466A FRUITLAND PARK, FL 34731-5143 <a href="#">Update Mailing Address</a>	<b>Parcel Number:</b>	06-19-24- 000100005100
		<b>Millage Group and City:</b>	0001 (UNINCORPORATED)
		<b>Total Certified Millage Rate:</b>	15.1183
		<b>Trash/Recycling/Water/Info:</b>	<a href="#">My Public Services Map</a>
<b>Property Location:</b>	00803 COUNTY ROAD 466A FRUITLAND PARK FL 34731 <a href="#">Update Property Location</a>	<b>Property Name:</b>	-- <a href="#">Submit Property Name</a>
		<b>School Locator:</b>	<a href="#">School and Bus Map</a>
<b>Property Description:</b>	S 435 FT OF W 435 FT OF SE 1/4 OF NE 1/4, BEG AT NW COR OF   NE 1/4 OF SE 1/4, RUN S 80.47 FT, E 420 FT, S 139.01 FT, E   178.16 FT, N 219.48 FT TO N LINE OF SE 1/4, W 598.6 FT TO   POB   ORB 1549 PG 0638		

### Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	MOBILE HOME DRY LOT (0230)	0	0		4.02	AC	\$0.00	\$64,320.00
2	WETLAND (9600)	0	0		2	AC	\$0.00	\$90.00

### Residential Building(s)

#### Building 001

Residential	Manufactured Home	Building Value: \$51,535.00					
<b>Summary</b>							
Year Built: 1994	Total Living Area: 1818	Central A/C: Yes	Attached Garage: No				
Bedrooms: 2	Full Bathrooms: 2	Half Bathrooms: 0	Fireplaces: 0				
<i>Incorrect Bedroom, Bath, or other information?</i>							
<b>Section(s)</b>							
Section No.	Section Type	Ext. Wall Type	No. Floor Stories	Finished Attic	Basement	Basement Finished	Map Color



VILLAGE HILLS DR

MICRO RACETRACK RD

CATO RANCH RD

LINMAR AVE

LINDA GLEN AVE

SPRING LAKE RD

WALTERS PL

EMORY DR

Site Location

EDMONDSON DR LN  
TIMBERTOP LN

OLIVER LN

CR 466A

MILLER BLVD

BECKER AVE

VASQUEZ AVE

ELLIOTT AVE

CARVER CT

PARRISH PL

BRUSKODR

RSANO WAY

MODER DR

INCORVAIA WAY

MOYER LOOP

PRIVETT DR

HIRBAT CT

COMBS CT

MES LN

TISOT WAY

MARKWARD DR

BLACKS LOCKWAY

TRUSSLER TER

BRINE WAY

KRANZ AVE

DRAKE DR

LOWE CT

BRINSON LN

JOY LN

KRAMER ST

COLEMAN DR

JONES LN

PAPE PL

SHELTON ST

COLEMAN DR

MCGUIRE RD

KAUSKA WAY

BELLER

PINE RIDGE DAIRY RD

GALLA RD



**AGENDA ITEM  
NUMBER  
6**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Public Comments				
<b>For the Meeting of:</b>	March 3, 2017				
<b>Submitted by:</b>	City Clerk				
<b>Date Submitted:</b>	March 2, 2017				
<b>Are Funds Required:</b>			Yes	X	No
<b>Account Number:</b>	N/A				
<b>Amount Required:</b>	N/A				
<b>Balance Remaining:</b>	N/A				
<b>Attachments:</b>	Yes				
<b>Description of Item:</b>					
<p>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.</p> <p>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.</p>					
<b>Action to be Taken:</b> None.					
<b>Staff's Recommendation:</b>					
<b>Additional Comments:</b>					

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the agenda: \_\_\_\_\_  
Mayor



**AGENDA ITEM  
NUMBER**  
**7a**

**AGENDA ITEM SUMMARY SHEET**  
**(Revised)**

<b>ITEM TITLE:</b>	City Manager's Report			
<b>For the Meeting of:</b>	March 3, 2017			
<b>Submitted by:</b>	City Manager			
<b>Date Submitted:</b>	March 2, 2017			
<b>Are Funds Required:</b>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
<b>Account Number:</b>	N/A			
<b>Amount Required:</b>	N/A			
<b>Balance Remaining:</b>	N/A			
<b>Attachments:</b>	No			
<b>Description of Item:</b>	<p>March 3, 2017 City Commission Workshop – FY 2017-18 Budget and Fire Assessment Report</p> <p>FRDAP Grant Status Update – Parks and Recreation Department Director</p> <p>Roads and Streets Status Update - Public Works Department Director</p> <p>Status Update - Community Development Department</p>			
<b>Action to be Taken:</b>	None.			
<b>Staff's Recommendation:</b>				
<b>Additional Comments:</b>				

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the agenda: \_\_\_\_\_  
Mayor

# QUOTE PROPOSAL

## C.W. ROBERTS CONTRACTING, INC

4208 CR 124-A

Wildwood, Florida

Contact: Andy Walker

Phone: 941.915.4933

Fax:

Quote To: City of Fruitland Park

Job Name:

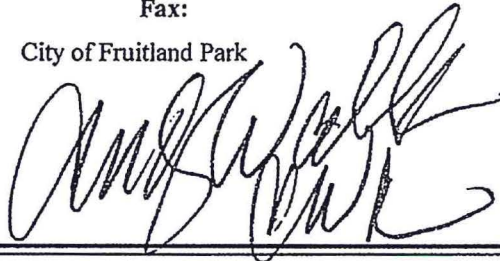
FPN:

Date of Plans:

Revision Date:

Phone:

Fax:



Quote Revision:

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
100	Berryhill Cr	1.00	LS	28,110.00	28,110.00
200	Century Street	1.00	LS	21,200.00	21,200.00
300	Arecia Street	1.00	LS	4,560.00	4,560.00
400	Penn Street	1.00	LS	21,000.00	21,000.00
500	Foxhill Street	1.00	LS	17,175.00	17,175.00
600	James Street	1.00	LS	10,600.00	10,600.00
700	MarySue Street	1.00	LS	12,720.00	12,720.00
800	Jewell Street	1.00	LS	13,800.00	13,800.00
900	Cul De Sac West Hilltop	1.00	LS	4,770.00	4,770.00
1000	Parking Stall at Park	1.00	LS	4,300.00	4,300.00
<b>GRAND TOTAL</b>					<b>\$138,235.00</b>

3/7/17







PROPOSAL NO. \_\_\_\_\_  
 SHEET NO. \_\_\_\_\_  
 DATE \_\_\_\_\_

PROPOSAL SUBMITTED TO: City of Fruitland park  
 NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 PHONE NO. 352-263-8421

WORK TO BE PERFORMED AT: listed below  
 ADDRESS \_\_\_\_\_  
 DATE OF PLANS 12/17/16  
 ARCHITECT \_\_\_\_\_

We hereby propose to furnish the materials and perform the labor necessary for the completion of \_\_\_\_\_

Remove & Replace concrete sidewalks

<u>1</u>	<u>404w Berckman St</u>	<u>13</u>	<u>Squares</u>
<u>2</u>	<u>Berckman St.</u>	<u>4</u>	<u>"</u>
<u>3</u>	<u>Berckman St</u>	<u>2</u>	<u>"</u>
<u>4</u>	<u>Railroad St</u>	<u>6</u>	<u>"</u>
<u>5</u>	<u>Mirror Lk.</u>	<u>6</u>	<u>"</u>
<u>6</u>	<u>College St &amp; Fontana</u>	<u>12</u>	<u>"</u>
<u>7</u>	<u>United Pent. Church</u>	<u>4</u>	<u>"</u>
<u>8</u>	<u>Fruitland St.</u>	<u>3</u>	<u>"</u>

Replace with 4" 3000 psi concrete with welded wire mesh  
Five trees need stump grinder for roots

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of \_\_\_\_\_ Dollars (\$ 10,350.00 ) with payments to be made as follows.

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted Michael S. Baly  
 Per Bay to Bay Const.  
 Note — this proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**ACCEPTANCE OF PROPOSAL**

The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature \_\_\_\_\_  
 Date \_\_\_\_\_  
 Signature \_\_\_\_\_



**AGENDA ITEM  
NUMBER**

**7b**

## **AGENDA ITEM SUMMARY SHEET**

<b>ITEM TITLE:</b>	City Attorney Report		
<b>For the Meeting of:</b>	March 9, 2017		
<b>Submitted by:</b>	Anita Geraci-Carver, City Attorney		
<b>Date Submitted:</b>	March 3, 2017		
<b>Are Funds Required:</b>		Yes	<input checked="" type="checkbox"/> No
<b>Account Number:</b>			
<b>Amount Required:</b>			
<b>Balance Remaining:</b>			
<b>Attachments:</b>			

**Description of Item:**

**Litigation Updates**

George Fernandez v. City of Fruitland Park - A verbal report will be provided at the meeting on March 8, 2017.

James and Rita Homonai v. Foster, Crenshaw and City of Fruitland Park. – This case involves allegations of violations of civil rights, false arrest and false imprisonment and battery. The case originates from a traffic stop. Stephanie McCullough filed an Unopposed Motion for Extension of Time to File Response/Reply to Complaint on February 21, 2017. The due date is March 8, 2017.

Green v. City of Fruitland Park, Hunnewell, Isom and Isaacs. – This case involves allegations of personal injuries sustained during an alleged false arrest by the City of Fruitland Police Department. Stephanie McCullough has been assigned to represent City, former Chief Isom and former Chief Isaacs. Mike Roper has been assigned to represent Mr. Hunnewell. Ms. McCullough is in the process of scheduling telephone calls with the gentlemen and preparing a response to the Complaint which is due 04/07/2017. Mr. Roper’s office is in the process of obtaining and reviewing relevant files, and will likewise prepare a response on behalf of Mr. Hunnewell.

Notice of Claim - Anthony Mancino: This case involves allegations of false arrest for criminal charges which were dismissed by the State, an illegal search and seizure, and the dismissal of a civil forfeiture action filed by the City. Mr. Mancino initially requested \$50,000. His second demand is \$100,000. The Commission offered \$11,500 to settle the matter without admission of liability. Mr. Mancino has declined the City’s offer. On March 1, 2017 I had a telephone conference with his attorney, Laura Hargrove. Ms. Hargrove will be sending me excerpts from transcripts of testimony taken during the civil forfeiture action. She also indicated that attorney’s fees incurred in the civil forfeiture case were actually \$16,405.85 through October 2016.

Notice of Claim – James Hartson: This case involves an allegation of personal injuries sustained from a fall after being tazed. The City’s police officers did not utilize their tasers in this case. Litigation has been assigned by the City’s insurance company. Stephanie McCullough is representing the City and the named officers. A case has not been filed.

Notice of Claim – Larry Odum: Notice of Intent letter dated January 29, 2017 involves allegations that Ofc. John Matey left the City’s jurisdiction to effectuate an arrest on August 20, 2006 re: speeding and DUI. This case occurred more than 10 years ago. Stephanie McCullough has been assigned as the City’s attorney by the insurance company.

Competitive Bidding/Purchasing:

The City’s current policy for purchasing and competitive bidding is summarized below:

1. City Manager has authority to purchase up to \$4,000.00.
2. For purchases over \$4,000.00, competitive bids must be obtained. Notice must be advertised in the newspaper at least one time 20 days prior to the bid opening. The Commission may reject the bids or may award to the lowest responsible bidder.
3. For emergency purchases, defined as “when the health or welfare of the people of the city is threatened or when the normal operations of the city’s services are seriously disrupted” exceeding \$4,000.00, the City Manager must obtain the mayor’s permission or in the absence of the mayor, the vice-mayor’s permission before purchasing.
4. Competitive bidding is not required for purchases exceeding \$4,000.00 if the purchase is authorized by the Commission, is made through another competitive bidding process, and the item to be purchased is on the list.

**Action to be Taken:**

**Staff’s Recommendation: N/A**

**Additional Comments:**

**Reviewed by:** \_\_\_\_\_

**Authorized to be placed on the Regular Consent agenda:** \_\_\_\_\_  
Mayor