

**FRUITLAND PARK LOCAL PLANNING AGENCY MEETING
AGENDA**

July 28, 2022

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, Florida 34731

On or before 6:15 p.m.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES** (city clerk)
April 28, 2022 LPA meeting

PUBLIC HEARING

- 4. Public Hearing – Ordinance 2022-015 LSCPA- – Timbertop Lane -
Petitioners: Stephanie Bailey Bouis and Patricia Bouis Thompson** (city
attorney/city manager/community development)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM CITY OF FRUITLAND PARK COMMUNITY MIXED USE TO GENERAL MIXED USE OF 68.55 +/- ACRES OF PROPERTY GENERALLY LOCATED ON TIMBERTOP LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

END OF PUBLIC HEARING

- 5. UNFINISHED BUSINESSES**
- 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 Local

Planning Agency 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 Local Planning Agency. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the Local Planning Agency addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

7. OTHER BUSINESS

8. ADJOURNMENT

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.) If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.

**CITY OF FRUITLAND PARK
LPA AGENDA ITEM SUMMARY SHEET
Item Number: 3**

ITEM TITLE: Draft LPA Meeting Minutes

MEETING DATE: Thursday, July 28, 2022

DATE SUBMITTED: Monday, July 18, 2022

SUBMITTED BY: City Clerk

BRIEF NARRATIVE: **March 24, 2022 meeting minutes**

FUNDS REQUIRED: None

ATTACHMENTS: Draft meeting minutes

RECOMMENDATION: Approval, if there are no corrections.

ACTION: Approval.

**FRUITLAND PARK LOCAL PLANNING AGENCY
DRAFT MEETING MINUTES
April 28, 2022
6:15 p.m.**

A regular meeting of the Fruitland Park Local Planning Agency was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, April 28, 2022 at 6:15 p.m.

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

Also present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver, City Treasurer Jeannine Racine, Chief Erik Luce, Police Officers Sandbakken and Jeremiah Ricketts, Police Department; Assistant to Director Sharon Williams, Kelli Fielder, Building and Permitting Technician, and Office Assistant Emily Church, Community Development Department; Public Works Director Robb Dicus; Administrative Assistant Candice Dennis, and City Clerk Esther B. Coulson.

1. CALL TO ORDER

Mayor Cheshire called the meeting to order.

ACTION: 6:12:00 p.m. No action was taken.

2. ROLL CALL

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

ACTION: 6:12:12 p.m. No action was taken.

3. APPROVAL OF MINUTES

March 24, 2022 LPA meeting

ACTION: 6:12:23 p.m. **On motion of Commissioner Mobilian, seconded by Commissioner Bell and unanimously carried, the LPA approved the previously cited minutes as submitted.**

QUASI-JUDICIAL PUBLIC HEARING

4, First Reading and Quasi-Judicial Public Hearing – Ordinance 2022-009 SSCPA – North of Myrtle Lake Avenue and East of Myrtle Lake View Drive - Petitioner: Crystal Lake Land Holdings LLC

After Ms. Geraci-Carver read the following title of proposed Ordinance 2022-009 into the record, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE

COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY URBAN MEDIUM RESIDENTIAL TO CITY SINGLE FAMILY MEDIUM DENSITY OF 24.83+/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF MYRTLE LAKE AVENUE AND EAST OF MYRTLE LAKE VIEW DRIVE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cheshire disclosed ex-parte communication he received from Ms. Lourdes A. Vasquez, City of Fruitland Park resident, dated April 13, 2022 regarding Crystal Lake Vista Development and the subsequent responses dated April 14 and 18, 2022 respectively from Mr. La Venia; copies of which are filed with the supplemental papers to the minutes of this meeting.

After Ms. Geraci-Carver swore in those individuals intending to testify at this evening's meeting, Mr. Michael "Mike" W. Rankin, LPG Urban & Regional Planners Inc., gave a background on the subject proposed ordinance and relayed the Planning and Zoning (P&Z) Board's recommendation of approval at its April 21, 2022 meeting. Having acknowledged the presence of Mr. Angel L. Rivera, A&B Engineering Consultants PA, at this evening's meeting, he later reported on the traffic and road capacity studies proposed for the subject and surrounding areas; referred to a zoning map on the county's projected growth; and addressed the plans to comply with required regulations. (A copy of the map is filed with the supplemental papers to the minutes of this meeting.)

Mr. Rankin described the applicant's ability to develop seven dwelling units per acre in the current zoning of urban medium residential; described the request to the proposed designation of three units per acre, and highlighted the responses received from the surrounding property owners.

Pastor Chuck Padgett, Unincorporated Area of the City of Fruitland Park resident, pointed out:

- the April 21, 2022 Planning and Zoning (P&Z) Board's postponement Lake Myrtle Breezes amendment to the annexation agreement which excluded the provision for the developer to construct sidewalks;
- his appearance at the May 13, 2004 regular city commission meeting regarding the subject development and the commitment at that time by the developer, Dr. Eric Coe, to erect sidewalks;
- his April 25, 2022 email regarding the number of planned unit development (PUD) designation at The Glen Subdivision with the owner's plans to erect sidewalks; the

- problem with the lack of a sewer system to the development, and the provisions under 3.0, Trip Distribution/Assignment from Lake County's Fruitland Park Crystal Lake Minor Traffic Impact Study Plan as it relates to Myrtle Lake Avenue (copies of the related documents are filed with the supplemental papers to the minutes of this meeting), and
- reasons on the need for traffic signalization in the area.

In concurrence, Ms. Lyssandra M. Silver, Glen of Fruitland Park Homeowners' Association, noted the discrepancies in the number of residential dwelling units at The Glen and explained that the roadway is not a dead-end street as the gate is adjacent to the Wingspread subdivision entrance.

Mr. Lester H. Bott, City of Fruitland Park resident, cited reasons why he supported two dwelling units per acre; addressed the need for a sewer system; thus, recalling the owner's responsibility in 2004 to erect sidewalks, and recommended that the continuance of the subject item until reliable witnesses present a plan of action.

Mr. Dillard E. McMahan, City of Fruitland Park resident, described how his property is adjacent to the subject proposed development; noted the potential problems on the affects to the existing trees and wildlife in the area, and voiced concerns on the implications due to the existing floodplain.

In recognizing the potential development, Ms. Vazquez, voiced reasons in maintaining the current lifestyle and addressed the need for sidewalks and a traffic light.

Earlier in the meeting, Mayor Cheshire confirmed in response to Ms. Lyssandra's concerns that the developer would be responsible for the costs of connecting sewer lines in the new development and recalled the city commission's position, since 2004 together with the City of Leesburg, requesting that the county pursue a Preliminary Development and Engineering Study for CR 468. due to the proposed developments, potential increase in traffic and projected growth in the area.

ACTION 6 12:39 p.m. Following much discussion and earlier in the meeting, a motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the LPA recommend the approval of Ordinance 2022-009 as previously cited. By unanimous consent, Mayor Cheshire closed the public hearing.

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

END OF QUASI-JUDICIAL PUBLIC HEARING

5. UNFINISHED BUSINESS

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

ACTION: 6:20:06 p.m. No action was taken.

6. PUBLIC COMMENTS

Pastor Pagett referred to his neighbor's email to the elected officials in opposition to SSCPA Ordinance 2022-009; however, he voiced his concerns on speeding traffic and safety and requested that the city commission consider the existing egress and ingress to The Glen.

After discussion, Pastor Padgett concurred with Ms. Vazquez' concerns; referred to the April 25, 2022 email from Fruitland Park Permits regarding the P&Z Board's postponement of Myrtle Lake Breezes and reiterated the provisions under the June 10, 2004 Annexation Agreement with Dr. Coe on his agreement to construct sidewalks on Myrtle Lake Avenue.

Ms. Geraci-Carver gave reasons why she does not believe that Dr. Coe was to erect sidewalks on Myrtle Lake Avenue; recognized the March 1, 2022 letter from Mr. Rivera requesting an amendment to the subject annexation agreement; and referred to the current proposal to construct a sidewalk within Tract A which was not the original requirement. A copy of the respective letter is filed with the supplemental papers to the minutes of this meeting.

Mr. Bott voiced concerns that residents of The Glenn does not have to connect to sewer which he believes is being charged by the city.

ACTION: 6:47:02 p.m. No action was taken.

7. OTHER BUSINESS

There were no public comments at this time.

ACTION: 6:56:02 p.m. No action was taken.

8. ADJOURNMENT

The meeting adjourned at 6:56 p.m.

Signed

Esther B. Coulson, City Clerk, MMC

Signed

Chris Cheshire, Mayor

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

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

MEETING DATE: Thursday, July 28, 2022

DATE SUBMITTED: Monday, July 18, 2022

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

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

FUNDS REQUIRED: None

ATTACHMENTS: Proposed Ordinance 2022-015 with legal description, proposed future land use zoning map and advertising affidavit.

RECOMMENDATION: Approval.

ACTION: Recommend approval of Ordinance 2022-015

ORDINANCE 2022-015

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM CITY OF FRUITLAND PARK COMMUNITY MIXED USE TO GENERAL MIXED USE OF 68.55 +/- ACRES OF PROPERTY GENERALLY LOCATED ON TIMBERTOP LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Tara Tedrow, Esq. as applicant, on behalf of Stephanie Bailey Bouis and Patricia Bouis Thompson as Owner, requesting that real property within the city limits of the City of Fruitland Park be assigned a land use designation of "General Mixed Use" under the Comprehensive Plan for the City of Fruitland Park; and

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

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

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

Section 1: The following described property consisting of approximately 68.55 ± acres generally located on Timbertop Lane as described and depicted as set forth on **Exhibit "A"** shall be assigned a land use designation of General Mixed Use under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as **Exhibit "B"** and incorporated herein by reference.

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

Section 3: Transmittal. After the first public hearing, a copy hereof shall be transmitted to the Department of Economic Opportunity and the East Central Florida Regional Planning Council, the water management district, the Department of Environmental Protection, the Department of

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

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

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

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

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

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

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

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, MMC, City Clerk

Anita Geraci-Carver, City Attorney

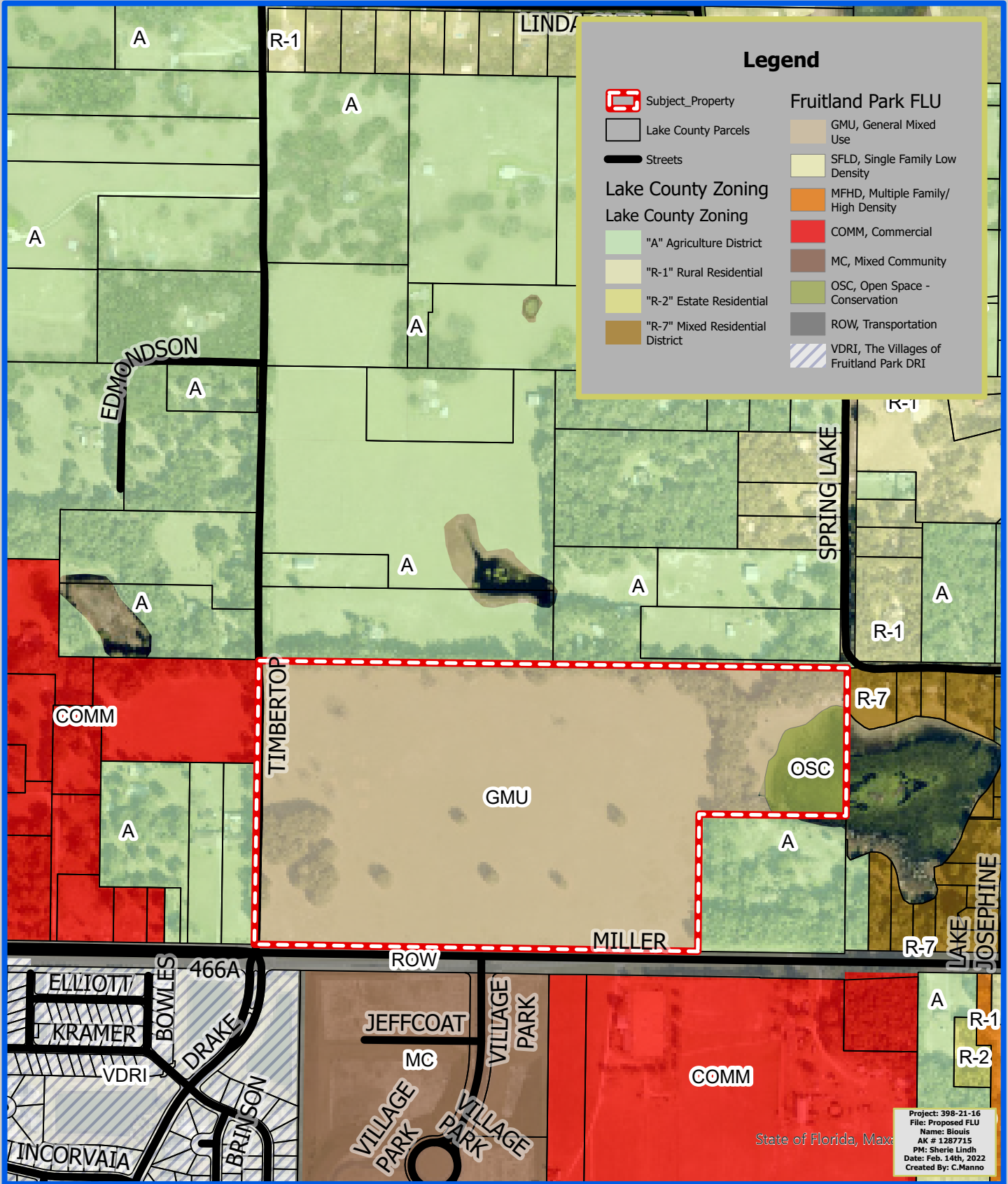
Mayor Cheshire	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Vice-Mayor Gunter	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner DeGrave	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)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

Passed First Reading _____
Passed Second Reading _____
(SEAL)

**EXHIBIT A
LEGAL DESCRIPTION**

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

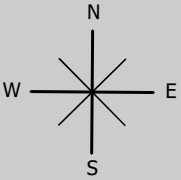
EXHIBIT B
MAP



Legend

Subject_Property	Fruitland Park FLU
Lake County Parcels	GMU, General Mixed Use
Streets	SFLD, Single Family Low Density
Lake County Zoning	MFHD, Multiple Family/ High Density
"A" Agriculture District	COMM, Commercial
"R-1" Rural Residential	MC, Mixed Community
"R-2" Estate Residential	OSC, Open Space - Conservation
"R-7" Mixed Residential District	ROW, Transportation
	VDRI, The Villages of Fruitland Park DRI

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



Bouis Property

Proposed FLU Map Lake County, FL

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

The Villages®
DAILY SUN

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

Before the undersigned authority personally appeared **Joseph Szabo**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #1073408 in the matter of

ORDINANCE 2022 – 014
ORDINANCE 2022 - 015

was published in said newspaper in the issues of

JULY 12, 2022
JULY 15, 2022

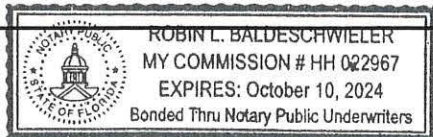
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.


 (Signature Of Affiant)

Sworn to and subscribed before me this 15 day of July 2022.


 Robin L. Baldeschwieler, Notary

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



ORDINANCE 2022 - 014

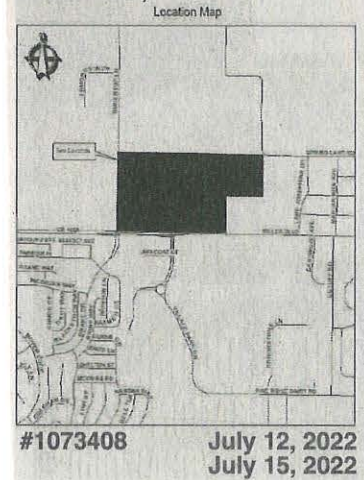
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 68.55 + ACRES OF PROPERTY FROM CITY OF FRUITLAND PARK PUD TO CITY OF FRUITLAND PARK MIXED USE PLANNED UNIT DEVELOPMENT (MUPUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2022-015

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM CITY OF FRUITLAND PARK COMMUNITY MIXED USE TO GENERAL MIXED USE OF 68.55 +/- ACRES OF PROPERTY GENERALLY LOCATED ON TIMBERTOP LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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

Interested parties may appear at the meetings and be heard with respect to the proposed Ordinances. A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is based (Florida Statutes 286.0105).



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

- Fruitland Park Planning & Zoning Meeting on July 21, 2022 at 6:00 p.m.
- Fruitland Park City Commission Meeting on July 28, 2022 at 6:00 p.m.
- Land Planning Agency Meeting on July 28, 2022 at 6:15 p.m.
- Fruitland Park City Commission Meeting on September 8, 2022 at 6:00 p.m.

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

ITEM TITLE: Public Comments

MEETING DATE: Thursday, July 28, 2022

DATE SUBMITTED: Thursday, July 21, 2022

SUBMITTED BY: City Clerk

BRIEF NARRATIVE: 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 local planning agency 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 local planning agency. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the local planning agency addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

FUNDS REQUIRED: None

ATTACHMENTS: Resolution 2013-023, Public Participation Policy and Chapter 286 Florida Statutes

RECOMMENDATION: None

ACTION: None

RESOLUTION 2013 -023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

WHEREAS, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

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

Section 1. The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1. Citizen's Rights

(a) Definition. For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b) Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from §286.011; or
4. A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 2. Suspension and Amendment of these Rules

(a) Suspension of these Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b) Amendment of these Rules: These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

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 Resolution.

Section 3. This Resolution shall become effective immediately upon passage.

RESOLVED this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

ATTEST:

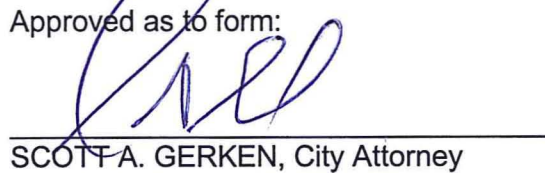


MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:



SCOTT A. GERKEN, City Attorney

Select Year:

The 2020 Florida Statutes

[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

PUBLIC BUSINESS

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—

(1) For purposes of this section, “board or commission” means a board or commission of any state agency or authority or of any agency or authority of a county, municipal corporation, or political subdivision.

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

(3) The requirements in subsection (2) do not apply to:

(a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;

(b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

(c) A meeting that is exempt from s. [286.011](#); or

(d) A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

(4) Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that:

(a) Provide guidelines regarding the amount of time an individual has to address the board or commission;

(b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;

(c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or

(d) Designate a specified period of time for public comment.

(5) If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with this section.

(6) A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section upon the filing of an application for such injunction by a citizen of this state.

(7)(a) Whenever an action is filed against a board or commission to enforce this section, the court shall assess reasonable attorney fees against such board or commission if the court determines that the defendant to such action acted in violation of this section. The court may assess reasonable attorney fees against the individual filing such an

action if the court finds that the action was filed in bad faith or was frivolous. This paragraph does not apply to a state attorney or his or her duly authorized assistants or an officer charged with enforcing this section.

(b) Whenever a board or commission appeals a court order that has found the board or commission to have violated this section, and such order is affirmed, the court shall assess reasonable attorney fees for the appeal against such board or commission.

(8) An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

History.—s. 1, ch. 2013-227.

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