



FRUITLAND PARK CITY COMMISSION REGULAR MEETING AGENDA

May 22, 2014

City Hall Commission Chambers

506 W. Berckman Street

Fruitland Park, FL 34731

7:00 p.m.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

- Father Theodore F. Koelln, Holy Trinity Episcopal Church - Invocation
- Fire Department Explorer - Pledge of Allegiance

2. ROLL CALL

3. PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up may be discussed by the City of Fruitland Park Commission at this meeting as they have not been posted for consideration. Issues may either be referred to the proper staff for consideration or brought up at a future meeting. Comments are limited to three (3) minutes unless otherwise permitted pursuant to City Resolution 2013-023. (Resolution 2013-023 and 286.0114, F.S.)

4. CONSENT AGENDA

Items placed on the Consent Agenda are considered routine business and shall all be considered and acted on as one item. Any Commissioner may request that any item in the consent agenda be removed and placed on the regular agenda for discussion and possible action as a separate item.

Approval of Minutes (city clerk)

- April 24, 2014 regular city commission meeting minutes
- May 8, 2014 regular city commission meeting minutes

5. REGULAR AGENDA

(a) Charter Review Committee Update (city manager)

Update on matters relating to the Charter Review Committee

(b) May 17, 2014 Armed Forces Day – Commander Jim Maynard (city manager)

(c) Auditor’s Financial Report – W. Chet Ross, CPA, Shumacker, Johnston & Ross PA (city treasurer)

Presentation on the Comprehensive Annual Financial Report for the year ended September 30, 2013.

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- (d) Mid-Year Budget Review** (city treasurer)
Consider the approval of budget amendments, based on the financial analysis of Fiscal Year 2014/15 budget from the city manager and city treasurer, to bring various departments' budgets back into balance.
- (e) Library Impact Fee Disbursement ILA** (city manager)
Consider the approval of an interlocal agreement between Lake County and the City of Fruitland Park relating to the distribution of funds from the Lake County Library Impact Fee Trust Fund for an expansion project at the Fruitland Park Library.
- (f) VCCDD ILA** (city manager/community development director)
Consider the approval of an interlocal agreement between the City of Fruitland Park and Village Center Community Development District for fire services for The Villages of Fruitland Park.
- (g) NSCUDD ILA** (city manager/community development director)
Consider the approval of an interlocal agreement between the City of Fruitland Park and North Sumter County Utility Dependent District for utility services for The Villages of Fruitland Park.
- (h) Northwest Community Park ILA** (city attorney)
Discussion regarding the interlocal agreement between Lake County and the City of Fruitland Park regarding the joint development of the North West Lake Community Park.

PUBLIC HEARING

- (i) Second Reading and Public Hearing – Ordinance 2014-014 Establish Village Community Development District No. 11. – Petitioner: The Villages of Lake-Sumter Inc.** (city manager/city attorney)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CREATING VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 11 PURSUANT TO FLORIDA STATUTES 190.005; ENCOMPASSING PORTIONS OF LAND IN SECTIONS 5, 6, 7, 8, AND 18, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; PROVIDING FOR THE MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT; PROVIDING FOR THE NAME OF THE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE POWERS OF THE DISTRICT; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on May 8, 2014.)

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(j) Second Reading and Public Hearing - Ordinance 2014-015 - Water System Disconnection Fee (city manager)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 50 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 50.30(F) REGARDING A DISCONNECTION FEE DUE TO NONPAYMENT FOR WATER SERVICES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on May 8, 2014.)

QUASI-JUDICIAL PUBLIC HEARING

(k) Second Reading and Quasi-Judicial Public Hearing - Ordinance 2014-012 - Rezoning - West of Micro Race-Track Road and North of CR 466A - Applicant and Owner: DR GCS Holdings, LLC (community development director/city attorney)

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 1.39 ± ACRES OF LAND GENERALLY LOCATED WEST OF MICRO RACETRACK ROAD AND NORTH OF CR 466A; REZONING THE PROPERTY FROM LAKE COUNTY "AG" (AGRICULTURE) TO GENERAL COMMERCIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK; 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 SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on May 8, 2014.)

END OF QUASI-JUDICIAL PUBLIC HEARING

(l) Second Reading and Public Hearing - Ordinance 2014-013 Comprehensive Plan Amendment - West of Micro Race-Track Road and North of CR 466A - Applicant and Owner: DR GCS Holdings, LLC (community development director/city attorney)

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 LAKE COUNTY AGRICULTURE TO COMMERCIAL HIGH INTENSITY IN THE CITY OF FRUITLAND PARK ON THE FUTURE LAND USE MAP ELEMENT OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.39+ ACRES OF PROPERTY GENERALLY LOCATED WEST OF MICRO RACETRACK ROAD AND NORTH OF CR 466a; DIRECTING THE CITY CLERK TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on May 8, 2014.)

QUASI-JUDICIAL PUBLIC HEARING

- (m) Second Reading and Quasi-Judicial Public Hearing – Ordinance 2014-005, Rezoning North of Poinsettia Avenue and North of Spring Lake Road – R-2 to PUD – Approval of Master Development Agreement - Petitioner: Jonathan Penner** (community development department director/city attorney)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 9.06 ±ACRES OF PROPERTY GENERALLY LOCATED NORTH OF POINSETTIA AVENUE AND NORTH OF SPRING LAKE ROAD FROM SINGLE FAMILY MEDIUM DENSITY (R-2) TO THE DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 10, 2014.)

END OF QUASI-JUDICIAL PUBLIC HEARING

- (n) Second Reading and Public Hearing – Ordinance 2014-004 Comprehensive Plan Amendment – North of Poinsettia Avenue and North of Spring Lake Road - Petitioner: Jonathan Penner** (community development department director/city attorney)

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 SINGLE FAMILY MEDIUM DENSITY IN THE CITY OF FRUITLAND PARK TO MULTIPLE FAMILY HIGH DENSITY ON THE FUTURE LAND USE MAP ELEMENT OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 9.06 ±

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ACRES OF PROPERTY GENERALLY LOCATED NORTH OF POINSETTIA AVENUE AND NORTH OF SPRING LAKE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 10, 2014.)

END OF PUBLIC HEARING

6. NEW BUSINESS

7. OFFICERS' REPORTS

(a) **City Manager**

(b) **City Attorney**

8. COMMISSIONERS' COMMENTS

(a) **Vice Mayor Goldberg**

(b) **Commissioner Cheshire**

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

(d) **Commissioner Kelly**

9. MAYOR'S COMMENTS

10. ADJOURNMENT

DATES TO REMEMBER

May 26, 2014, Memorial Day Holiday – City Offices Closed

May 28, 2014, Lake-Sumter MPO Governing Board at 2:00 p.m., 1616 South 14 Street, Leesburg, FL 34748

June 10, 2014, Charter Review Committee at 6:00 p.m.

June 12, 2014, Regular Commission Meeting at 7:00 p.m.

June 13-15, 2014, Florida League of Cities IEMO

June 19, 2014, City Commission Workshop at 7:00 p.m.

June 24, 2014, Lake County EMS at 3:00 p.m., Lake County Board of County Commission Chambers

June 24, 2014, Charter Review Committee at 6:00 p.m.

June 25, 2014 Lake-Sumter MPO Governing Board Meeting at 2:00 p.m., 1616 South 14 Street, Leesburg, FL 34748

June 26, 2014, Regular Commission Meeting at 7:00 p.m.

July 4, 2014, Independence Day – City Offices Closed

July 10, 2014, Regular Commission Meeting at 7:00 p.m.

July 11, 2014, Lake Legislative Delegation, TBD

July 14, 2014, Parks, Recreation and Trails Advisory Board, Library Services Conference Room, 2401 Woodlea Road, Tavares, FL 32778 at 3:30 p.m.

July 24, 2014, Regular Commission Meeting at 7:00 p.m. CANCELLED

July 31, 2014 Special City Commission Meeting at 5:30 p.m.

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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 three (3) days 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.



a

AGENDA ITEM NUMBER 3

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Public Comments			
For the Meeting of:	May 22, 2014			
Submitted by:	Esther Coulson, City Clerk			
Date Submitted:	May 15, 2014			
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	None			
Description of Item:				
Action to be Taken:				
Staff's Recommendation:				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor



**AGENDA ITEM
NUMBER
4**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Regular City Commission Draft Minutes		
For the Meeting of:	May 22, 2014		
Submitted by:	Esther Coulson, City Clerk		
Date Submitted:	May 15, 2014		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item: Discussion and approval of the April 24 and May 8, 2014 regular city commission draft meeting minutes.			
Action to be Taken: Approve as submitted.			
Staff's Recommendation: Approval, if there are no amendments or corrections by the city commission.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
April 24, 2014**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, April 24, 2014 at 7:00 p.m.

Members Present: Mayor Christopher Bell, Vice Mayor Albert Goldberg, Commissioners Christopher Cheshire, John L. Gunter, Jr., and Sharon Kelly.

Also Present: City Manager Gary La Venia, City Attorney Scott Gerken, City Finance Clerk Sue Parker, Police Chief Terry Isaacs, Community Development Director Charlie Rector, Captain David Borst, Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bell called the meeting to order at 7:02 p.m.; Pastor Walter “Walt” Martin, Trinity Assembly of God gave the invocation, and Richard Field, Fire Explorer, led in the Pledge of Allegiance to the flag.

2. ROLL CALL

Ms. Coulson called the roll and a quorum was declared present.

3. PROCLAMATIONS

(a) - ***National Association of Letter Carriers (NALC) “Stamp Out Hunger” and National Food Drive Day - May 10, 2014***

On behalf of the city commission, Mayor Bell proclaimed Saturday, May 10, 2014 as “Letter Carriers’ Food Drive Day” in the City of Fruitland Park and encouraged the citizens to support the food drive by placing non-perishable food items in or near their mailboxes on food drive day for the United States letter carrier help feed the hungry.

The proclamation was accepted with gratitude by Ms. Lynne Pendleton, NALC Branch 1091 Food Drive Coordinator, who noted that the food originated 22 years ago and the impact made to the community. She gave a statistical account as Florida being number one in the nation for the food drive raised and recognized the support received from the public and the elected officials.

- **Certificates of Appreciation**

Mayor Bell recognized at this evening’s meeting Ms. Hannah McClain, Beyond the Walls Food Pantry (Heritage Community Church). He explained that both Beyond the Walls Food Pantry and the Catholic Community of St Paul Church Food Pantry located in the City of Leesburg (serving the residents of Fruitland Park) would benefit from the food drive.

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The Certificates of Appreciation were presented by Ms. Pendleton to the respective organizations at a later date.

(b) *Pledge of Civility Month – May 2014*

On behalf of the city commission, Mayor Bell proclaimed the month of May 2014 as *Civility Month* and called upon all citizens to exercise civility toward each other.

Mr. Gerken accepted the proclamation with appreciation.

(c) *Municipal Clerks' Week – May 4-10, 2014*

On behalf of the city commission, Mayor Bell recognized the week of May 4 through May 10, 2014, as *Municipal Clerks' Week*. He extended appreciation to City Clerk Esther Coulson and to all municipal clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Ms. Coulson accepted the proclamation with thanks.

(d) *North American Occupational Safety and Health (NAOSH) Week May 4-10, 2014 and Occupational Safety and Health (OSHP) Day – May 7, 2013*

On behalf of the city commission, Mayor Bell proclaimed May 4 to 10, 2014 to be *North American Occupational Safety and Health Week* and Wednesday May 7, 2014, to be *Occupational Safety and Health Professional Day*. All industries, organizations, community leaders, employers and employees were encouraged to support activities designed to increase awareness of the importance of safe workplaces for all.

Mr. Lee J. Claycomb, City of Fruitland Park resident; a member of the Central Florida American Society of Safety Engineers, and Orange County Sheriff's Office Safety Coordinator Human Resources Department /Risk Management, accepted the proclamation with gratitude and explained the importance of safety in the workplace.

(e) *EMS Week – May 18-24, 2014*

On behalf of the city commission, Mayor Bell proclaimed the week of May 18-24, 2014, as *EMERGENCY MEDICAL SERVICES WEEK* with the theme "*EMS: One mission. One team*" and encourage the community to observe that week with appropriate programs, ceremonies and activities.

Mr. Gerald "Jerry" L. Smith II., Lake Emergency Medical Services Inc., accepted the proclamation with much appreciation.

4. PRESENTATIONS

(a) Lake Emergency Medical Services Inc. – Gerald “Jerry” L. Smith II

Mr. Smith gave a presentation describing the Lake Emergency Medical Services Inc.’s (Lake EMS’) services with the City of Fruitland Park’s Fire Department when responding to medical emergencies. He explained that Lake EMS is a not-for-profit corporation fully owned by Lake County Commission which provides free hospital healthcare services. Mr. Smith indicated that Lake EMS is managed by an independent board of directors comprising of five county commissioners and three municipal elected officials (including Mayor Bell who represents the Lake County League of Cities and the northwest portion of the county), and Mr. John Moore, South Lake Hospital Chief Executive Officer.

Mr. Smith outlined the following core services serving 13 areas with 24-hour service responses;

- communication center handling EMS, fire service calls, dispatch services in working with the city at no cost for fire services in the county to accredited EMS and fire service pre-hospital arrivals (he recognized the work with the city’s Chiefs Tommy Gamble David Borst)
- medical director for EMS and 12 of the 13 fire services in Lake County at no cost on the provision of standard of care to patients from the first response to the transfer to the hospital.
- maintenance a consolidated support service for the fleet maintenance;
- medical supplies provision of drugs medication, oxygen and narcotics for fire medical services;
- unified ambulance life support licensing and regulatory compliance to all fire services, and
- quality assurance and training with a high standard of level of care free to any emergency medical technician and paramedic who works and/or lives in Lake County.

Mr. Smith relayed Lake EMS staff’s dedication to the county and noted the motto “*EMS: One mission. One team.*”

Mayor Bell recognized Lake EMS (formerly known as Lake-Sumter EMS) in its third fiscal year; expressed pleasure in serving on the board, and thanked Mr. Smith for his commitment to which he in turn accredited staff for their performance.

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3. (e) *Water Safety Month, May 2014 and Water Safety Day, May 17, 2014*

Later in the meeting, Mayor Bell, on behalf of the city commission, proclaimed May 2014 as *National Water Safety Month* and May 17, 2014 as *Water Safety Day*. He called upon the residents to take advantage of the events promoting the education on and reinforcing safe habits for water safety for children in lakes and pools.

Mayor Bell recognized the city's pool as its previous goal; reflected on the drowning incident of a three year-old girl earlier this day in the City of Leesburg, and noted the Water Safety Days events in different locations in Lake County. He expressed appreciation on the cooperated efforts received between the city's fire department and Lake EMS.

4. (b) *CR 466A - Lake County Public Works Department Director Jim Stivender, Jr.*

Later in the meeting, Lake County Public Works Department Director Jim Stivender, Jr., gave a power-point presentation on the update of the County Road 466A Road Improvement Project with the following (copies of the presentation and supporting documents were submitted for the record and filed with the supplemental papers to the minutes of this meeting):

- the subject project's background, its planned phases, and funding;
- the right-of-way (ROW) activities and maps showing the respective phases the ROW funding, needs, schedule and completion;
- the construction funding and project schedules, and
- the county commission's action at its February 25, 2014 regular meeting instituting eminent domain proceedings for CR 466A widening project property acquisition for Phases 1 and 2; approving proceeding with pre-suit negotiations offers and, approving the Settlement Agreement for the Galbreath Property land purchase for ROW and storm water pond.

After extensive discussion, Mayor Bell encouraged the public and requested that the city commission as a whole contact their respective Lake County legislative delegation regarding the lack of funding to improve phase 3 of the subject roadway project and for Mr. Stivender to keep the city in mind.

By unanimous consent, and upon Mayor Bell's suggestion, the city commission took the following item out of order on this evening's agenda and opened the public hearings:

QUASI-JUDICIAL PUBLIC HEARING

7. (k) **Second Reading and Quasi-Judicial Public Hearing – Ordinance 2014-005, Rezoning North of Poinsettia Avenue and North of Spring Lake Road – R-2 to PUD – Approval of Master Development Agreement - Petitioner: Jonathan Penner**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 9.06 ±ACRES OF PROPERTY GENERALLY LOCATED NORTH OF POINSETTIA AVENUE AND NORTH OF SPRING LAKE ROAD FROM SINGLE FAMILY MEDIUM DENSITY (R-2) TO THE DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 10, 2014.)

Mr. Rector relayed the request from the applicant and Mr. Jimmy Crawford, applicant's attorney, to postpone Items 7.(k) and (l) to the May 22, 2014 meeting.

Mr. Gerken additionally explained that there was an error in the legal advertisement and recognized that a full commission will not be present at the next meeting. He explained that any public comments made on the subject issue can be made; however, such comments cannot be sworn and testimony cannot be included as part of the record.

On motion of Vice Mayor Goldberg, seconded by Commissioner Gunter and unanimously carried, the city commission approved the applicant's request to postpone action on Ordinance 2014-005, as previously cited, to the May 22, 2014 meeting.

END OF QUASI-JUDICIAL PUBLIC HEARING

- (l) **Second Reading and Public Hearing – Ordinance 2014-004, Adopt a Comprehensive Plan Amendment – North of Poinsettia Avenue and North of Spring Lake Road - Petitioner: Jonathan Penner**

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 SINGLE FAMILY MEDIUM DENSITY IN THE CITY OF FRUITLAND

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PARK TO MULTIPLE FAMILY HIGH DENSITY ON THE FUTURE LAND USE MAP ELEMENT OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 9.06 ± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF POINSETTIA AVENUE AND NORTH OF SPRING LAKE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 10, 2014)

On motion of Vice Mayor Goldberg, seconded by Commissioner Gunter and unanimously carried, the city commission approved the applicant's request to postpone action on Ordinance 2014-004, as previously cited, to the May 22, 2014 meeting.

END OF PUBLIC HEARING

5. PUBLIC COMMENTS

Mr. Myron Waye, Lake County resident, expressed appreciation for the public's appearance at this evening's meeting; thanked the city commission for appointing Mr. La Venia who is performing a good job and indicated that if the public opposes the city commission's performance on the job, he explained that as the voting public, they are the city commission's employers. Mr. Waye advised the public to provide input by attending commission meetings and become aware of what is going on a continuous basis.

In response, Mayor Bell announced that the public is welcome to communicate with each city elected official by accessing the emails under the city's website, www.fruitlandpark.org.

The following City of Fruitland Park residents appeared before the city commission citing their respective reasons in objection to the approval of postponed items 7.(k) and 7.(l):

Mses. I. Milo, Amanda Carly, Francis Riner, Messrs. Dave Bethany, and Byron Oldman.

6. CONSENT AGENDA

Approval of Minutes - April 10, 2014 Regular Meeting

On motion of Commissioner Gunter, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved the April 10, 2014 regular meeting minutes as submitted.

7. REGULAR AGENDA

(a) Charter Review Committee Update (city manager)

Mr. La Venia gave an overview of the Charter Review Committee's action at its April 22, 2014 meeting on its summary recommendations to the city commission on the charter and noted its primary issue on the districting idea to the creation of five districts with commissioners elected in the districts outside the purview of the new Villages. He explained that the committee will hold its public hearing at 6:00 p.m. on May 20, 2014 to allow for public comments and that same has been advertised in the residents' utility bills.

(b) Auditor's Financial Report – W. Chet Ross, CPA, Shumacker, Johnston & Ross PA

Presentation on the financial report.

Upon the city manager's request and **by unanimous consent, the city commission postponed the auditor's final financial report to the May 8, 2014 regular commission meeting at staff's request.**

(c) Water Line - BESH Agreement

After discussion, and **on motion of Commissioner Cheshire, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved the proposal and agreement between the City of Fruitland Park and Booth Ern Straughan Hiott for the city capital water line extension project for The Villages for a total amount of \$100,655.**

(d) Plant Design – BESH Agreement

After discussion, and **on motion of Commissioner Kelly, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved a proposal and agreement between the City of Fruitland Park and Booth Ern Straughan Hiott for the city's Water Treatment Plant #1 expansion for a total amount of \$196,670.**

(e) Water CUP - Sarah Whitticker – Proposal

After discussion, and **on motion of Commissioner Gunter, seconded by Commissioner Kelly and unanimously carried, the city commission approved of a proposal between the City of Fruitland Park and SMW Geosciences, Inc. for professional services Consumptive Use Permit 2482 Compliance Assistance for the amount of \$3,950.**

(f) First Reading – Ordinance 2014-011 – Golf Carts and Low Speed Vehicles

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 73.04 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES ENTITLED GOLF CARTS AND LOW SPEED VEHICLES; SPECIFICALLY DELETING PROVISIONS REGARDING GOLF CART AND LOW SPEED VEHICLE INSPECTIONS AND FEES;

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PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Second reading will be held on May 8, 2014.)

After discussion, and **on motion of Vice Mayor Goldberg, seconded by Commissioner Gunter and unanimously carried, the city commission approved Ordinance 2014-011 as previously cited.**

(g) First Reading – Ordinance 2014-010 - Municipal Service Taxing Unit for Ambulance and EMS

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONSENTING TO THE INCLUSION OF THE CITY OF FRUITLAND PARK, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MSTU FOR A SPECIFIED TERM OF YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Second reading will be held on May 8, 2014.)

After discussion, and **on motion of Commissioner Gunter, seconded by Commissioner Kelly and unanimously carried, the city commission approved Ordinance 2014-010 as previously cited.**

PUBLIC HEARING

By unanimous consent, Mayor Bell opened the public hearing.

(h) Second Reading and Public Hearing – Repeal Ordinance 2014-007, Police and Fire Service Fees

It now being the time advertised to hold a public hearing to consider Ordinance 2014-007, the substance of which is as follows, Mr. Gerken read the title and interested citizens were called upon to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REPEALING CITY OF FRUITLAND PARK ORDINANCES 2009-014, 2010-005, AND 2011-010, RELATING TO POLICE AND FIRE SERVICE FEES AS SET FORTH THEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN

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EFFECTIVE DATE. (Postponed from the April 10, 2014 meeting.
The first reading was held on March 13, 2014.)

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

Mr. Gerken announced that between the April 10, 2014 and this evening's meeting, the court approved the settlement agreeing, as proposed and as submitted to the court and described the requested fees that were lowered for the class representatives and other individuals requesting same other than that it was as submitted to the court.

Mr. Gerken indicated that applications would sent out to residents in their current utility bills; described the process for those receiving the refund of the prorated amount as fees and costs to be until July 2014; after that period to the fiscal year, refunds would be made, and following that time, remaining funds would revert to the city. Mr. Gerken explained that the city can proceed noting it has not been charging since January 2014 and that the subject issue in question would remove the fees from the books.

A motion was made by Commissioner Gunter and seconded by Commissioner Cheshire that the city commission enact Ordinance 2014-007 as previously cited to become effective immediately as provided by law, Mayor Bell called for a roll call vote with the city commission members voting as follows:

Commissioner Kelly	No
Commissioner Gunter	Yes
Commissioner Cheshire	Yes
Vice Mayor Goldberg	Yes
Mayor Bell	Yes

The motion was declared carried on a four to one (4-1) vote.

(i) Second Reading - Ordinance 2014-006, Code Enforcement - Special Magistrate System

It now being the time advertised to hold a public hearing to consider Ordinance 2014-006, the substance of which is as follows, Mr. Gerken read the title and interested citizens were called upon to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES CHAPTER 35 ENTITLED "CODE ENFORCEMENT"; TO PROVIDE FOR A SPECIAL MAGISTRATE SYSTEM FOR CODE ENFORCEMENT;

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PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND A TRANSITION PERIOD. (The first reading was held on April 10, 2014.)

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

A motion was made by Vice Mayor Goldberg and seconded by Commissioner Cheshire that the city commission enact Ordinance 2014-006, as previously cited, to become effective immediately as provided by law; however, the existing Code Enforcement Board provisions shall remain in effect until the city commission retains a special magistrate.

Mayor Bell called for a roll call vote and declared the motion carried unanimously.

(j) Second Reading – Ordinance 2014-009, Recreation Fees

It now being the time advertised to hold a public hearing to consider Ordinance 2014-009, the substance of which is as follows, Mr. Gerken read the title and interested citizens were called upon to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 99 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES; SECTION 99.90 ENTITLED “RECREATION FEES;” PROVIDING FOR CONFLICT WITH EXISTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on April 10, 2014)

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

A motion was made by Commissioner Kelly and seconded by Commissioner Cheshire that the city commission enact previously cited Ordinance 2014-009 as amended to become effective March 1, 2014.

Mayor Bell called for a roll call vote and declared the motion carried unanimously.

(m) Second Reading and Public Hearing - Ordinance 2014-002 – Comprehensive Plan Amendment - “The Villages of Fruitland Park - DRI”

Mr. Gerken requested that Ordinance 2014-002 Items 7.(n) and 7.(o) be postponed to the next meeting.

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AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT TO CREATE A NEW FUTURE LAND USE DESIGNATION WITHIN THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN ENTITLED 'THE VILLAGES OF FRUITLAND PARK-DRI'; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT PURSUANT TO FLORIDA STATUTE 163.3184(3) AMENDING THE FUTURE LAND USE DESIGNATION FROM LAKE COUNTY RURAL TO THE VILLAGES OF FRUITLAND PARK DRI ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 780 ± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF CR 466-A AND NORTH OF PINE RIDGE DAIRY ROAD; PROVIDING FOR SEVERABILITY; 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 SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE. (The first public hearing was held on February 27, 2014.)

On motion of Commissioner Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission postponed, at the city attorney's request, its action on Ordinance 2014-002, as previously cited, to the May 8, 2014 meeting.

(n) Resolution 2014-001 – Notice of Proposed Change - Development Order “The Villages of Fruitland Park DRI”

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING A DEVELOPMENT ORDER FOR THE VILLAGES OF FRUITLAND PARK DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR AN EFFECTIVE DATE.

On motion of Commissioner Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission postponed at the city attorney's request, its action on Ordinance 2014-001, as previously cited, to the May 8, 2014 meeting.

END OF PUBLIC HEARING

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(o) **First Reading – Ordinance 2014-003 – Rezoning – Pine Ridge Dairy Road**

Mr. Gerken read into the record, the title of proposed Ordinance 2014-003, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING APPROXIMATELY 780± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF CR 466A AND NORTH OF PINE RIDGE DAIRY ROAD FROM CITY “C-1” (NEIGHBORHOOD COMMERCIAL DISTRICT) FOR APPROXIMATELY 94.6 ACRES OF THE PROPERTY, CITY “C-2” (GENERAL COMMERCIAL) FOR APPROXIMATELY 60 ACRES OF THE PROPERTY, CITY “GB” (GREENBELT DISTRICT) FOR APPROXIMATELY 1.45 ACRES OF THE PROPERTY, CITY “PFD” (PUBLIC FACILITIES DISTRICT) FOR APPROXIMATELY 15 ACRES OF THE PROPERTY, CITY “R-1” (SINGLE FAMILY LOW DENSITY RESIDENTIAL) FOR APPROXIMATELY 402.8 ACRES OF THE PROPERTY, CITY “R-2” (SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL) FOR APPROXIMATELY 129.45 ACRES OF THE PROPERTY, CITY “R-2A” (MEDIUM DENSITY RESIDENTIAL) FOR APPROXIMATELY 41 ACRES OF THE PROPERTY, AND CITY “R-3” (MULTI-FAMILY HIGH DENSITY RESIDENTIAL) FOR APPROXIMATELY 35.7 ACRES OF THE PROPERTY TO MIXED USE PLANNED UNIT DEVELOPMENT WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gerken explained that there are minor changes to the master development agreement which will be revised by the next meeting.

Mr. Rector described the subject proposed designation; referred to the meeting earlier this day with the property’s representatives, and conveyed staff’s recommendation of approval.

On motion of Commissioner Gunter, seconded by Commissioner Kelly and unanimously carried, the city commission approved Ordinance 2014-003 as previously cited.

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8. NEW BUSINESS

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

9. OFFICERS' REPORTS

(a) City Manager

- Properties Adjacent to the Casino Building

Mr. La Venia explained that staff is proposing the purchase of two homes adjacent to the casino building on Berckman Street. He explained that Mr. Rector previously held conversations with the property owners who appear to be willing to negotiate a sale and staff is obtaining new assessments.

Mr. La Venia addressed the plan to utilize existing capital improvement plan funds to effectuate the purchase by demolishing the two properties with the proviso that the property would be used for public purposes which is the commission's intent.

By unanimous consent, the city commission accepted the city manager's request to expedite the process to purchase the two properties adjacent to the casino building on Berckman Street and direct the city manager to negotiate, in good faith, the purchase price on the sale of the properties with the property owners.

- 207 West Berckman Street Property

Mr. Gerken explained that the lenders' price to release the property located at 207 West Berckman was higher than anticipated. He indicated that Mr. Robert R. Ruiz, property owner, would be providing funds to sell the property and that in discussions with Mr. Rector, he was requested to provide options; thus, the city would be willing to pay additional monies to finalize the closing.

Mr. Rector outlined the following options to purchase the property with the city:

(a) placing an addition to the rear of the library building, once the new water well is erected by making improvements to the existing library at a cost between \$40,000 and \$50,000 noting that the librarian's view, at the rear, would be limited;

(b) building the addition to the eastside of the library at the parking lot and the new water well and retention pond; relocating the parking lot towards the existing playground -- affecting the library's administration offices which would require renovations to the bathrooms, kitchen and lounge interior -- and paying the difference in order to purchase the property from Mr. Ruiz

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at the architect's estimated amount of \$110,000 to \$175,000 to get ready to build without the addition, and

(c) attaining \$16,966.05 in funds, besides the appraised value of \$24,150, which is the cheapest option and the best workability of the library.

Mr. Rector recommended that the city commission proceed with the purchase of Mr. Ruiz' property with option (c). He explained that the library is in receipt of grant funding for the improvements which staff is exploring; otherwise the community redevelopment agency funds would be utilized. Mr. Rector explained that \$52,578.05 would actuate the purchase; \$24,150 would be the city's commitment towards the appraised value, and \$11,262 is Mr. Ruiz' contribution to pay off the first mortgage leaving the city to finance \$16,966.

On motion of Commissioner Cheshire, seconded by Commissioner Kelly and unanimously carried, the city commission authorized staff to proceed with the purchase of the property located at 207 West Berckman Street and accepted staff's recommendation to allocate funding as previously outlined for consideration at the May 8, 2014 meeting.

- List of Roadways

Mr. La Venia suggested that CRA funds be utilized to pave the city's roadways for an amount of \$190,000; relayed Mr. Ross' comments, since meeting with him, that it is in order to utilize CRA funds, and requested permission to proceed with the city's roadway improvements.

Mr. Gerken identified the possibility of utilizing a vendor and piggybacking with Lake County's agreement without going through the procurement process.

Mr. La Venia read into the record the respective streets and related costs, a copy of which is filed with the supplemental papers to the minutes of this meeting.

- Advisory Board of Commerce

Due to new businesses anticipated in the city and recognizing the city's existing businesses, Mr. La Venia introduced the concept of establishing an advisory board of commerce involving the city's business community. He suggested that said board would: be appointed by the city commission; meet monthly to bring business and government together as a partnership on common issues; sponsor some of the city's events, and make recommendations.

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Mayor Bell recalled his previous visit to Ocala/Marion County Chamber and Economic Partnership regarding businesses for economic growth which could be utilized; suggested the city's review of the proposed board as a subgroup, and mentioned reaching out to larger business owners to see if there is a willingness to participate.

- Public Relations

Mr. La Venia referred to his recent draft letter to prospective developers which he forwarded on to the city commission for review and indicated that said draft will accompany the public relations brochure that he is currently working on.

Mr. La Venia anticipated that an annual event would be held from the proposed advisory board of commerce; relayed his conversations with the parks and recreation director on the matter, and stated that he believes that in addition to keeping the city's Fruitland Park Day, other events such as "Blue Grass" or "Food Truck Festival" may attract visitors to the city.

- CDD Villages, CDD 11

Mr. La Venia conveyed the request of The Villages to request setting a public hearing to consider the petition to establish Village Community Development District (CDD) 11 at the city's May 22, 2014 regular meeting.

Additionally, Mr. Gerken recognized the 10 CDDs at The Villages; indicated that The Villages filed their petition, and explained that the CDD 11 public hearing process would be scheduled for May 22, 2014 which would be advertised for four consecutive weeks. He stated that The Villages would be responsible to pay for the advertising costs and that the city clerk would be provided with the proof of advertising.

- Retirement Plans

Mr. La Venia announced that the Florida Retirement System will be conducting a presentation to the city employees on May 20, 2014 and the International City/County Management Association will be presenting a similar retirement program on May 21, 2014.

- SJRWMD – Water Conservation Ordinance

Mr. La Venia explained that he previously discussed Water Conservation Rule with Landscaping Requirements Ordinance 2012-019 with the St. John's River Water Management District (SJRWMD) staff; referred to their recent comments in this regard, and indicated that Mr. Joe Hill, Lake County resident and former SJRWMD Chair, has been informed whereby a meeting will be held to address the issue in detail.

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- (b) **City Attorney**
Mr. Gerken explained that he has nothing to report.

10. COMMISSIONERS' COMMENTS

- (a) **Vice Mayor Goldberg**
Noise Ordinance

After citing Noise Ordinance 90-003, Vice Mayor Goldberg requested consideration of drafting an amendment due to problems from amplified sound emitted from vehicles in various parts of the city.

In concurring with Vice Mayor Goldberg's concerns that the ordinance is outdated, Mr. Gerken recognized the number of changes on noise ordinances in Lake County over the recent years; stated that he will communicate with Mr. "Sandy" Sanford A. Minkoff, Lake County Attorney, and addressed his plan to provide more information to the city commission.

- (b) **Commissioner Cheshire**

Commissioner Cheshire voiced his concurrence with Mr. Myron's previous remarks regarding Mr. La Venia's performance; concurred with Mr. La Venia's proposal regarding smart growth in the city, and agreed with his recommendations to purchase the property and land.

Commissioner Cheshire thanked Commissioner Gunther for outlining the potential city voting districts at the April 22, 2014 Charter Review Committee meeting and anticipated that the public would get involved.

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

Commissioner Gunter stated that he had nothing to report.

- (d) **Commissioner Kelly**

Commissioner Kelly referred to her attendance at the April 23, 2014 Lake-Sumter Metropolitan Planning Organization (MPO) Governing Board meeting; referred to similar issues that were addressed which were similarly covered by Mr. Stivender earlier at this evening's meeting, and believed it would be ideal for the city's residents and the commission to write to the state officials as the MPO is making efforts in this regard.

11. MAYOR'S COMMENTS

- **US 466A Corridor Project**

Mayor Bell recollected the presence of MPO's Executive Director T. J. Fish at the February 18 and 19, 2014 Lake County Legislative Days in Tallahassee; indicated that Mr. Fish was advocating the city's US 466A corridor project and other issues, and recognized that Lake County has a vision.

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- **Lake County Community Service Awards**
Mayor Bell reminded the city commission that the April 30, 2014 Lake County Community Services Awards Dinner and recognized that Fire Chief Thomas “Tommy” Lee Campbell will be recognized as the winner of the Public Service Award category.

- **Annual Employee Picnic**
Mayor Bell announced that the annual employee picnic is scheduled to be held on Saturday, May 3, 2014.

- **Charter Review Committee**
Mayor Bell recognized the following meetings:
 - o May 6, 2014 charter review committee,
 - o May 8, 2014 regular city commission, and
 - o May 20, 2014 charter review committee public hearing which has been advertised in the city residents’ water bills.

12. 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 9:45 p.m.

The minutes were approved at the May 22, 2014 regular city commission meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Christopher Bell, Mayor

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
May 8, 2014**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, April 24, 2014 at 7:00 p.m.

Members Present: Mayor Christopher Bell, Commissioners Christopher Cheshire, John L. Gunter, Jr., and Sharon Kelly.

Members Absent: Vice Mayor Albert Goldberg

Also Present: City Manager Gary La Venia, City Attorney Scott Gerken, City Finance Clerk Sue Parker, Police Chief Terry Isaacs, Community Development Director Charlie Rector, Captain David Borst, Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bell called the meeting to order at 7:02 p.m.; Police Chief Terry Isaacs gave the invocation, and Firefighter. Tim Yoder, Fire Department, led in the Pledge of Allegiance to the flag.

2. ROLL CALL

Ms. Coulson called the roll and a quorum was declared present.

3. PROCLAMATION – *Motor Cycle Safety Awareness Month* – May 2014

On behalf of the city commission, Mayor Bell proclaimed May 2014 as “*Motorcycle Safety Awareness Month*” and reminded motorists and motorcyclists alike during Motorcycle Safety Awareness Month to “share the road” in order to help prevent motorcycle crashes, deaths and injuries on Lake County roads.

The proclamation was accepted with thanks by Chief Isaacs.

4. PUBLIC COMMENTS

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

SPECIAL RECOGNITION

On behalf of the city commission, Mayor Bell acknowledged Senior Fire Chief Thomas “Tommy” Lee Gamble who was presented with the 2014 Lake County Community Service Award for community service on March 31, 2014 at a Banquet at Lake Receptions in Mount Dora. Chief Gamble was honored for his 53 years of service, dedication and selflessness in making Lake County a better place to live.

The city commission extended heartfelt congratulations to Chief Gamble who expressed much appreciation to the city commission and thanked Police Chief Isaacs and Deputy Chief David Borst for their continued support.

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By unanimous consent, and upon Mayor Bell's suggestion, the city commission took the following items out of order on this evening's agenda:

7. REGULAR AGENDA

(a) Charter Review Committee Update

Mr. La Venia gave an update on matters relating to the Charter Review Committee. He reported on its review of the charter; the intent to make recommendations on the creation of voting districts, hold a public hearing at 6:00 p.m. on May 20, 2014 in the city commission chambers to discuss the recommendations, and send the recommendations, at a subsequent meeting, to the commission.

(b) Auditor's Financial Report – W. Chet Ross, CPA, Shumacker, Johnston & Ross PA

By unanimous consent, the city commission approved, at the mayor's suggestion, its consideration of the Auditor's Financial Report to later in the in the meeting.

It being later in the meeting and **by unanimous consent, the city commission postponed the Auditor's Financial Report to the next meeting.**

5. LOCAL PLANNING AGENCY

As soon as practical, recess to the Local Planning Agency Meeting at 7:15 p.m.

By unanimous consent, the city commission recessed its meeting at 7:16 p.m. to the Local Planning Agency and the Community Redevelopment Agency and reconvened at 7:30 p.m.

By unanimous consent, and upon Mayor Bell's suggestion, the city commission took the following items out of order on this evening's agenda:

7. REGULAR AGENDA

(f) First Reading - Ordinance 2014-015 - Water System Disconnection Fee

Mr. Gerken read into the record, the title of proposed Ordinance 2014-015, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 50 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 50.30(F) REGARDING A DISCONNECTION FEE DUE TO NONPAYMENT FOR WATER SERVICES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY;

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PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on May 22, 2014.)

On motion of Commissioner Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission approved Ordinance 2014-015 as previously cited.

- (g) **First Reading – Ordinance 2014-012 – Rezoning - West of Micro Race-Track Road and North of CR 466A – Applicant and Owner: DR GCS Holdings, LLC**

Mr. Gerken read into the record, the title of proposed Ordinance 2014-012, the substance of which is as follows:

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 1.39 ± ACRES OF LAND GENERALLY LOCATED WEST OF MICRO RACETRACK ROAD AND NORTH OF CR 466A; REZONING THE PROPERTY FROM LAKE COUNTY “AG” (AGRICULTURE) TO GENERAL COMMERCIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK; 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 SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on May 22, 2014.)

On motion of Commissioner Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission approved Ordinance 2014-012 as previously cited.

- (h) **First Reading – Ordinance 2014-013 Comprehensive Plan Amendment - West of Micro Race-Track Road and North of CR 466A – Applicant and Owner: DR GCS Holdings, LLC**

Mr. Gerken read into the record, the title of proposed Ordinance 2014-013, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE

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FUTURE LAND USE DESIGNATION FROM LAKE COUNTY AGRICULTURE TO COMMERCIAL HIGH INTENSITY IN THE CITY OF FRUITLAND PARK ON THE FUTURE LAND USE MAP ELEMENT OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.39+ ACRES OF PROPERTY GENERALLY LOCATED WEST OF MICRO RACETRACK ROAD AND NORTH OF CR 466a; DIRECTING THE CITY CLERK TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on May 22, 2014.)

On motion of Commissioner Gunter, seconded by Commissioner Kelly and unanimously carried, the city commission approved Ordinance 2014-013 as previously cited.

- (i) **First Reading – Ordinance 2014-014 Establish Village Community Development District No. 11. – Petitioner: The Villages of Lake-Sumter Inc.**
Mr. Gerken read into the record, the title of proposed Ordinance 2014-014, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CREATING VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 11 PURSUANT TO FLORIDA STATUTES 190.005; ENCOMPASSING PORTIONS OF LAND IN SECTIONS 5, 6, 7, 8, AND 18, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; PROVIDING FOR THE MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT; PROVIDING FOR THE NAME OF THE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE POWERS OF THE DISTRICT; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on May 22, 2014.)

After discussion, and **on motion of Commissioner Kelly, seconded by Commissioner Gunter and unanimously carried, the city commission approved Ordinance 2014-014 as previously cited.**

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

PUBLIC HEARING

- (j) **Second Reading and Public Hearing - Ordinance 2014-002 – Comprehensive Plan Amendment - “The Villages of Fruitland Park - DRI” - Applicant: Darrin Taylor Representing The Villages of Lake-Sumter, Inc.**

It now being the time advertised to hold a public hearing to consider Ordinance 2014-002, the substance of which is as follows, Mr. Gerken read the title and interested citizens were called upon to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT TO CREATE A NEW FUTURE LAND USE DESIGNATION WITHIN THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN ENTITLED "THE VILLAGES OF FRUITLAND PARK-DRI"; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT PURSUANT TO FLORIDA STATUTE 163.3184(3) AMENDING THE FUTURE LAND USE DESIGNATION FROM LAKE COUNTY RURAL TO THE VILLAGES OF FRUITLAND PARK DRI ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 780± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF CR 466-A AND NORTH OF PINE RIDGE DAIRY ROAD; PROVIDING FOR SEVERABILITY; 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 SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE. (The first public hearing was held on February 27, 2014.)

There being no public comments, **and by unanimous consent, Mayor Bell closed public hearing.**

Mr. Rector described the subject property, the location, and its proposed use, recognized the presence of Mr. Gary Moyer, representing The Villages, at this evening's meeting, and confirmed the state's approval of the subject project.

A motion was made by Commissioner Gunter and seconded by Commissioner Kelly that the city commission approve the Local Planning Agency's recommendation to enact Ordinance 2014-002, as previously cited, to become effective thirty one (31) days after adoption. (If the ordinance is challenged within thirty (30) days after adoption, the ordinance shall not become effective until the state land planning agency or the Administration

Commission, respectively issues a final order determining that the large-scale comprehensive plan is in compliance.).

Mayor Bell called for a roll call vote and declared the motion carried unanimously.

QUASI-JUDICIAL PUBLIC HEARING

- (k) Second Reading and Quasi-Judicial Public Hearing – Ordinance 2014-003 – Rezoning – Pine Ridge Dairy Road – Applicant: Darrin Taylor Representing The Villages of Lake-Sumter, Inc.**

It now being the time advertised to hold a public hearing to consider Ordinance 2014-003, the substance of which is as follows, Mr. Gerken read the title and interested citizens were called upon to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING APPROXIMATELY 780± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF CR 466A AND NORTH OF PINE RIDGE DAIRY ROAD FROM CITY “C-1” (NEIGHBORHOOD COMMERCIAL DISTRICT) FOR APPROXIMATELY 94.6 ACRES OF THE PROPERTY, CITY “C-2” (GENERAL COMMERCIAL) FOR APPROXIMATELY 60 ACRES OF THE PROPERTY, CITY “GB” (GREENBELT DISTRICT) FOR APPROXIMATELY 1.45 ACRES OF THE PROPERTY, CITY “PFD” (PUBLIC FACILITIES DISTRICT) FOR APPROXIMATELY 15 ACRES OF THE PROPERTY, CITY “R-1” (SINGLE FAMILY LOW DENSITY RESIDENTIAL) FOR APPROXIMATELY 402.8 ACRES OF THE PROPERTY, CITY “R-2” (SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL) FOR APPROXIMATELY 129.45 ACRES OF THE PROPERTY, CITY “R-2A” (MEDIUM DENSITY RESIDENTIAL) FOR APPROXIMATELY 41 ACRES OF THE PROPERTY, AND CITY “R-3” (MULTI-FAMILY HIGH DENSITY RESIDENTIAL) FOR APPROXIMATELY 35.7 ACRES OF THE PROPERTY TO MIXED USE PLANNED UNIT DEVELOPMENT WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (First reading was held on April 24, 2014)

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After Mr. Rector, who was previously sworn, described the master development agreement and outlined the procedures involved, Mr. Gerken identified the agreements relating to the project.

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

A motion was made by Commissioner Kelly and seconded by Commissioner Cheshire that the city commission enact previously cited Ordinance 2014-003 to become effective upon the effective date of the comprehensive plan amendment adopted to provide for the Villages of Fruitland Park Development of Regional Impact, subject to the contingencies set forth in the ordinance and if the comprehensive plan amendment is timely challenged, the ordinance does not become effective until the comprehensive plan amendment goes into effect.

Mayor Bell called for a roll call vote and declared the motion carried unanimously.

END OF QUASI-JUDICIAL PUBLIC HEARING

- (1) **Public Hearing - Resolution 2014-001 – Notice of Proposed Change - Development Order “The Villages of Fruitland Park DRI”**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING A DEVELOPMENT ORDER FOR THE VILLAGES OF FRUITLAND PARK DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR AN EFFECTIVE DATE.

After discussion, and there being no one from the public, **by unanimous consent, Mayor Bell closed the public hearing.**

A motion was made by Commissioner Cheshire and seconded by Commissioner Gunter that the city commission adopt Resolution 2014-001 as previously cited to become effective upon the effective date of the comprehensive plan amendment adopted to provide for the Villages of Fruitland Park Development of Regional Impact, provided that filing of a notice of appeal pursuant to Section 380.07, Florida Statutes, will stay the effectiveness of the development order.

Mayor Bell called for a roll call vote and declared the motion carried unanimously.

On behalf of The Villages, Mr. Gary Morse expressed appreciation to the city commission and staff on the process they went through with them since starting a year ago to which Mayor Bell, on behalf of the city commission, welcomed the Villages.

END OF PUBLIC HEARING

(m) Bulk Potable Water Agreement

The city commission considered its action to approve the bulk potable water agreement between the City of Fruitland Park and Central-Sumter Utility Company for bulk potable water.

After Mr. Gerken outlined the service to be provided to The Villages, he recognized the presence of Mr. Duane K. Booth, Booth Ern Straughan Hoitt, at this evening's meeting and expressed appreciation of his services to the city.

In response to the negative to a question posed by Mr. Joe Hill, Lake County resident and former St Johns River Water Management District Chair, on the use of landscape irrigation, Mr. La Venia confirmed that staff is still working together with Mr. Hill on Water Conservation Rule with Landscaping Requirements Ordinance 2012-019.

On motion of Commissioner Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission approved the bulk potable water agreement previously cited.

(n) Water Plant Improvements

The city commission considered its action to approve the extension of the water and wastewater lines agreement between the City of Fruitland Park and the Villages of Lake-Sumter Inc. for the construction of water plant improvements.

Mr. Gerken outlined the current status, the future use and service areas of the water and wastewater lines; addressed the Villages agreement to construct a number of other wastewater lines, and noted their financial contributions in this regard.

In response to Mayor Bell's inquiry, Mr. Rector identified the potential impacts to various roadways affected by the subject water plant improvements and recognized the advantages of contract time that will be saved for the city.

On motion of Commissioner Cheshire, seconded Commissioner Gunter and unanimously carried, the city commission approved the extension of the water and wastewater lines agreement as previously cited.

PUBLIC HEARING

(o) **Second Reading and Public Hearing – Ordinance 2014-010 - Municipal Service Taxing Unit for Ambulance and EMS**

It now being the time advertised to hold a public hearing to consider Ordinance 2014-010, the substance of which is as follows, Mr. Gerken read the title and interested citizens were called upon to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONSENTING TO THE INCLUSION OF THE CITY OF FRUITLAND PARK, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MSTU FOR A SPECIFIED TERM OF YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (First reading was held on April 24, 2014)

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

Mayor Bell relayed his attendance earlier this day at Lake EMS Budget Workshop, as part of the Lake EMS Employee Issues Committee, on EMS having to redesign and maintain its level of service to Lake County. He referred to his meeting with the committee's chair, Ms. Leslie Campione; addressed the outstanding issue of increasing the MSTU to provide additional financing and pay back to CRAs countywide to which she believed CRAs ought to pay back same to MSTU.

After discussion Mayor Bell commended Mr. Gerald "Jerry" L. Smith II., Lake Emergency Medical Services Inc., for his leadership and performance. He stated that the city would not consider opting into the agreement in 2015 if the MSTU is increased.

On motion of Commissioner Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission enacted Ordinance 2014-010 as previously cited to become effective as provided by law.

(p) **Second Reading and Public Hearing – Ordinance 2014-011 – Golf Carts and Low Speed Vehicles**

It now being the time advertised to hold a public hearing to consider Ordinance 2014-011, the substance of which is as follows, Mr. Gerken read the title and interested citizens were called upon to be heard:

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AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 73.04 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES ENTITLED GOLF CARTS AND LOW SPEED VEHICLES; SPECIFICALLY DELETING PROVISIONS REGARDING GOLF CART AND LOW SPEED VEHICLE INSPECTIONS AND FEES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (First reading was held on April 24, 2014.)

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

On motion of Commissioner Gunter, seconded by Commissioner Kelly and unanimously carried, the city commission enacted 2014-011 as previously cited to become effective immediately as provided by law.

(c) Future City Events

The city commission considered establishing a date for the annual Fruitland Park/Founders Day event.

After discussion and upon the parks and recreation director's recommendation, the city commission, **by unanimous consent, the city commission agreed to the parks and recreation director's recommendation to hold Fruitland Park/Founders Day on Saturday, April 11, 2015, recognizing that it would not be permanent annual date.**

After further deliberations, **and by unanimous consent, the city commission approved the parks and recreation director's recommendation to the date of March 21, 2015 as "Fruitland Park Cleanup Day".**

Mayor Bell conveyed the citizens' remarks on a community project in the fall and suggested forgoing same until a decision could be made in advance in order that the public would be aware.

Ms. Yoder noted the recent increase in recreation fees, as it relates to the casino building; described needed upgrades at an approximate cost of \$30,000, and noted the patrons' satisfaction whereby it is currently being booked frequently for rent.

Mr. Drew Carl, city resident, gave reasons why he supported the need to improve the casino building,

After further discussion, Mayor Bell recognized the city's current process of working on the whole plan, as a CRA project, to proceed with properties in the

Fruitland Park City Commission Agenda

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vicinity and improving the subject area within the next year. He addressed the need for more review with staff on the building's use and the costs involved to upgrade, if the decision is made to keep it.

Following further deliberations, Mayor Bell suggested holding a workshop.

Later in the meeting, Mayor Bell explained that he will work with Ms. Coulson on a date to hold a workshop regarding the casino building.

(d) Real Estate Purchase – 207 West Berckman Street - Property Adjacent to the City Library

On motion of Commissioner Gunter, seconded by Commissioner Cheshire and unanimously carried, the city commission approved the Community Redevelopment Agency's recommendation of approval of the funding of \$41,116.05 towards the purchase of property from Mr. Robert R. Ruiz, property owner, located on 207 West Berckman Street. .

(e) City Roadways

On motion of Commissioner Gunter, seconded by Commissioner Cheshire, and unanimously carried, the city commission approved the Community Redevelopment Agency's recommendation of approval to fund \$132,642,50 for the City of Fruitland Park roadway improvements, as identified in the Public Works Department list; authorized the city manager to negotiate an agreement piggybacking with Lake County or any of the Lake County municipalities, and waived the city's procurement procedures.

8. NEW BUSINESS

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

9. OFFICERS' REPORTS

(a) City Manager

- Public Relations Brochure

Mr. La Venia explained that he is waiting for a paragraph from Mayor Bell and photographs for the Public Relations Brochure.

- CR 466A Corridor

Mr. La Venia referred to the draft letter dated May 8, 2014 written to the Florida Governor regarding the city commission's support for County Road 466A roadway improvements and the portion of same which will remain unfunded.

- Water Conservation Ordinance

Mr. La Venia Hill explained that a meeting has been arranged with Mr. Hill for the end of the month to address the Water Conservation Rule with Landscaping Requirements Ordinance 2012-019.

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- **Diversity Harassment and Ethics Employee Training**

Mr. La Venia announced that a diversity harassment and ethics training for city employees will be held in the future and noted that two sessions will be conducted by Attorney Dorothy “Dotty” Green, the city’s labor council from Latham Shuker Eden & Beaudine LLP.

- **The Villages of Fruitland Park**

After Mr. La Venia reiterated comments of appreciation to Mr. H. Gary Morse, The Villages, and recognized the work by Messrs. Rector, Gerken and Booth, the city commission expressed their appreciation.

(b) **City Attorney**

- **Civility Month**

Mr. Gerken reminded the city commission that May 2014 has been recognized as *Civility Month*.

- **Prayers Before Town Hall Meetings**

Mr. Gerken referred to recent news relating to the U.S. Supreme Court’s decision supporting prayers at municipal meetings which the city can continue to do as it has done for many years. He addressed his intent to provide recommendations on improving the selection process of individuals to make it as inclusive as possible.

- **North West Lake Community Park ILA**

Mr. Gerken referred to a draft interlocal agreement received regarding the North West Lake Community Park project and the plan to proceed as a partner with the city. He addressed his intent to meet with staff and the county and provide a report to the city commission.

10. COMMISSIONERS’ COMMENTS

(a) **Vice Mayor Goldberg**

Upon Mayor Bell’s suggestion and **by unanimous consent, the city commission excused Vice Mayor Goldberg’s absence at this evening’s meeting.**

(b) **Commissioner Cheshire**

Commissioner Cheshire expressed his support of The Villages moving forward and the city’s plan to pave its roadways.

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

After Commissioner Gunter anticipated June 2014 as the date of completion for the construction of roadway improvements on US Highway 441 in response to his question, Mr. Bogle stated that he will

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provide a report, through Mr. La Venia, on the State of Florida Department of Transportation's costs to maintain the highway's median.

(d) Commissioner Kelly

Commissioner Kelly stated that she has nothing to report at this time.

11. MAYOR'S COMMENTS

- **Lake EMS - Budget**

Mayor Bell referred to Lake EMS' budget meeting held earlier this day and reported on its review of Lake County's plan for a three percent increase in property taxes in 2014.

- **Northwest Community Park ILA**

Mayor Bell recognized that Lake County's Parks, Recreation and Trails Advisory Board meeting will be held on May 12, 2014; referred to his conversations with Mr. Sanford A. "Sandy" Minkoff, Lake County Attorney, on the changes to the ILA for the Northwest Community Park, and anticipated providing a report on same to the city commission for review.

- **Lake County League of Cities**

Mayor Bell announced that he will not be able to attend the Lake County League of Cities meeting to be held on May 9, 2014.

- **Employee Picnic**

Mayor Bell noted that the Employee Picnic has been rescheduled to Saturday, May 17, 2014.

- **Special Commission Meeting**

Mayor Bell recognized that a Special City Commission Meeting will be held on Thursday, July 31, 2014 to set the tentative tax rate.

12. 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 8:55 p.m.

The minutes were approved at the May 22, 2014 regular city commission meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Christopher Bell, Mayor



AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Charter Review Committee Update			
For the Meeting of:	May 22, 2014			
Submitted by:	City Manager			
Date Submitted:	May 15, 2014			
Are Funds Required:		Yes	<input checked="" type="checkbox"/>	No
Account Number:				
Amount Required:				
Balance Remaining:				
Attachments:				
Description of Item: Update on matters relating to the Charter Review Committee				
Action to be Taken: None.				
Staff's Recommendation: N/A				
Additional Comments: N/A				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent Agenda: _____
Mayor



**AGENDA ITEM
NUMBER
5b**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Armed Forces Day		
For the Meeting of:	May 22, 2014		
Submitted by:	City Clerk		
Date Submitted:	May 15, 2014		
Are Funds Required:		Yes	No
Account Number:			
Amount Required:			
Balance Remaining:			
Attachments:			
Description of Item: Report from Commander Jim Maynard, The Fruitland Park American Legion Post 219 regarding the Saturday, May 17, 2014 Armed Forces Day celebrations.			
Action to be Taken: None.			
Staff's Recommendation: N/A			
Additional Comments: N/A			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent Agenda: _____
Mayor



AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Mid-Year FY 2014/15 Budget Review		
For the Meeting of:	May 22, 2014		
Submitted by:	City Treasurer		
Date Submitted:	May 15, 2014		
Are Funds Required:	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No
Account Number:			
Amount Required:			
Balance Remaining:			
Attachments:	Yes		
Description of Item: A presentation from Mr. W. Chet Ross, CPA, Shumacker, Johnston & Ross PA, on the Comprehensive Annual Financial Report for the year ended September 30, 2013.			
Action to be Taken: None.			
Staff's Recommendation: N/A			
Additional Comments: N/A			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent Agenda: _____
Mayor



AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Mid-Year FY 2014/15 Budget Review		
For the Meeting of:	May 22, 2014		
Submitted by:	City Treasurer		
Date Submitted:	May 15, 2014		
Are Funds Required:	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No
Account Number:			
Amount Required:			
Balance Remaining:			
Attachments:	Yes		
Description of Item: Budget amendments, based on the financial analysis of Fiscal Year 2014/15 budget from the city manager and city treasurer, to bring various departments' budgets back into balance.			
Action to be Taken: Approval.			
Staff's Recommendation: Approval.			
Additional Comments: N/A			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent Agenda: _____
Mayor



AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Disbursement of Library Impact Fees		
For the Meeting of:	May 22, 2014		
Submitted by:	City Manager		
Date Submitted:	May 15, 2014		
Are Funds Required:	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No
Account Number:			
Amount Required:			
Balance Remaining:			
Attachments:	Yes		
Description of Item: Interlocal agreement between Lake County and the City of Fruitland Park for the disbursement of library impact fees from the Lake County Library Impact Fee Trust Fund for an expansion project at the Fruitland Park Library.			
Action to be Taken: Approval.			
Staff's Recommendation: Approval			
Additional Comments: Submitted at the request of Lake County Library system to be presented to the Lake County Board of County Commissioners.			

Reviewed by: _____
City Manager

Authorized to be placed on the **Regular** **Consent Agenda:** _____
Mayor

INTERLOCAL AGREEMENT
BETWEEN
LAKE COUNTY, FLORIDA
AND
THE CITY OF FRUITLAND PARK
REGARDING
USE OF LIBRARY IMPACT FEES FOR THE FRUITLAND PARK LIBRARY

THIS INTERLOCAL AGREEMENT is made by and between Lake County, Florida, a political subdivision of the State of Florida, hereinafter the “County,” and the City of Fruitland Park, hereinafter the “City,” for use of library impact fee monies for the Fruitland Park Library, located at 205 W. Berckman Street, Fruitland Park, Florida 34731, hereinafter the “Library”.

WHEREAS, Ordinance No. 2003-99, approved November 18, 2003, created a library impact fee for the purposes of providing a source of revenue to fund the construction or improvement of the County library system; and

WHEREAS, Section 22-61, Lake County Code, states that library impact fee money shall be used solely for the purpose of constructing or improving the county library system, including, but not limited to, design and construction plan preparation, permitting and fees, land acquisition, construction and design of new facilities, and acquisition of collection items, public access computers and other capital equipment; and

WHEREAS, Policy LCC-7 sets forth the minimum guidelines for entry into the Lake County Library System as a member library; and

WHEREAS, the City entered into a new interlocal agreement with the County in 2013 to maintain its membership in the Lake County Library System from October 1, 2013 to September 30, 2016; and

WHEREAS, Policy LCC-63 sets forth the process for distribution of funds from the Library Impact Fee Trust Fund; and

WHEREAS, the City now desires to enter into this Interlocal Agreement pursuant to Policy LCC-63 to request impact fee funds in the total amount of Three Hundred Twenty Two Thousand, Five Hundred Dollars and 00/100 (\$322,500.00) in order to fund the expansion of the Library, which will add approximately 1,500 square feet onto the northwest corner of the existing building;

NOW, THEREFORE, in consideration of the mutual benefits, covenants and agreements set forth herein, the parties hereby agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein by reference.

2. **County Obligations.**

A. **Funding.** The County agrees to provide funding in the maximum amount of **Three Hundred Twenty Two Thousand, Five Hundred Dollars and 00/100 cents (\$322,500.00)** to the City from the Library Impact Fee Trust Fund, to be used for the following: a physical expansion of the Library of approximately one thousand, five hundred (1,500) square feet in the Library's northwest corner, in order to meet the growing population needs of the City for library services (hereinafter, the "Project").

B. **Payments.** Payments shall be made on a reimbursement basis with the submittal of an invoice and proper documentation. Invoices shall be submitted to Lake County Library Services Division Manager at P.O. Box 7800, Tavares, Florida 32778. Payments shall be made in accordance with Part VII, Chapter 218, Florida Statutes, known as the Florida Prompt Payment Act.

3. **City Obligations.**

A. **Procurement.** In designing and constructing the Project, the City shall comply with all applicable provisions of the Florida Statutes regarding the bidding of professional services and construction services, including Section 255.0525, Section 255.20, and Section 287.055, Florida Statutes. The County shall have the

right but not the obligation to review the competitive bidding/selection process utilized by the City, and shall additionally have the right but not the obligation to review all bids or statements of qualifications received. In the event that the County determines that the City's procurement process is insufficient, the County shall require the City to reject all bids and re-bid the Project. However, if the City refuses to reject the bids and re-bid the Project, then the City may continue with the Project at the City's sole cost and expense and the County shall have the option to terminate this Agreement.

B. County Library System Member. The City shall remain a member of the Lake County Library System for a period of ten (10) years following the effective date of this Agreement. In the event the City withdraws from the Lake County Library System within that ten (10) year period, the City shall repay the money granted herein as follows: for each year the City maintains its member status, the amount to be repaid shall be reduced by ten percent (10%). For example, if the City withdraws from the Lake County Library System after one (1) year from the effective date of this Agreement, the City shall repay the County ninety percent (90%) of the funding contribution that has been made to that point; after five (5) years, the City shall repay fifty percent (50%) of the funding contribution, etc.

4. Allowable Uses of Impact Fee Money. The City shall use the impact fee money granted herein for the purposes set forth in Section 22-61, Lake County Code. Further, the City, by executing this Agreement, certifies that the Project described herein qualifies as a capital facility need resulting from new development and is not being constructed to remedy an existing deficiency in library services, as such terms are defined within the adopted Lake County Comprehensive Plan, Capital Improvements Element.

5. Indemnification. The City shall, for good and valuable consideration and to the extent permitted by Florida law, protect, defend, indemnify, and hold the County, its officers, commissioners, employees and agents from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees, including a reasonable attorneys' fee or other expenses or liabilities, of every kind and character resulting from any error, omission, or negligent act of the City, its agents, employees, or representatives in the performance of the obligations under

this Agreement. Furthermore, nothing herein shall be construed as a waiver of sovereign immunity on the part of the County.

6. Termination. In the event that construction has not commenced within two (2) years after the effective date of this Agreement, the Agreement shall automatically terminate.

7. Modifications. Unless otherwise specified herein, no modification, amendment, or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed by the parties hereto, with the same formality and of equal dignity herewith.

8. Notices.

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

COUNTY
County Manager
P.O. Box 7800
Tavares, Florida 32778

CITY
City Clerk
506 W. Berckman Street
Fruitland Park, Florida 34731

cc: Library Services Division Manager
P.O. Box 7800
Tavares, Florida 32778

Fruitland Park Library Director
205 W. Berckman Street
Fruitland Park, Florida 34731

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

C. The effective date of such notices shall be the date personally delivered, or if sent by certified mail, the date the notice was signed for, or if sent by overnight letter delivery company, the date the notice was delivered by the overnight letter delivery company.

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

9. **Incorporation.** This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein, and the Parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document.

10. **Severability.** If any provision of this Agreement is found by a court of competent jurisdiction to be invalid, it shall be considered deleted here from, and shall not invalidate the remaining provisions.

11. **Effective Date.** This Agreement shall become effective on the latter of the dates on which it is executed by the County and the City.

{Remainder of page left intentionally blank.}

IN WITNESS WHEREOF, the parties hereto have made and executed this Interlocal Agreement on the respective dates under each signature: Lake County through its Board of County Commissioners, signing by and through its Chairman, authorized to execute same by Board action on the ____ day of _____, 2014 and by the City of Fruitland Park, signing by and through its Mayor, its representative duly authorized to execute the same.

COUNTY

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
LAKE COUNTY, FLORIDA

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

Jimmy Conner, Chairman

This ____ day of _____, 2014.

Approved as to Form & Legality:

Sanford A. Minkoff
County Attorney

CITY

Chris Bell, Mayor

This ____ day of _____, 2014.

ATTEST:

Esther Lewin-Coulson, City Clerk



**AGENDA ITEM
NUMBER
5f**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Village Center Community Development District		
For the Meeting of:	May 22, 2014		
Submitted by:	Scott Gerken, City Attorney		
Date Submitted:	May 15, 2014		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item: Approval of an interlocal agreement with the Village Center Community Development District.			
Action to be Taken: Approval.			
Staff's Recommendation:			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

**INTERLOCAL AGREEMENT
BETWEEN
CITY OF FRUITLAND PARK, FLORIDA,
AND
VILLAGE CENTER COMMUNITY DEVELOPMENT DISTRICT**

THIS INTERLOCAL AGREEMENT (“Agreement”) is entered into this ____ day of _____, 2014, by and between **CITY OF FRUITLAND PARK, FLORIDA** (the “City”) and **VILLAGE CENTER COMMUNITY DEVELOPMENT DISTRICT** (the “District”).

RECITALS

1. The District is a local unit of special purpose government created pursuant to Chapter 190, Florida Statutes (the “Act”).
2. The City is a Florida municipal corporation organized pursuant to Florida Statutes Chapter 166.
3. The District is authorized by the Act to exercise within its boundaries those powers conferred by the Act. The District is also authorized by the Act, particularly Sections 190.011(12) and 190.012(2), to enter into interlocal agreements with general-purpose governments, such as the City, to exercise certain powers outside of its geographical boundaries.
4. The District proposes and the City desires that the District provide certain activities permitted by the Act within the community generally known as The Villages of Fruitland Park, as described in Exhibit “A”, ~~certain activities permitted by the Act~~. A portion of the area to be served by the District lies outside of the District and within the City.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Authority.** This Agreement is entered into pursuant to the authority set forth in Chapters 163, and 190, Florida Statutes.
2. **Definitions.** Capitalized terms used and not otherwise defined in this Agreement

shall have the meaning ascribed to such term in the Act.

3. **Additional Powers and Duties of the District Authorization.** In addition to any powers that the District may have, the District shall have and is hereby granted the right to provide in The Villages of Fruitland Park:

A. provide parks and facilities for indoor and outdoor recreational, cultural, and educational uses;^[AGC1]

B. provide fire prevention and control, emergency medical services (non-transport only) and rescue services including fire stations, water mains and hydrants, fire trucks, and other vehicles and equipment;

- In providing such fire prevention and control services, District agrees to utilize personnel in accordance with Chapter 633, Florida Statutes.

- District agrees to provide and maintain all equipment in suitable condition and readiness for immediate use for providing fire prevention and control services.

C. provide security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries;

D. control and elimination of mosquitoes and other arthropods of public health importance;

E. exercise those other powers granted to the District pursuant to Chapter 190, Florida Statutes, including those powers set forth in Sections 190.012(1) and (2) of the Act as though the area was included within the boundaries of the District; and^[AGC2]

F. exercise all of the powers necessary and incidental thereto including the right to set and collect fees

~~G. in that area of the City described in the attached *Exhibit "A"*.~~

4. **Fire Protection Services & Payment to the District.** The District, by and

through The Villages Public Safety Department, shall provide fire prevention and suppression, emergency medical services (non transport), and ~~paramedic or advanced life support~~-rescue services within ~~the Villages of Fruitland Park-Development of Regional Impact~~. In consideration of the District providing such services, the City agrees to pay ~~The Villages Public Safety Department- the District~~ an Annual Fee (based on City's October 1 through September 30 fiscal year) payable in monthly installments with payment by the fifteenth (15th) of each month. The monthly payment of the initial Annual Fee shall commence on October 1, 2015. The payment of the Annual Fee for that fiscal year shall be the number of residences issued a certificate of occupancy as of September 1, 2015 divided by ~~2038~~2050, then multiplied by \$325,000.00 (For example: If ~~1,049~~25 homes/units have been issued a certificate of occupancy by September 1, 2015, the Annual Fee for the 2015-2016 fiscal year would be \$162,500.00 payable in monthly installments of \$13,541.67). When build out has been completed, the amount due will be adjusted annually according to the change in the United States Department of Commerce, Consumer Price Index All Items U.S. City Average (the "Index") from June to June, according to the most recent data available from the Bureau of Rates and Statistics of the Department of Labor. Such change in the Index will be calculated on June 1st of each year with the increase become-effective on October 1st of each year. In no case shall an adjustment result in a reduction in the amount of the Annual Fee.

The ad valorem tax rate with-in The Villages of Fruitland Development of Regional Impact shall be the same as the ad valorem tax rate imposed by the City outside of The Villages of Fruitland Park ~~Development of Regional Impact~~. If the City ever imposes Fire Service Impact Fees, then 90% of the Fire Service Impact Fees collected within The Villages of Fruitland Park ~~Development of Regional Impact~~ shall be paid to the District monthly.

5. Financial Information

- a. It is recognized that the District conducts an annual audit of all District operations. The City may require the District to have an audit performed at the District's expense of the books and records of the District related to its fire protection and control, emergency medical services (non-transport only), and rescue services. All financial records of the District shall be maintained according to generally accepted accounting principles for governmental entities.

5.6. Indemnification of City by District. To the extent permitted by law (not to be construed as a waiver of sovereign immunity), the District shall indemnify and hold harmless the City for all acts and omissions of the District arising out of authority granted herein, and in connection with the performance of this Agreement.

6.7. Revenue Bonds; City Not Liable. The City acknowledges that the District may issue revenue bonds of the District in accordance with the Constitution and laws of the State of Florida, and the Act, to finance the acquisition, construction, and expansion of District Facilities which bonds may be secured by and payable from revenues derived from the operation of the Facilities^[AGC3], including revenues from service provided within the territory governed by this Agreement. Any such revenue bonds issued by the District shall neither be, nor constitute, the general obligations or indebtedness of the City, the State of Florida, or any political subdivision thereof, within the meaning of the general revenues of the City, the State of Florida, or any political subdivision thereof, but shall be payable solely from the secured by a lien upon and a pledge of revenues of the Facilities and all monies in the funds and accounts established under the indenture pursuant to which any such bonds are issued or other security provided by the District, in the manner and to the extent provided in such indenture. No bondholder shall ever have the right to compel the exercise of the ad valorem taxing power of the City, or the State of Florida, or of any political subdivision thereof, or taxation in any form on any real or personal property to pay any such bonds or the interest thereon, nor shall any bondholder be entitled to payment of such principal and interest from any other funds of the City, the State of Florida, or any political subdivision thereof, other than from the security pledged by the District in such indenture.

8. Insurance. District will purchase and maintain public liability insurance with a minimum insured amount of at least \$1,000,000.00 naming City as an additional insured. In addition, the District shall maintain, worker's compensation insurance, unemployment insurance, automobile liability (including personal injury, property damage, medical payments, and uninsured motorist), and any other mandatory insurance required by state or federal law. Upon request the District will furnish proof of insurance to City in the form of certificates of insurance.

9. Term. Unless earlier terminated or extended by mutual agreement of the parties, this Agreement shall expire ninety-nine (99) years from the date hereof.

7.10. Miscellaneous. The District agrees that any equipment or capital items of inventory acquired pursuant to any assessment or Fire Impact Fee shall be delivered to, and become the property of the City, at City's option, upon termination of this Agreement, provided City agrees to assume liability for the payment of any outstanding debt associated with such equipment or inventory.

11. Default. In the event of default by either party under this Agreement, the non-defaulting party shall give prompt written notice of the default to the defaulting party. The defaulting party shall have thirty (30) days from the date of said notice to cure the default, except if the default is the provision of fire services in which case the defaulting party shall immediately resume providing fire services and continue to do so for a minimum of thirty (30) days from the date of said notice. In the event the default (other than provision of fire services) is not cured within thirty (30) days from the date of said notice then the non-defaulting party shall be entitled to terminate this Agreement without penalty. If the default is the provision of fire services the parties shall meet within thirty (30) days from the date of said notice in an attempt to resolve the default; however, if not resolved, then the non-defaulting party may terminate this Agreement without penalty.

12. Notices. All notices required to be given or made in this Agreement shall be deemed to have been fully given when in writing, sent by certified U.S. Mail, Return Receipt Requested or personally delivered or courier delivery and addressed as follows:

<u>CITY</u>	<u>DISTRICT</u>
City Manager	
506 W. Berckman Street	
Fruitland Park, FL 34731	

8-13. Amendment. This Agreement may be modified in writing only by the mutual agreement of both parties in accordance with their respective laws, rules and procedures. Any amendments to this Agreement must be executed by both parties and recorded in the Public Records before becoming effective.

9-14. Severability. If any one or more of the covenants, agreements, or provisions of this Interlocal Agreement shall be held contrary to any expressed provision of law or contrary to any policy or expressed law, although not expressly prohibited, any reason whatsoever be held invalid,

then such covenants, agreements, or provisions shall be null and void, and shall be deemed separate from the remaining covenants, agreements, or provisions of this Interlocal Agreement.

~~10.15.~~ **Matters Unaffected.** No right or obligation that may currently or subsequently exist respecting the parties and their relationship one to the other shall be deemed waived or otherwise affected by this Agreement, unless such right or obligation is specifically addressed herein.

~~11.16.~~ **Effective Date.** This Agreement shall become effective upon, (A) execution by the District and the City, and (B) recording of this Agreement in the Public Records of Lake County, Florida.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their duly authorized representative on the day and year first above written.

AS TO CITY:

ATTEST:

CITY OF FRUITLAND PARK, FLORIDA

By: _____
Print Name: _____
Title: _____

By: _____
Print Name: _____
Title: _____

FOR THE USE AND RELIANCE OF
THE CITY OF FRUITLAND PARK, FLORIDA,
ONLY, APPROVED AS TO FORM AND LEGALITY

_____, Attorney for City

AS TO DISTRICT:

VILLAGE CENTER COMMUNITY
DEVELOPMENT DISTRICT

ATTEST:

By: _____ By: _____
Print Name: _____ Print Name: _____
Title: _____ Title: _____

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this _____ day of _____,
201____, by _____, as _____, and
_____, as _____ of and on behalf of the **City of
Fruitland Park, Florida**, who did not take an oath and is personally known to me.

NOTARY PUBLIC - STATE OF FLORIDA
Print _____ Name ____
My Commission Expires: _____
Serial/Commission Number _____

**STATE OF FLORIDA
COUNTY OF SUMTER**

The foregoing instrument was acknowledged before me this _____ day of _____,
201____, by _____, as _____, and
_____, as _____ of and on behalf of **Village
Center Community Development District**, who did not take an oath and is personally known to
me.

NOTARY PUBLIC - STATE OF FLORIDA

Print Name ____

My Commission Expires: _____

Serial/Commission Number _____



**AGENDA ITEM
NUMBER
5g**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	North Sumter County Utility Dependent District ILA		
For the Meeting of:	May 22, 2014		
Submitted by:	Scott Gerken, City Attorney		
Date Submitted:	May 15, 2014		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item: Approval of an interlocal agreement with North Sumter County Utility Dependent District for			
Action to be Taken: Approval.			
Staff's Recommendation:			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

**INTERLOCAL AGREEMENT
BETWEEN
CITY OF FRUITLAND PARK, FLORIDA
AND
NORTH SUMTER COUNTY UTILITY DEPENDENT DISTRICT**

THIS INTERLOCAL AGREEMENT (“Agreement”) is entered into this ____ day of _____, 2014, by and between **CITY OF FRUITLAND PARK, FLORIDA** (the “City”), and **NORTH SUMTER COUNTY UTILITY DEPENDENT DISTRICT** (the “District”).

RECITALS

A. The District is a dependent district of Sumter County authorized by Chapter 189, Florida Statutes (the “Act”), Chapter 125, Florida Statutes, and created pursuant to Ordinance No. 2010-10 duly adopted by the Board of County Commissioners of Sumter County on July 13, 2010, as amended.

B. The City is a Florida municipal corporation.

C. Pursuant to the Act and pursuant to Section 125.01 (1) (p) and Section 163.01, Florida Statutes, the City and the District may provide by interlocal agreement for the District to provide certain services outside of its geographical boundaries and within that portion of the City lying within The Villages of Fruitland Park.

D. Pursuant to those powers conferred by the Act, the District proposes to provide environmentally conscientious and economically viable means and capacity for solid waste collection and disposal services within that portion of the City lying within The Villages of Fruitland Park.

NOW, THEREFORE, the parties agree as follows:

1. Authority. This Agreement is entered into pursuant to the authority set forth in Chapters 163 and 189, Florida Statutes (2013) and is consistent with the Comprehensive Plan for the City.

2. Definitions. Capitalized terms used and not otherwise defined in this Agreement shall have the meaning ascribed to such term in the Act.

3. Additional Powers of the District. Pursuant to the provisions of the Act and Chapter 163, Florida Statutes, the District shall have and is hereby granted the right within the boundaries of that portion of the City lying within The Villages of Fruitland Park, the authority to provide:

A. Residential solid waste collection and disposal services. If the District provides solid waste collection and disposal services within The Villages of Fruitland Park, the District agrees to pay to the City on a monthly basis the City's prevailing franchise fee rate for such services. The City's current prevailing franchise fee is equal to ten percent (10%) of the gross revenues the District collects from all customers within The Villages of Fruitland Park. In addition to paying the prevailing franchise fee, revenues from the sale of recyclables, net of the District's operating costs and processing fees, shall be paid to City on a quarterly basis. All solid waste shall be hauled to sites or facilities legally empowered to accept it for treatment or disposal. The City reserves the right to designate the disposal site for any or all of the materials collected. Vehicles used by the District for providing these services shall be kept in good repair, appearance, and in a sanitary condition at all times. All solid waste hauled shall be so contained, or enclosed that leaking, spilling, or blowing are prevented. In the event of any leaking, spilling, or blowing, the District shall immediately collect and remove the litter caused by the incident. The District's provision of residential solid waste collection and disposal services shall be subject to Chapter 98 of the City of Fruitland Park's Code of Ordinances.

B. Parks and facilities for indoor and outdoor recreational, cultural, and educational uses.^[AGC1]

C. Water and wastewater services, including the use of reclaimed water for irrigation purposes in accordance with applicable state law.^[AGC2]

D. In addition to any powers that the District may have, the District shall have and is hereby granted the right in that portion of the City lying within The Villages of Fruitland Park to exercise the power authorized under Florida Statutes, Chapter 189, to set and collect fees for such services. This Agreement shall at all times be conditioned on the requirement that CityThe Villages of Fruitland Park residents shall enjoy and be charged the same rates, for the same type of service, as the District charges to residents within its jurisdiction.

E. Nothing in this Agreement shall be construed to authorize the District to charge Chapter 189 assessments or ad valorem taxes outside of the geographic boundaries of the District, or authorize the District to perform or conduct any District operations outside of The Villages of Fruitland Park.

4. Revenue Bonds; City Not Liable. The City acknowledges that the District may issue revenue bonds of the District in accordance with the Constitution and laws of the State of Florida, and the Act, to finance the acquisition, construction, or expansion of a project or facility, which bonds may be secured by and payable from revenues derived from the operation of the facilities, including revenues from service provided within the territory governed by this Agreement. Any such revenue bonds issued by the District shall neither be, nor constitute, the general obligations or indebtedness of the City, the State of Florida, or any political subdivision thereof, within the meaning of the general revenues of the City, the State of Florida, or any political subdivision thereof, but shall be payable solely from the secured by a lien upon and a pledge of revenues from the operation and its facilities and all monies in

the funds and accounts established under the indenture pursuant to which any such bonds are issued or other security provided by the District, in the manner and to the extent provided in such indenture. No bondholder shall ever have the right to compel the exercise of the ad valorem taxing power of the City, or the State of Florida, or of any political subdivision thereof, or taxation in any form on any real or personal property to pay any such bonds or the interest thereon, nor shall any bondholder be entitled to payment of such principal and interest from any other funds of the City, the State of Florida, or any political subdivision thereof, other than from the security pledged by the District in such indenture.

5. Indemnification of City by District. To the extent permitted by law (not to be construed as a waiver of sovereign immunity), the District shall indemnify and hold harmless the City for all acts or omissions of the District arising out of authority granted herein, and in connection with the performance of this Agreement. In no event will the City be required to make any payment for obligations of the District arising out of the authority granted herein.

56. Term. This Agreement shall commence upon the date set forth above, and unless earlier terminated or extended by mutual agreement of the parties, this Agreement shall expire ~~thirtyninety-nine~~ (99) years from the date hereof.

67. Amendment. This Agreement may be modified or terminated in writing only by the mutual agreement of both parties in accordance with their respective laws, rules and procedures. Upon termination of the Agreement, the City shall have no duty to maintain or service and shall have no ownership interest in any personal property in place pursuant to this Agreement.

78. Severability. If any one or more of the covenants, agreements, or provisions of this Interlocal Agreement shall be held contrary to any expressed provision of law or contrary to any policy or expressed law, although not expressly prohibited, any reason whatsoever be held invalid, then such covenants, agreements, or provisions shall be null and void, and shall be deemed separate from the remaining covenants, agreements, or provisions of this Interlocal Agreement.

89. Matters Unaffected. No right or obligation that may currently or subsequently exist respecting the parties and their relationship one to the other shall be deemed waived or otherwise affected by this Agreement, unless such right or obligation is specifically addressed herein.

910. Effective Date. This Agreement shall become effective upon the filing of the fully executed Agreement with the clerk of the circuit court of both Lake County and Sumter County, as required by subsection 163.01(11), Fla. Stat.

Any amendments to this Agreement must likewise be executed by both parties and filed with the clerk of the circuit court of both Lake County and Sumter County before becoming effective.

101. Miscellaneous. The parties agree that in the event of any litigation related to the construction or enforcement of any of the provisions of this Agreement: (a) each party

shall bear and be responsible for its own attorneys fees and costs; (b) this Agreement shall be construed in accordance with the law of the State of Florida; (c) venue for any action concerning this Agreement shall be in Lake County, Florida; (d) because both parties participated in the drafting of this Agreement, the Agreement shall not be construed more favorably toward either of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their duly authorized representative.

AS TO CITY:

ATTEST:

CITY OF FRUITLAND PARK, FLORIDA

Print Name _____
Title _____

Print Name _____
Title _____

FOR THE USE AND RELIANCE OF
CITY OF FRUITLAND PARK, FLORIDA, ONLY,
APPROVED AS TO FORM AND LEGALITY

City Attorney

AS TO DISTRICT:

ATTEST:

NORTH SUMTER COUNTY UTILITY
DEPENDENT DISTRICT

By: _____
Print Name: _____
Title: _____

By: _____
Print Name: _____
Title: _____

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, as _____,

and _____, as _____ of and on behalf of **City of Fruitland Park, Florida**, who did not take an oath and is personally known to me.

NOTARY PUBLIC - STATE OF FLORIDA

Print Name

My Commission Expires: _____

Serial/Commission Number _____

**STATE OF FLORIDA
COUNTY OF SUMTER**

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, as _____, and _____, as _____ of and on behalf of **North Sumter County Utility Dependent District**, who did not take an oath and is personally known to me.

NOTARY PUBLIC - STATE OF FLORIDA

Print Name

My Commission Expires: _____

Serial/Commission Number _____



**AGENDA ITEM
NUMBER
5h**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	North West Lake Community Park ILA		
For the Meeting of:	May 22, 2014		
Submitted by:	Scott Gerken, City Attorney		
Date Submitted:	May 19, 2014		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item: Discussion regarding the interlocal agreement with Lake County regarding the Joint Development of the North West Lake Community Park.			
Action to be Taken: None.			
Staff's Recommendation: N/A			
Additional Comments: N/A			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

INTERLOCAL AGREEMENT

BETWEEN

LAKE COUNTY

AND

THE CITY OF FRUITLAND PARK

REGARDING THE

JOINT DEVELOPMENT OF THE NORTH WEST LAKE COMMUNITY PARK

This is an Interlocal Agreement by and between LAKE COUNTY, a political subdivision of the State of Florida, hereinafter referred to as “COUNTY,” and the CITY OF FRUITLAND PARK, a municipal corporation pursuant to the laws of the State of Florida, hereinafter referred to as “CITY” pertaining to the joint development of the North West Lake Community Park (hereinafter referred to as “Park”).

WHEREAS, CITY owns and operates the public Park located at 200 Shiloh Street, in Fruitland Park (Alternate Keys 2683538 and 3857646); and

WHEREAS, there currently exists the opportunity to expand the Park through the acquisition of adjacent property; and

WHEREAS, CITY is desirous of entering into a partnership with COUNTY for the future development of the expanded Park; and

WHEREAS, COUNTY is desirous of providing Park facilities for residents of Lake County, and COUNTY is interested in entering into a partnership with CITY for the joint development of the expanded Park; and

WHEREAS, CITY and COUNTY have limited resources for Park development, but are interested in beginning to plan future Park facilities.

NOW THEREFORE, in consideration of the mutual benefits, covenants and agreements set for herein, the parties agree as follows:

Section 1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. **Obligations.** CITY and COUNTY agree to work cooperatively to expand and develop the Park.

1) City Responsibilities:

- a) CITY shall be responsible for acquisition of the additional Park property.
- b) If such property can be acquired and additional facilities added to the Park, CITY shall be responsible for upkeep and maintenance of the Park.
- c) CITY shall participate in funding for improvements to the Park.

2) COUNTY Responsibilities:

- a) Once the additional Park property has been acquired, COUNTY shall take the lead in planning the Park expansion.
- b) Once an expansion plan is approved by CITY and COUNTY, COUNTY shall participate in funding for improvements to the Park.

3) CITY and COUNTY acknowledge and agree that funding is currently not available for the acquisition, planning, or construction of the Park facilities. Both parties agree to work cooperatively to identify and apply for grant funding in order to advance the project. The obligations of CITY and COUNTY to expend funds, acquire property, hire planning consultants, and to make improvements are expressly conditioned upon future action by CITY or COUNTY to budget and approve such expenditures. Neither CITY or COUNTY shall be obligated to expend any funding on this project unless subsequent approval is made by CITY Commission or COUNTY Commission.

4) Should funding become available for acquisition, planning, or construction, CITY and COUNTY agree that they will enter into a subsequent agreement specifically outlining the responsibilities of each. Any such agreement shall contain a requirement that the Park facilities are open to all Lake County residents, including CITY residents, and that there will be no discrimination in favor or against such COUNTY resident in the setting and collection of fees.

Section 3. **Notices.** Wherever provision is made in this Agreement for the giving, serving or delivering of any notice, statement, or other instrument, such notice shall be in writing and shall be deemed to have been duly given, served and delivered, if delivered by hand or mailed by United States registered or certified mail, addressed as follows:

TO COUNTY:

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

TO CITY:

Mayor
City of Fruitland Park
506 W. Berckman Street
Fruitland Park, Florida 34731

With a copy to:
Lake County Parks and Trails Division
P.O. Box 7800
Tavares, Florida 32778-7800

Either party may designate other parties or addresses for the giving of notice, through a written notice given in conformity with the requirements of this Section. Notices sent by facsimile transmission shall not be accepted.

Section 4. Termination. This agreement may be terminated by either party without cause with one hundred twenty (120) days' notice to the non-terminating party.

Section 5. Effective Date. This Agreement shall become effective on the latter of the dates on which it is executed by the COUNTY and the CITY.

Section 6. Modifications. It is further agreed that no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

Section 7. Incorporations. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, representations or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Interlocal Agreement which are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior negotiations, representations or agreements, whether oral or written.

Section 8. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be invalid, it shall be considered deleted here from, and shall not invalidate the remaining provisions.

IN WITNESS WHEREOF, the parties hereto have made and executed this Interlocal Agreement on the respective dates under each signature: LAKE COUNTY through its Board of County Commissioners, signing by and through its Chairman, authorized to execute the same by Board action on the ____ day of _____, 2014, and the CITY OF FRUITLAND PARK through its Mayor, authorized to execute the same by City Commission action on the ____ day of _____, 2014.

COUNTY

ATTEST:

Lake County through its BOARD OF COUNTY COMMISSIONERS

Neil Kelly, Clerk of the Board of County Commissioners of Lake County, Florida

Jimmy Conner, Chairman

This ____ day of _____, 2014.

Approved as to Form & Legality:

Sanford A. Minkoff
County Attorney

CITY

CITY OF FRUITLAND PARK

ATTEST:

Chris Bell, Mayor

Esther Lewin-Coulson, City Clerk

This _____ day of _____, 2014.

Approved as to form and legality:

Scott Gerken, City Attorney



**AGENDA ITEM
NUMBER
5i**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Ordinance 2014-014 – CDD No. 11		
For the Meeting of:	May 22, 2014		
Submitted by:	Gary La Venia, City Manager		
Date Submitted:	May 15, 2014		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item: Second reading and public hearing of Ordinance 2014-014 Establishing the Village Community Development District No. 11. (First reading was held on May 8, 2014.)			
Action to be Taken: Approval.			
Staff's Recommendation: Approval.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2014-014

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CREATING VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 11 PURSUANT TO FLORIDA STATUTES 190.005; ENCOMPASSING PORTIONS OF LAND IN SECTIONS 5, 6, 7, 8, AND 18, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; PROVIDING FOR THE MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT; PROVIDING FOR THE NAME OF THE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE POWERS OF THE DISTRICT; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida legislature has passed the Uniform Community Development District Act of 1980 (otherwise known as Chapter 190, Florida Statutes) to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, The Villages of Lake-Sumter, Inc., a Florida corporation, (the "Petitioner") the owner of 100% of the real property to be included in the District, has petitioned the City Commission of The City of Fruitland Park, Florida, to grant the establishment of the Village Community Development District No. 11 (the "District"); and

WHEREAS, Petitioner is a Florida corporation authorized to conduct business in the State of Florida; and

WHEREAS, a public hearing has been conducted by the City Commission pursuant to the requirements and procedures of Chapter 190, Florida Statutes and all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the petition at a duly noticed public hearing conducted by the Council on May 22, 2014; and

WHEREAS, the City Commission has considered the record of the public hearing and has decided that the establishment of the Village Community Development District No. 11 is the best alternative means to provide certain basic services to the community; and

WHEREAS, the City Commission finds that the establishment of the District is in the best interest of the citizens of The City of Fruitland Park.

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

Section 1. That the foregoing Preamble is hereby ratified and confirmed as true and correct by the City Commission of The City of Fruitland Park, Florida.

Section 2. This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (2013).

Section 3. That the petition to establish the Village Community Development District No. 11 is hereby granted, and there accordingly created a community development district situated entirely within

the municipal limits of the City of Fruitland Park, which shall be known as the Village Community Development District No. 11.

Section 4. That the external boundaries of the District and the real property within the external boundaries of the District which is to be excluded is described on *Exhibit A* attached.

Section 5. That the initial members of the Board of Supervisors shall be as follows:

John Wise

Bob Thorne

Scott Renick

Bobby Hoopfer

Scott Robertson

Section 6. That the District shall have those general powers enumerated in Section 190.011 F.S. and those special powers enumerated in Section 190.012(1) F.S. and 190.012(2) F.S.

Section 7. The District shall comply with F.S. Chapter 190, and all applicable federal, state, and regional laws, statutes, rules, and regulations and all applicable City of Fruitland Park provisions, ordinances, rules, and regulations.

Section 8. No debt, obligation, or duty of the District shall constitute a debt, obligation, duty, or burden of or on the City of Fruitland Park.

Section 9. The approval of this District in no way limits the City of Fruitland Park in the exercise of its powers or authority as provided in F.S. Chapter 165, or any other applicable Florida Statutes upon the lands within the District, as described in attached Exhibit "A." Further, the establishment of the District shall not affect any requirements for governmental approval of any construction within the District. Any master development agreement requirements and all state and local development regulations shall apply.

Section 10. The District shall comply with the disclosure of public financing and disclosure to purchaser requirements set forth in F.S. 190.009 and 190.048, as amended from time to time.

Section 11. The records of the District's Board of Supervisors shall be open for public inspection by any person at any reasonable time, pursuant to Chapter 119, Florida Statutes, and the said records shall be kept in the same manner and in the place mandated by law.

Section 12. That all ordinances or parts of ordinances in conflict herewith and the same are hereby repealed to the extent of such conflict.

Section 13. That if any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 14. That this ordinance shall become effective in accordance with law.

PASSED THIS _____ day of _____, 2014.

PASSED AND ORDAINED this _____ day of _____, 2014, by the
City Commission of the City of Fruitland Park, Florida.

CHRISTOPHER J. BELL, MAYOR

Attest:

Esther Coulson, CMC, City Clerk

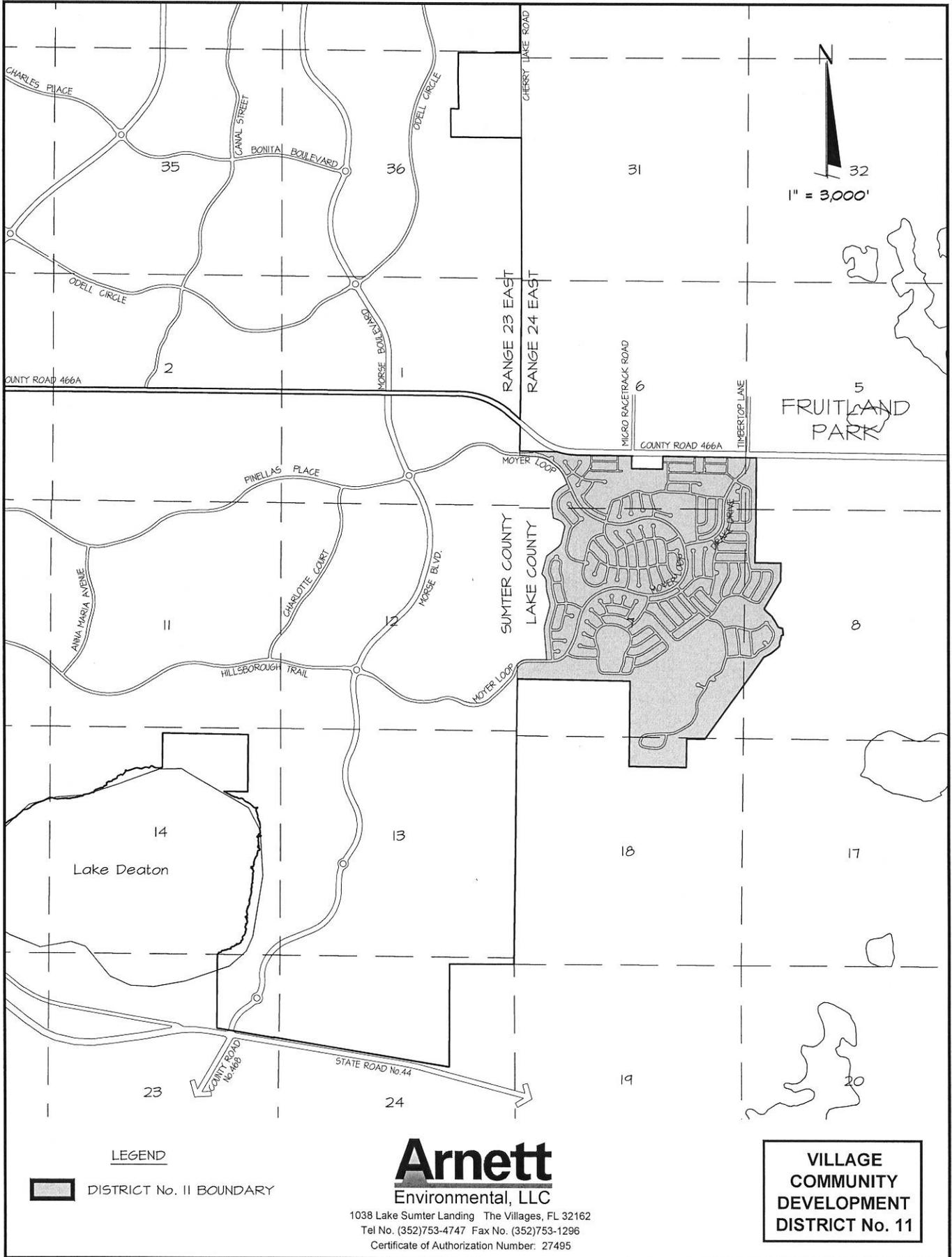
Commissioner Kelly	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Goldberg	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Gunther	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading May 8, 2014
Passed Second Reading _____

Approved as to form:

Scott A. Gerken, City Attorney

EXHIBIT A



LEGEND

 DISTRICT No. 11 BOUNDARY

Arnett
Environmental, LLC

1038 Lake Sumter Landing The Villages, FL 32162
Tel No. (352)753-4747 Fax No. (352)753-1296
Certificate of Authorization Number: 27495

**VILLAGE
COMMUNITY
DEVELOPMENT
DISTRICT No. 11**

EXHIBIT A

DESCRIPTION OF THE CREATION OF VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 11 APPROXIMATELY 692.8 ACRES

THAT LAND LYING IN SECTIONS 5, 6, 7, 8 AND 18, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 6, RUN N00°42'56"E, ALONG THE WEST LINE THEREOF A DISTANCE OF 1,223.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°42'56"E, ALONG SAID WEST LINE A DISTANCE OF 103.98 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/4 OF SAID SECTION 6; THENCE DEPARTING SAID WEST LINE, RUN S89°13'33"E, ALONG THE NORTH LINE OF SAID SOUTH 1/4 A DISTANCE OF 852.36 FEET TO A POINT ON THE BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4271, PAGE 1960 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, ALSO BEING A POINT ON THE ARC OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 1,489.39 FEET AND A CHORD BEARING AND DISTANCE OF S80°18'19"E, 468.53 FEET; THENCE ALONG SAID LINE THE FOLLOWING TWO COURSES: EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°05'57", A DISTANCE OF 470.48 FEET; THENCE S89°21'18"E, 675.67 FEET; THENCE CONTINUE ALONG THE EASTERLY EXTENSION THEREOF, DEPARTING SAID BOUNDARY, S89°21'18"E, 641.90 FEET TO THE WEST LINE OF THE EAST 22.00 FEET OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE ALONG SAID WEST LINE S00°44'25"W, 295.96 FEET TO THE WESTERLY EXTENSION OF THE SOUTHERLY BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3202, PAGE 129, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY EXTENSION AND THE BOUNDARY OF SAID LANDS THE FOLLOWING TWO COURSES: S89°18'58"E, 727.40 FEET; THENCE N00°38'44"E, 295.93 FEET TO A POINT ON SAID SOUTHERLY BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4271, PAGE 1960; THENCE DEPARTING THE BOUNDARY OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3202, PAGE 129, RUN S89°14'18"E, ALONG SAID BOUNDARY LINE, THE EASTERLY EXTENSION THEREOF AND AGAIN ALONG SAID BOUNDARY LINE A DISTANCE OF 2179.52 FEET TO A POINT ON THE EAST LINE OF THE WEST 210.00 FEET OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE DEPARTING SAID BOUNDARY LINE, RUN S00°42'41"W, ALONG SAID EAST LINE A DISTANCE OF 1,271.43 FEET TO THE NORTHEAST CORNER OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE S00°47'54"W, ALONG THE EAST LINE OF THE WEST 210.00 OF THE NORTHWEST 1/4 OF SAID SECTION 8 A DISTANCE OF 595.02 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 595.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EAST LINE, N89°39'50"W, ALONG SAID SOUTH LINE A DISTANCE OF 10.00 FEET TO THE EAST LINE OF THE WEST 200.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8;

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N00°08'42"E, 71.92 FEET; THENCE N05°15'50"W, 57.67 FEET; THENCE N24°00'12"W, 66.30 FEET; THENCE N44°16'41"W, 103.06 FEET; THENCE N15°15'51"E, 431.79 FEET; THENCE N51°33'04"E, 359.26 FEET; THENCE N40°15'33"E, 96.40 FEET; THENCE N12°13'19"E, 407.50 FEET; THENCE N25°00'16"W, 60.75 FEET; THENCE N39°24'48"W, 70.00 FEET; THENCE N59°13'55"W, 73.36 FEET; THENCE N70°10'27"W, 141.07 FEET; THENCE N07°46'21"W, 229.71 FEET; THENCE N02°53'29"W, 103.16 FEET; THENCE N04°11'58"E, 93.01 FEET; THENCE N16°46'45"E, 97.90 FEET; THENCE N27°10'50"E, 101.34 FEET; THENCE N47°22'37"E, 83.02 FEET; THENCE N52°10'47"E, 80.36 FEET; THENCE N60°30'54"E, 177.38 FEET; THENCE N23°33'29"W, 164.23 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 720.00 FEET; THENCE RUN NORTHWESTERLY, A DISTANCE OF 365.22 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 29°03'47" TO THE POINT OF TANGENCY; THENCE N52°37'17"W A DISTANCE OF 139.01 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 670.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°54'33", AN ARC DISTANCE OF 69.10 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°58'19", AN ARC DISTANCE OF 57.45 FEET TO THE POINT OF TANGENCY; THENCE N69°30'10"W, 10.66 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 486.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°06'24", AN ARC DISTANCE OF 85.73 FEET TO THE POINT OF TANGENCY; THENCE N79°36'34"W, 89.93 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 650.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°39'58", AN ARC DISTANCE OF 109.66 FEET TO THE POINT OF TANGENCY; THENCE N89°16'31"W, 55.09 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 314.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°21'41", AN ARC DISTANCE OF 56.78 FEET TO THE POINT OF TANGENCY; THENCE N78°54'51"W, 55.53 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°21'41", AN ARC DISTANCE OF 54.25 FEET TO THE POINT OF TANGENCY; THENCE N89°16'31"W, 100.33 FEET TO THE POINT OF BEGINNING.

**PETITION TO ESTABLISH
VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 11**

Petitioner, The Villages of Lake-Sumter, Inc., a Florida Corporation, petitions the City of Fruitland Park (hereinafter referred to as "City") pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, to adopt an ordinance to establish a Uniform Community Development District and to designate the land area for which the District would manage and finance basic service delivery and states as follows:

1. Petitioner is a Florida corporation with its principal place of business at 1020 Lake Sumter Landing, The Villages, Florida 32162.
2. The land area to be served by the District comprises of 692.8 acres. A map showing the location of the land area to be serviced by the District is attached as **EXHIBIT 1**. All of the land in the proposed District is within the City of Fruitland Park, Florida.
3. A metes and bounds legal description and sketch of the external boundaries of the District is attached as **EXHIBIT 2**. Section 190.005(2)(a) and (1)(a)(1), Florida Statutes. There is no real property wholly within the external boundaries of the District, which is to be excluded from the District.
4. Attached as **EXHIBIT 3** is documentation constituting written consent to the establishment of the District by the owners of the real property to be included in and serviced by the District. Section 190.005(2)(a) and (1)(a)(2), Florida Statutes.
5. The five persons designated to serve as the initial members of the Board of Supervisors of the District are named in **EXHIBIT 4** attached hereto. Section 190.005(2)(a) and (1)(a)(3).
6. The proposed name of the District is Village Community Development District No. 11. Section 190.005(2)(a) and (1)(a)(4), Florida Statutes.
7. The major trunk water mains, sewer interceptors, and outfalls currently in existence on the property to be serviced by the District are identified on **EXHIBIT 5** attached hereto. Section 190.005(2)(a) and (1)(a)(5), Florida Statutes.

8. The proposed timetables and related estimates of cost to construct the District services and facilities, based upon available data, are attached as **EXHIBIT 6**. Section 190.005(2)(a) and (1)(a)(6), Florida Statutes.

9. All of the property in the District will be designated Planned Unit Development (PUD) pursuant to the development plan approved as part of the Villages of Fruitland Park, and related approvals of Notice of Proposed Change and Comprehensive Plan Amendment and Zoning Ordinance, collectively comprising the Development Order for said property pursuant to the provisions of Chapter 380 F.S., and under the City's Land use Element and Future Land Use Map, attached as **EXHIBIT 7**.

10. The Statement of Estimated Regulatory Cost of the granting of this Petition and the establishment of the District is attached as **EXHIBIT 8**. Section 190.005(2)(a) and (1)(a)(8), Florida Statutes.

WHEREFORE, Petitioner respectfully requests the City of Fruitland Park to:

A. Schedule a public hearing on May 22, 2014 to consider this Petition filed pursuant to the uniform procedures set forth in Section 190.005(2), Florida Statutes.

B. Grant the Petition and adopt an ordinance to establish the District and designate the land area to be serviced by the District, pursuant to Sections 190.005(2), Florida Statutes.

RESPECTFULLY SUBMITTED this 11th day of April, 2014.

THE VILLAGES OF LAKE-SUMTER, INC.

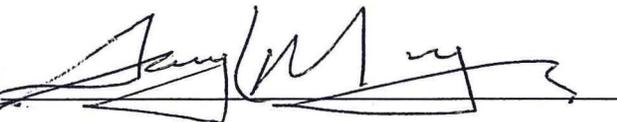
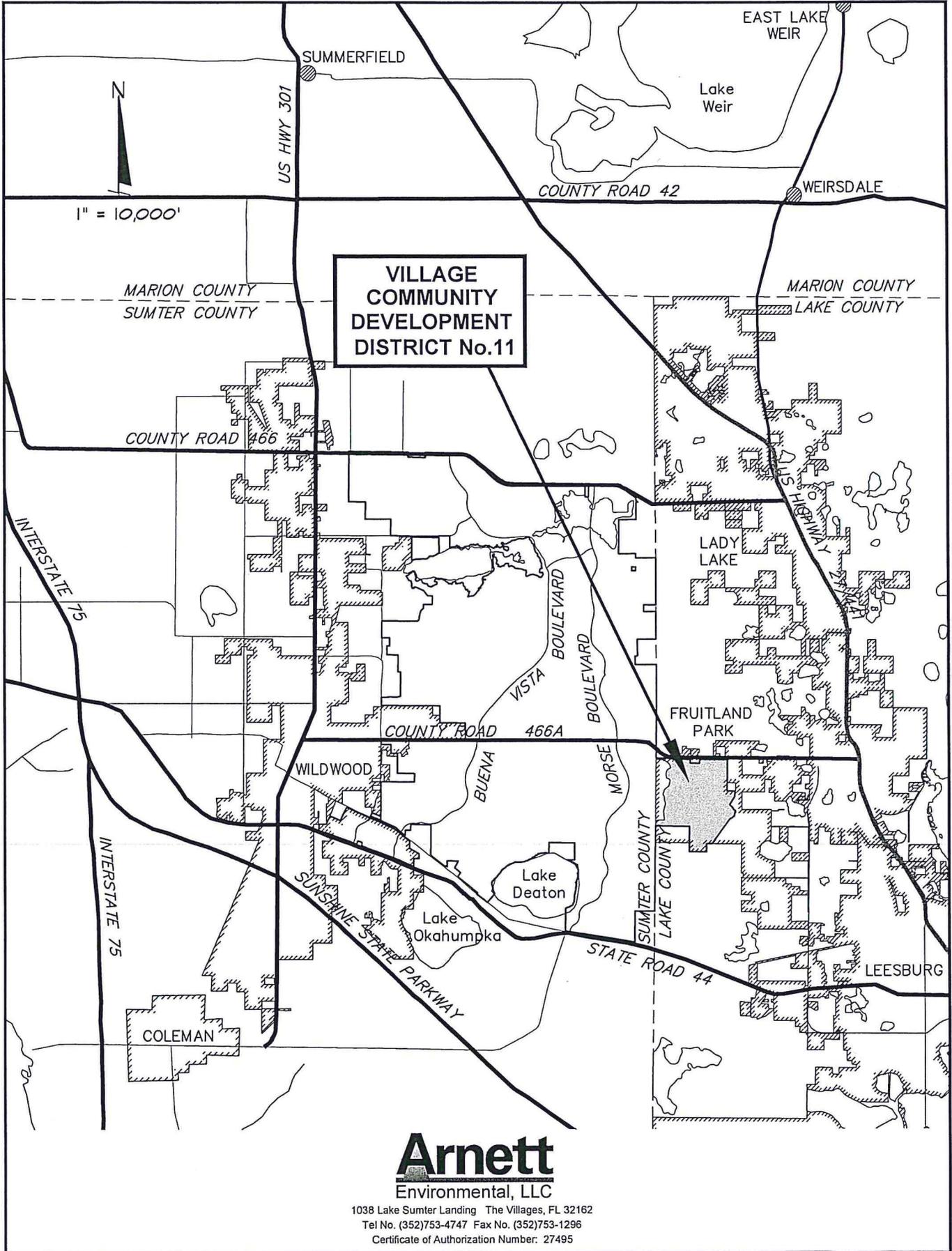
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EXHIBIT 1

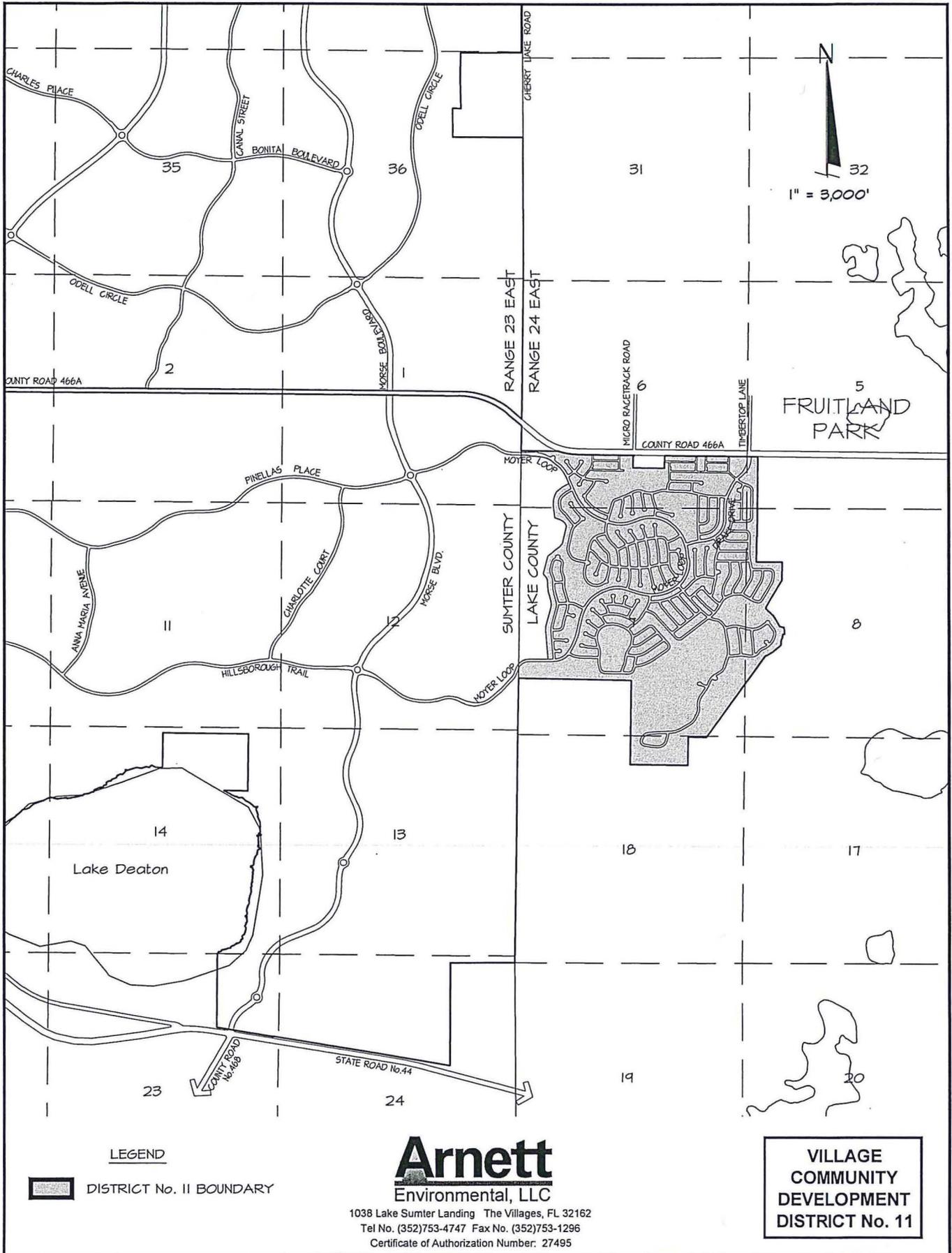


Arnett
Environmental, LLC

1038 Lake Sumter Landing The Villages, FL 32162
Tel No. (352)753-4747 Fax No. (352)753-1296
Certificate of Authorization Number: 27495

GENERAL LOCATION MAP

EXHIBIT 2



LEGEND

 DISTRICT No. 11 BOUNDARY

Arnett
Environmental, LLC

1038 Lake Sumter Landing The Villages, FL 32162
Tel No. (352)753-4747 Fax No. (352)753-1296
Certificate of Authorization Number: 27495

VILLAGE
COMMUNITY
DEVELOPMENT
DISTRICT No. 11

EXHIBIT 2

DESCRIPTION OF THE CREATION OF VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 11 APPROXIMATELY 692.8 ACRES

THAT LAND LYING IN SECTIONS 5, 6, 7, 8 AND 18, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 6, RUN N00°42'56"E, ALONG THE WEST LINE THEREOF A DISTANCE OF 1,223.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°42'56"E, ALONG SAID WEST LINE A DISTANCE OF 103.98 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/4 OF SAID SECTION 6; THENCE DEPARTING SAID WEST LINE, RUN S89°13'33"E, ALONG THE NORTH LINE OF SAID SOUTH 1/4 A DISTANCE OF 852.36 FEET TO A POINT ON THE BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4271, PAGE 1960 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, ALSO BEING A POINT ON THE ARC OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 1,489.39 FEET AND A CHORD BEARING AND DISTANCE OF S80°18'19"E, 468.53 FEET; THENCE ALONG SAID LINE THE FOLLOWING TWO COURSES: EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°05'57", A DISTANCE OF 470.48 FEET; THENCE S89°21'18"E, 675.67 FEET; THENCE CONTINUE ALONG THE EASTERLY EXTENSION THEREOF, DEPARTING SAID BOUNDARY, S89°21'18"E, 641.90 FEET TO THE WEST LINE OF THE EAST 22.00 FEET OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE ALONG SAID WEST LINE S00°44'25"W, 295.96 FEET TO THE WESTERLY EXTENSION OF THE SOUTHERLY BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3202, PAGE 129, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY EXTENSION AND THE BOUNDARY OF SAID LANDS THE FOLLOWING TWO COURSES: S89°18'58"E, 727.40 FEET; THENCE N00°38'44"E, 295.93 FEET TO A POINT ON SAID SOUTHERLY BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4271, PAGE 1960; THENCE DEPARTING THE BOUNDARY OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3202, PAGE 129, RUN S89°14'18"E, ALONG SAID BOUNDARY LINE, THE EASTERLY EXTENSION THEREOF AND AGAIN ALONG SAID BOUNDARY LINE A DISTANCE OF 2179.52 FEET TO A POINT ON THE EAST LINE OF THE WEST 210.00 FEET OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE DEPARTING SAID BOUNDARY LINE, RUN S00°42'41"W, ALONG SAID EAST LINE A DISTANCE OF 1,271.43 FEET TO THE NORTHEAST CORNER OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE S00°47'54"W, ALONG THE EAST LINE OF THE WEST 210.00 OF THE NORTHWEST 1/4 OF SAID SECTION 8 A DISTANCE OF 595.02 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 595.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EAST LINE, N89°39'50"W, ALONG SAID SOUTH LINE A DISTANCE OF 10.00 FEET TO THE EAST LINE OF THE WEST 200.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE, S00°47'54"W, ALONG SAID EAST LINE A

DISTANCE OF 589.01 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 160.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EAST LINE, S89°40'49"E, ALONG SAID NORTH LINE A DISTANCE OF 611.54 FEET; THENCE DEPARTING SAID NORTH LINE, S00°46'30"W, 425.68 FEET; THENCE S31°15'56"W, 733.08 FEET; THENCE S00°47'54"W, 35.45 FEET; THENCE S43°54'50"E, 75.41 FEET; THENCE S49°19'38"E, 80.87 FEET; THENCE S45°31'17"E, 45.42 FEET; THENCE S57°57'35"E, 31.06 FEET; THENCE S27°16'42"E, 46.23 FEET; THENCE S36°00'06"E, 62.89 FEET; THENCE S26°28'20"E, 49.91 FEET; THENCE S32°28'21"E, 80.27 FEET; THENCE S29°57'55"E, 60.93 FEET; THENCE S75°47'10"E, 99.18 FEET; THENCE S07°22'59"E, 55.03 FEET; THENCE S04°58'53"E, 28.31 FEET; THENCE S03°51'23"E, 57.52 FEET; THENCE S03°23'32"W, 15.26 FEET; THENCE S75°48'45"W, 38.64 FEET; THENCE S12°05'00"W, 92.40 FEET; THENCE S24°08'42"W, 41.93 FEET; THENCE S11°20'47"W, 21.80 FEET; THENCE S00°21'45"W, 90.73 FEET; THENCE S40°46'06"W, 53.01 FEET; THENCE S53°05'55"W, 104.34 FEET; THENCE S49°53'36"W, 70.59 FEET; THENCE S48°18'47"W, 37.84 FEET; THENCE S61°43'23"W, 48.54 FEET; THENCE S62°49'12"W, 50.56 FEET; THENCE S59°14'26"W, 52.64 FEET; THENCE S70°58'32"W, 38.87 FEET; THENCE S35°38'27"W, 2,364.05 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE ALONG SAID SOUTH LINE, N89°06'25"W, 425.00 FEET TO THE NORTHEAST CORNER OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE DEPARTING SAID SOUTH LINE, RUN S00°39'15"W, ALONG THE EAST LINE OF SAID NORTH 1/2 A DISTANCE OF 663.97 FEET TO THE SOUTHEAST CORNER OF SAID NORTH 1/2; THENCE DEPARTING SAID EAST LINE, RUN N89°07'29"W, ALONG THE SOUTH LINE OF SAID NORTH 1/2 A DISTANCE OF 1,339.21 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2; THENCE DEPARTING SAID SOUTH LINE, RUN N00°38'09"E, ALONG THE WEST LINE OF SAID NORTH 1/2 A DISTANCE OF 664.81 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE DEPARTING THE WEST LINE OF SAID NORTH 1/2, RUN N00°46'30"E, ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 1,320.73 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 7; THENCE DEPARTING SAID WEST LINE, RUN N88°56'57"W, ALONG THE SOUTH LINE OF SAID NORTH 1/2 A DISTANCE OF 2,644.70 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2; THENCE DEPARTING SAID SOUTH LINE, RUN N00°36'09"E, ALONG THE WEST LINE OF SAID SECTION 7 A DISTANCE OF 344.28 FEET TO A POINT ON A NON-TANGENT CURVE; SAID CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 315.00 FEET, CHORD BEARING AND DISTANCE OF N65°44'11"E, 258.89 FEET, TO WHICH A RADIAL LINE BEARS N48°31'39"W; THENCE DEPARTING SAID WEST LINE RUN NORTHEASTERLY A DISTANCE OF 266.79 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 48°31'39" TO THE POINT OF TANGENCY; THENCE N90°00'00"E, 448.61 FEET; THENCE N03°14'11"W, 110.10 FEET; THENCE N05°03'54"W, 565.39 FEET; THENCE N03°02'08"E, 90.22 FEET; THENCE N14°52'03"E, 429.23 FEET; THENCE N14°51'03"E, 69.35 FEET; THENCE N03°39'24"E, 55.35 FEET; THENCE N13°56'20"W, 63.62 FEET; THENCE N15°40'33"W, 140.00 FEET; THENCE N13°39'39"W, 77.86 FEET; THENCE N08°34'04"W, 78.95 FEET; THENCE N03°24'28"W, 78.96 FEET; THENCE N00°08'42"E, 71.92 FEET; THENCE N05°15'50"W, 57.67 FEET; THENCE N24°00'12"W,

66.30 FEET; THENCE N44°16'41"W, 103.06 FEET; THENCE N15°15'51"E, 431.79 FEET; THENCE N51°33'04"E, 359.26 FEET; THENCE N40°15'33"E, 96.40 FEET; THENCE N12°13'19"E, 407.50 FEET; THENCE N25°00'16"W, 60.75 FEET; THENCE N39°24'48"W, 70.00 FEET; THENCE N59°13'55"W, 73.36 FEET; THENCE N70°10'27"W, 141.07 FEET; THENCE N07°46'21"W, 229.71 FEET; THENCE N02°53'29"W, 103.16 FEET; THENCE N04°11'58"E, 93.01 FEET; THENCE N16°46'45"E, 97.90 FEET; THENCE N27°10'50"E, 101.34 FEET; THENCE N47°22'37"E, 83.02 FEET; THENCE N52°10'47"E, 80.36 FEET; THENCE N60°30'54"E, 177.38 FEET; THENCE N23°33'29"W, 164.23 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 720.00 FEET; THENCE RUN NORTHWESTERLY, A DISTANCE OF 365.22 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 29°03'47" TO THE POINT OF TANGENCY; THENCE N52°37'17"W A DISTANCE OF 139.01 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 670.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°54'33", AN ARC DISTANCE OF 69.10 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°58'19", AN ARC DISTANCE OF 57.45 FEET TO THE POINT OF TANGENCY; THENCE N69°30'10"W, 10.66 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 486.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°06'24", AN ARC DISTANCE OF 85.73 FEET TO THE POINT OF TANGENCY; THENCE N79°36'34"W, 89.93 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 650.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°39'58", AN ARC DISTANCE OF 109.66 FEET TO THE POINT OF TANGENCY; THENCE N89°16'31"W, 55.09 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 314.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°21'41", AN ARC DISTANCE OF 56.78 FEET TO THE POINT OF TANGENCY; THENCE N78°54'51"W, 55.53 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°21'41", AN ARC DISTANCE OF 54.25 FEET TO THE POINT OF TANGENCY; THENCE N89°16'31"W, 100.33 FEET TO THE POINT OF BEGINNING.

EXHIBIT 3

**CONSENT TO THE ESTABLISHMENT OF
VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 11**

The undersigned, being the owner of the property described in Exhibit 2 to the Petition to Establish Village Community Development District No. 11, hereby consents to the Petition to Establish Village Community Development District No. 11, dated the 10 of APRIL, 2014.

The Villages of Lake-Sumter, Inc.

By: 

Mark Morse

Its: President

EXHIBIT 4

BOARD OF SUPERVISORS

VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 11

(To be completed by Petitioner prior to final submittal)

1. John Wise – 1020 Lake Sumter Landing, The Villages, FL 32162
2. Bob Thorne – 1020 Lake Sumter Landing, The Villages, FL 32162
3. Scott Renick – 1020 Lake Sumter Landing, The Villages, FL 32162
4. Bobby Hoopfer – 1020 Lake Sumter Landing, The Villages, FL 32162
5. Scott Robertson – 1020 Lake Sumter Landing, The Villages, FL 32162

EXHIBIT 5

There are no major trunk water mains, sewer interceptions or outfalls currently in existence on the property to be serviced by the District

Exhibit 6

PROPOSED TIME TABLES AND RELATED ESTIMATES OF COST
OF DISTRICT SERVICES AND FACILITIES
VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 11

<u>ITEM</u>	<u>ANTICIPATED SCHEDULE</u>	<u>ESTIMATED COST</u>
Subdivision Infrastructure Roads & Drainage	2014 - 2015	\$12,100,000
Collector Road Infrastructure Roads & Drainage	2014 - 2015	\$3,800,000
Landscaping & Irrigation in Common Areas ¹	2014 - 2015	\$2,000,000
Master Earthwork for Stormwater Collection System	2014 - 2015	\$22,100,000
Collector Road Traffic Signal	2014 - 2015	\$200,000
TOTAL:		\$40,200,000

EXHIBIT 7

Currently, Lake County Rural pending approval of Fruitland Park's Comprehensive Plan in which the Villages of Fruitland Park Land Use Plan, Zoning and NOPC Development Order will supersede the current plan.

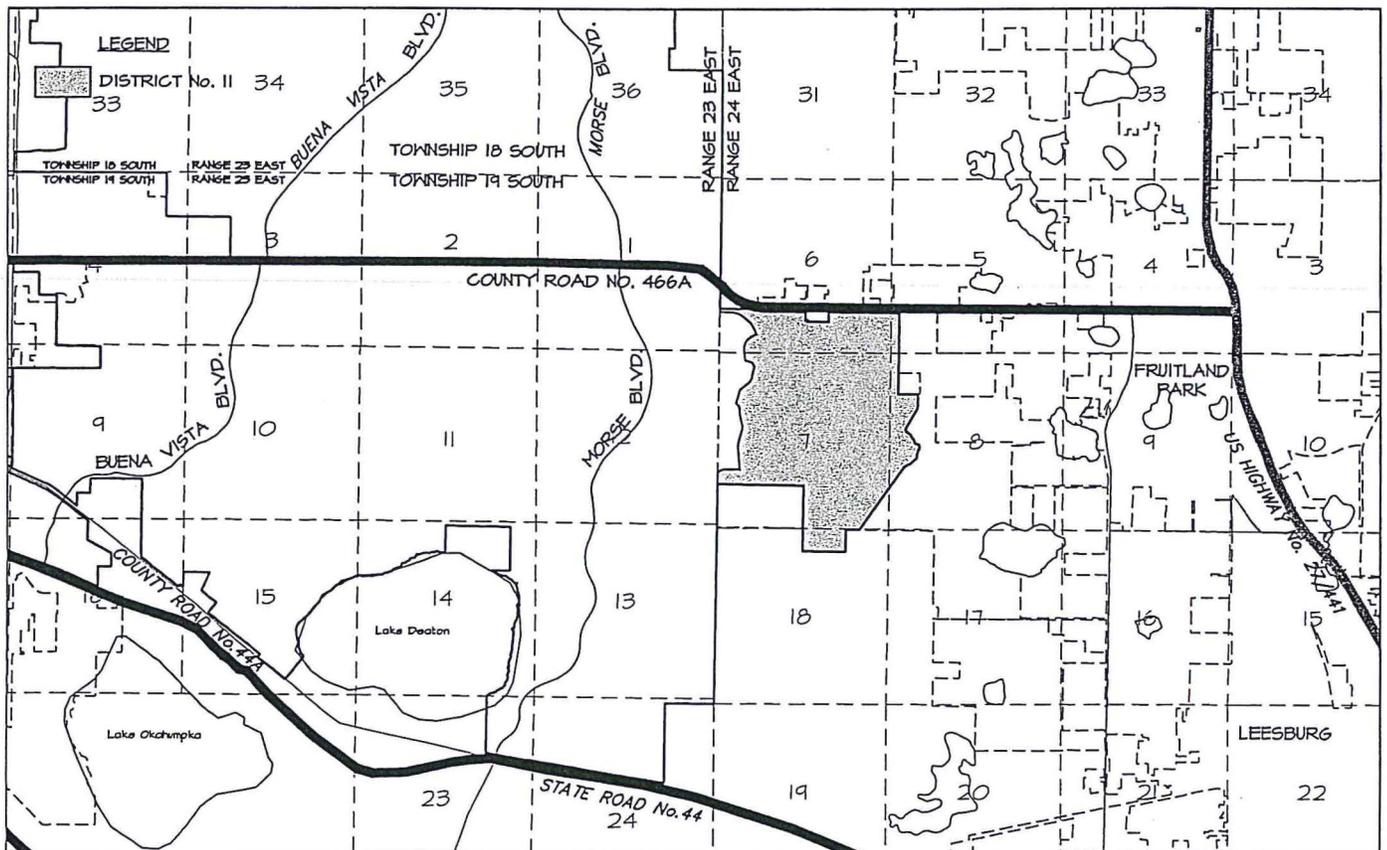


EXHIBIT 8

STATEMENT OF ESTIMATED REGULATORY COSTS

ESTABLISHMENT OF VILLAGE COMMUNITY DEVELOPMENT DISTRICT No. 11

1.0 Introduction

1.1 Purpose and Scope

This statement of estimated regulatory costs (SERC) supports the petition to establish Village Community Development District No. 11 (the "District"). The proposed District will include approximately 693 +/- acres of land on which 2,050 dwelling units are planned for development. The district proposes to provide infrastructure and community services to this area in the District as described more fully below.

The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), F.S. as follows (emphasis added):

"That the process of establishing such a district pursuant to uniform general law shall be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant."

1.2 Overview of the proposed District No. 11

The proposed District would provide community infrastructure, services, and facilities, along with their operations and maintenance, to a portion of the Villages of Fruitland Park, one of the family of five "Villages" communities under development by The Villages of Lake-Sumter, Inc. (the master developer of The Villages). The proposed Village Community Development District No. 11 will encompass 693 acres to be used exclusively for residential development. Table 1 below summarizes the land use plan for the District.

**Table 1. Residential Development Planned for
Village Community Development District No. 11**

<u>Category</u>	<u>Quantity</u>
Courtyard Villa	191
Standard Homesite	1,727
Premium Homesite	<u>132</u>
Total Residences	2,050

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (2012) defines the elements a statement of estimated regulatory costs must contain:

- (a) An economic analysis showing whether the rule directly or indirectly:
 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;
 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or
 3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

- (b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

- (c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

- (d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable

based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

- (e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses.
- (f) Any additional information that the agency determines may be useful.
- (g) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

2.0 An economic analysis showing whether the rule directly or indirectly will have an adverse impact on economic growth, job creation, employment, private sector investment, business competitiveness, or regulatory costs

Florida Statutes 120.541(2)(a) requires an economic analysis showing whether the establishment of the District will directly or indirectly will have an adverse impact on economic growth, job creation, employment, private sector investment, business competitiveness, or regulatory costs exceeding \$1 million in the aggregate within 5 years after the establishment occurs. The simple answer is that the establishment of the District will not have an adverse impact on economic growth, job creation, employment, private sector investment, business competitiveness, or regulatory costs.

The District's establishment is overwhelmingly likely to increase economic growth, job creation, employment, private sector investment, and business competitiveness. This is because the District will provide infrastructure

improvements within and surrounding the District's boundaries, allowing for the development of the land within the District. This development is planned to include 2,050 new residences. The residents of the District will require goods and services. This new demand created by the District's residents will increase economic growth, job creation, employment, private sector investment, and business competitiveness in the areas surrounding the District.

The District will have the ability to assess its property owners to pay for the installation, operation, and maintenance of its infrastructure improvements. However, such costs will not be in addition to, or unique to the District. The infrastructure improvements to be funded by the District would be required to support development of the planned 2,050 residences, regardless of the District's existence. Community development districts such as the proposed District can fund their infrastructure improvements with long-term bond financing that typically carries more favorable terms than other sources of funding. Thus, the costs related to the installation of the public infrastructure serving the planned new development will not be increased due to the existence of the District.

3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

As noted above, the proposed District encompasses 693 +/- acres. The District's landowner plans to develop 2,050 dwelling units on this property. Formation of the proposed District would put all of these landowners under the jurisdiction of the proposed District. Of course, prior to the sale of the property within the District, the developer will also be subject to the District's jurisdiction.

4.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state and local revenues.

4.1 Impact on State and Local Revenues

State Government Entities

There will be only modest costs to various Florida (“State”) governmental entities due to the formation of the District. The District consists of less than 1,000 acres, therefore The City of Fruitland Park (the “City”) is the establishing entity, pursuant to Florida Statutes Section 190.005(2). The State will incur no costs in reviewing the petition to establish the District and the State will not be required to hold any public hearings on the matter.

The ongoing costs to various State entities to implement and enforce the establishment of the District relate strictly to the receipt and processing of various reports that the District is required to file annually with the State and its various entities. These annual reports are outlined in the attached Appendix. However, the costs to the State agencies that will receive and process the District’s reports will be minimal. The District is only one of many governmental subdivisions required to submit various reports to the State. Additionally, pursuant to Section 189.412 of the Florida Statutes, the District will pay an annual fee to the State Department of Economic Opportunity to offset such processing costs.

The City of Fruitland Park

City staff will process, analyze, and conduct public hearing(s) on the petition to establish the District. These activities will absorb the time of the City staff and City Commissioners. However, these costs to the City are likely to be minimal for a number of reasons. First, review of the petition does not include analysis of the development to be served by the District. Second, the petition itself provides most of the information needed for City staff’s review. Third, the City currently employs the staff needed to conduct the review of the petition. Fourth, no capital expenditure is required to review the petition. Finally, local governments routinely process similar petitions for land use and zoning changes that are more complex than is the petition to establish a community development district.

The annual costs to the City, related to the continued existence of the District, are also minimal and within the control of the City. The District will be an independent unit of local government. The only annual costs incurred by the City will be the minimal costs of receiving and, to the extent desired, reviewing the various reports that the District is required to provide to the City.

4.2 Impact on State and Local Revenue

Adoption of the proposed ordinance will have no negative impact on State or local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the development. It has its own sources of revenue. No State or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State, the City, or any unit of local government. By State law, the debts of the District are strictly its own responsibility.

5.0 **A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule.**

Table 2 provides an outline of the various facilities and services the proposed District may provide. The District plans to fund, own, operate and maintain certain drainage and stormwater systems, landscaping, and lakes. The District will also plan, construct and finance some of the community's roadways. The roadways and drainage systems within publicly-dedicated rights of way will be conveyed to The City of Fruitland Park for operations and maintenance. Other roadways will be owned and maintained by the District. The landowner will provide the utilities, amenities, and other community infrastructure and facilities. The District will be responsible for maintenance of these facilities.

Table 2. Proposed Facilities and Services

<u>Improvement/Facility</u>	<u>Funded By</u>	<u>O&M By</u>	<u>Ownership</u>
Roads	Landowner/CDD	CDD/City	CDD/City
Utilities	Landowner	Landowner	Landowner
Amenities	Landowner	CDD	CDD/Landowner
Drainage	CDD	CDD	CDD
Landscape/Lakes	CDD	CDD	CDD

The petitioner has estimated the costs for providing the capital improvements and facilities outlined in Table 2. The cost estimates for these improvements and facilities are shown in Table 3, below. Total costs are estimated at approximately \$40,200,000. To fund these improvements, the District may issue special assessment or other revenue bonds. These bonds would be repaid through non-ad valorem assessments levied on all properties located within the boundaries of the District that benefit from these improvements.

Table 3. Summary of Estimated Capital Costs

<u>Improvement</u>	<u>Est. Schedule</u>	<u>Est. Cost</u>
Subdivision Infrastructure Roads and Drainage	2014 - 2015	\$12,100,000
Collector Road Infrastructure Roads and Drainage	2014 - 2015	\$3,800,000
Landscaping and Irrigation in Common Areas	2014 - 2015	\$2,000,000
Master Earthwork for Stormwater Collection System	2014 - 2015	\$22,100,000
Collector Road Traffic Signal	2014 - 2015	<u>\$200,000</u>
Total		\$40,200,000

Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred by the District through one or more bond issuances. In addition to the levy of non-ad valorem assessments for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services.

It is important to note that the various costs outlined in Table 3 are typical for developments of the type contemplated here. In other words, there is nothing peculiar about the District's financing that requires additional infrastructure over and above what would normally be needed. Therefore, these costs are not in addition to normal development costs. Instead, the facilities and services provided by the District are substituting in part for developer provided infrastructure and facilities. Along these same lines, District imposed assessments for operations and maintenance cost are similar to what would be charged in any event by a property owner's association common to most master planned developments.

Real estate markets are quite efficient, because buyers and renters evaluate all of the cost and benefits associated with various alternative locations. Therefore, market forces preclude developers from marking up the prices of their products beyond what the competition allows. To remain competitive the operations and maintenance charges must also be in line with the competition.

Furthermore, locating in the District by new residents is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the District's costs in tradeoff for the benefits that the District provides.

The District is an alternative means to finance necessary community services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal services taxing unit (MSTU), a neighborhood association, City provision (directly or via a dependent special district), or through developer-bank loans.

6.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

There will be no adverse impact on small businesses because of establishment of the District. If anything, the impact will be positive. This is because the District must competitively bid certain of its contracts. This affords small businesses the opportunity to bid on District work.

Fruitland Park has an estimated population of less than 10,000, according to the most recent federal census (2010). Therefore, the City is defined as a "small" City according to Section 120.52 of the Florida Statutes. However, as noted above, there will be no adverse impact on the City due to the creation of the District. The District will provide infrastructure facilities and services to the property located within the District. These facilities and services will help make this property developable. Development of the property within the District will increase the value of this property and, consequently, increase the property taxes that accrue to the City. These increased property taxes (along with other direct and indirect revenues accruing to the City as a result of the development of the land within the District) will offset any new staff, facilities, or equipment the City adds to provide services to the property owners within the District.

7.0 Any additional useful information.

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Developer's Engineer and other professionals associated with the Developer.

Finally, it is useful to reflect upon the question of whether the District is the best alternative to provide community facilities and services to the Development. As an alternative to the District, the City could approve a dependent special district for the area, such as an MSBU or a special taxing district under Chapter 170 of the Florida Statutes. Either of these alternatives could finance the improvements contemplated in Table 2 in a fashion similar to the proposed District.

However, unlike the District, the alternatives would require the City to continue to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be sequestered to the land directly benefiting from them, as the case would be with the District. In addition, administering a project of the size and complexity of the development program anticipated for the District is very significant and expensive undertaking.

With a District, residents and renters within the District would have a focused unit of government under their direct control. The District can

then be more responsive to resident needs without disrupting other City responsibilities.

Third, any debt of a District is strictly the District's responsibility. While it may be technically true that the debt of the City-established, dependent special district, is not strictly the City's responsibility, any financial problems that the special District may have will inevitably entangle the City. This will not be the case if the District is established as proposed.

Another alternative to the District would be for the developer to provide the infrastructure and to use a property owners association (POA) for operations and maintenance of community facilities and services. A District is superior to a POA for a variety of reasons. First, unlike a POA a District can impose and collect its assessments along with other property taxes. Therefore, the District is far more assured of obtaining its needed funds than is a POA. Second, the proposed District is a unit of local government. Therefore, unlike the POA the District must abide by all governmental rules and regulations.

Fishkind & Associates, Inc. ("Fishkind") certifies that this SERC meets the requirements for a SERC as set out in Chapter 120.541, F.S.

Fishkind drafted more than 100 SERCs. Below is a listing of some of the Districts for which we have prepared SERCs.

- Urban Orlando Community Development District
- Palazzo Del Lago Community Development District
- Winter Garden Village at Fowler Groves Community Development District
- Midtown Orlando Community Development District
- New Port Tampa Bay Community Development District
- The Tradition "Family" of Community Development Districts
- Marshall Creek Community Development District
- Cedar Hammock Community Development District
- Meditera Community Development District
- Brooks Community Development District
- Highlands Community Development District



**AGENDA ITEM
NUMBER
5j**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Ordinance 2014-015– Water System Reconnection Fee		
For the Meeting of:	May 22, 2014		
Submitted by:	Gary La Venia, City Manager		
Date Submitted:	May 15, 2014		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Proposed Ordinance 2014-015.		
Description of Item: Second reading and public hearing of Ordinance 2014-015 amending the City of Fruitland Park’s Code of Ordinances regarding a disconnection fee due to nonpayment for water services. First reading was held on May 8, 2014.			
Action to be Taken: Enact Ordinance 2014-015.			
Staff’s Recommendation: Approval.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2014-015

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 50 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 50.30(F) REGARDING A DISCONNECTION FEE DUE TO NONPAYMENT FOR WATER SERVICES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute Chapter 180 provides local municipalities with the authority to establish and operate water utility systems; and

WHEREAS, the City Commission has determined that it is necessary to amend the ordinance governing the waterworks system for the City of Fruitland Park relating to the disconnection fee for nonpayment for water services and the activation fee for water services.

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

Section 1. The recitals above are hereby incorporated herein by reference.

Section 2. Chapter 50, Section 50.30(F) is hereby amended to read as follows:

Section 50.30(F). Water services shall be terminated by a meter disconnection if a billing is not paid by the twentieth day of the month following date of billing. A fee of \$50.00 shall be charged for water service disconnection due to nonpayment. This disconnection fee shall accrue at the time of physical disconnection.

Section 3. All portions of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. The provisions of this Ordinance are intended to be incorporated into the Code of Ordinances of the City of Fruitland Park, Florida and the sections of this Ordinance may be renumbered, relettered, and the word "ordinance" may be changed to "section", "article", or such other word or phrase in order to accomplish such intention.

Section 5. 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 6. This ordinance shall be effective upon passing.

PASSED AND ORDAINED this ____ day of _____, 2014, by the City Commission of the City of Fruitland Park, Florida.

CHRISTOPHER J. BELL, MAYOR

Attest:

Esther Coulson, CMC, City Clerk

Vice Mayor Goldberg _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Gunther _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Kelly _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading May 8, 2014
Passed Second Reading _____

Approved as to form:

Scott A. Gerken, City Attorney



**AGENDA ITEM
NUMBER
5k**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Ordinance 2014-012 – Rezoning Micro Race-Track Road and North of CR 466A		
For the Meeting of:	May 22, 2014		
Submitted by:	Gary La Venia, City Manager		
Date Submitted:	May 15, 2014		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Proposed Ordinance 2014-012.		
Description of Item: Second reading and quasi-judicial public hearing of Ordinance 2014-012 amending the City of Fruitland Park’s Boundaries. The first reading was held on May 8, 2014,			
Action to be Taken: Enact Ordinance 2014-012.			
Staff’s Recommendation: Approval.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2014-012

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 1.39 ± ACRES OF LAND GENERALLY LOCATED WEST OF MICRO RACETRACK ROAD AND NORTH OF CR 466A; REZONING THE PROPERTY FROM LAKE COUNTY "AG" (AGRICULTURE) TO GENERAL COMMERCIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK; 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 SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by DR GCS Holdings, LLC as applicant and owner, requesting that approximately 1.39 acres of real property generally located west of Micro Racetrack Road and north of CR 466A (the "Property") be annexed to and made a part of the City of Fruitland Park and rezoned from Lake County "AG" (Agriculture) to General Commercial 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 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 1.39 acres of land generally located west of Micro Racetrack Road and west of CR 466A, 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 198 feet of the Northeast ¼ of the Northeast ¼ of the Southwest ¼ of Section 6, Township 19 South, Range 24 East, Lake County, Florida less right of way for road and less the West ½ thereof.

Parcel Alternate Key No. 3785050

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 Secretary 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 _____, 2014.

Chris Bell, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, CMC, City Clerk

Scott Gerken
City Attorney

Vice Mayor Goldberg	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Gunther	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Kelly	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading May 8, 2014
Passed Second Reading _____
(SEAL)



**AGENDA ITEM
NUMBER
51**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Ordinance 2014-013 – Comprehensive Plan Micro Race-Track Road and North of CR 466A		
For the Meeting of:	May 22, 2014		
Submitted by:	Gary La Venia, City Manager		
Date Submitted:	May 15, 2014		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Item: Second reading and public hearing of Ordinance 2014-013 Comprehensive Plan amending the Future Land Use Designation. The first reading was held on May 8, 2014.			
Action to be Taken: Enact Ordinance 2014-013.			
Staff's Recommendation: Approval.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2014- 013

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 LAKE COUNTY AGRICULTURE TO COMMERCIAL HIGH INTENSITY IN THE CITY OF FRUITLAND PARK ON THE FUTURE LAND USE MAP ELEMENT OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.39 ± ACRES OF PROPERTY GENERALLY LOCATED WEST OF MICRO RACETRACK ROAD AND NORTH OF CR 466A; DIRECTING THE CITY CLERK TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, DR GCS Holdings, LLC as Applicant and Owner, has submitted an application requesting that approximately 1.39 acres of real property generally located west of Micro Racetrack Road and north of CR 466A within the city limits of the City of Fruitland Park be assigned a land use designation of "Commercial High Intensity" under the Comprehensive Plan for the City of Fruitland Park; and

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

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

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

Section 1: The following described property consisting of approximately 1.39 ± acres generally located west of Micro Racetrack Road and north of CR 466A (the "Property"), and more particularly described as follows:

LEGAL DESCRIPTION: The South 198 feet of the Northeast ¼ of the Northeast ¼ of the Southwest ¼ of Section 6, Township 19 South, Range 24 East, Lake County, Florida less right of way for road and less the West ½ thereof.

Parcel Alternate Key No. 3785050

shall be assigned a land use designation of Commercial High Intensity, 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: 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: 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 _____, 2014.

Chris Bell, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, CMC, City Clerk

Scott Gerken
City Attorney

Vice Mayor Goldberg	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Kelly	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading May 8, 2014
Passed Second Reading _____

(SEAL)



VILLAGE HILLS DR

CATO RANCH RD

LINMAR AVE

LINDA GLEN AVE

WALTERS PL

EMORY DR

MICRO RACETRACK RD

EDMONDSON DR

TIMBERTOP LN

Site Location

OLIVER LN

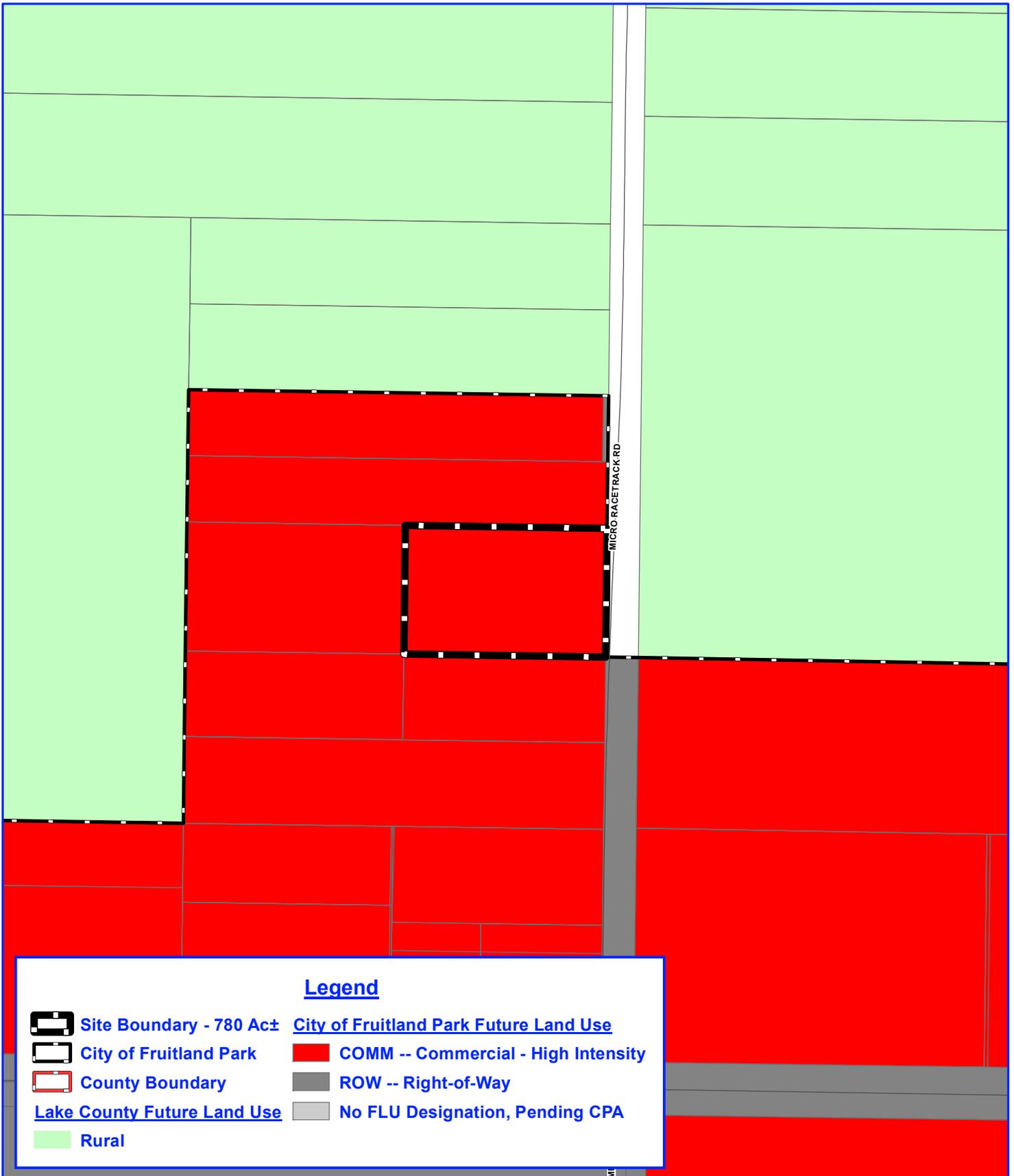
CR 466A

MILLER BLVD

MICRO RACETRACK RD

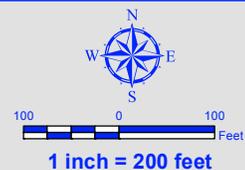
PINE RIDGE DAIRY RD

Sumter County
Lake County



Legend

- | | | | |
|---|-------------------------|---|---|
|  | Site Boundary - 780 Ac± |  | City of Fruitland Park Future Land Use |
|  | City of Fruitland Park |  | COMM -- Commercial - High Intensity |
|  | County Boundary |  | ROW -- Right-of-Way |
|  | Rural |  | No FLU Designation, Pending CPA |



City of Fruitland Park
Dr GCS Holdings, LLC
 Lake County, Florida
 Proposed Future Land Use

Project: 398-14-04
 File: Proposed FLU.mxd
 Name: Dr GCS Holdings
 PM: Sherie Lindh
 Date: March 13, 2014
 Created By: J.Wilson





**AGENDA ITEM
NUMBER
5m**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Ordinance 2014-005 Rezoning		
For the Meeting of:	May 22, 2014		
Submitted by:	Community Development Department Director		
Date Submitted:	May 15, 2014		
Are Funds Required:		Yes	No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Ordinance 2014-005		
Description of Item: Quasi-Judicial public hearing and second reading of proposed Ordinance 2014-005 Rezoning – R-2 to PUD - Petitioner: Jonathan Penner. The first reading was held on April 10, 2014.			
Action to be Taken: Motion to enact ordinance.			
Staff's Recommendation: Approve.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2014-005

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING APPROXIMATELY 9.06 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF POINESETTIA AVENUE AND NORTH OF SPRING LAKE ROAD FROM SINGLE FAMILY MEDIUM DENSITY (R-2) TO THE DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Jonathan Penner, as applicant and owner, requesting that real property within the City of Fruitland Park be rezoned from Single-Family Medium Density (R-2) to Planned Unit Development-Residential within the city limits of Fruitland Park; and

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

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

NOW, THEREFORE, be it ordained by the City Commission of the City of Fruitland Park, Florida:

Section 1. The above-referenced property, more particularly described on Exhibit "A," attached hereto and incorporated herein by reference, consisting of approximately 9.06 ± acres generally located north of Poinsettia Avenue and north of Spring Lake Road is hereby rezoned from R-2 (Single Family Medium Density) to Planned Unit Development - Residential within the City of Fruitland Park. Such zoning designation shall be subject to and conditioned upon the terms of a Master Development Agreement attached as Exhibit "B" and incorporated herein by reference.

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 Secretary of State of the State of Florida within seven days after its passage on second and final reading.

Section 3. 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 4. The property rezoned 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 parcel annexed in the City Comprehensive Plan.

Section 5. This Ordinance shall become effective immediately upon passage.

PASSED AND ORDAINED this 2014, by the City Commission of the City of Fruitland Park, Florida.

ATTEST:

CHRISTOPHER J. BELL, MAYOR

ESTHER COULSON,

CITY CLERK

Vice-Mayor Goldberg _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Gunther _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Kelly _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading April 24, 2014

Passed Second Reading .

Approved as to form:

Scott A. Gerken, City Attorney

MASTER DEVELOPMENT AGREEMENT

THIS AGREEMENT entered into and made as of the ____th day of _____, 2014, between the CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation, (hereinafter referred to as the "City"), and Jonathan Penner, (hereinafter referred to as the "Owner").

RECITALS

1. The Owner desires to rezone approximately 14.27 acres of property within the City of Fruitland Park, described and depicted as set forth on Exhibit "A" attached to and incorporated in this Agreement (hereafter referred to as the "Property").
2. The Property is currently located within the City of Fruitland Park and is currently zoned "Single-Family Medium Density" (R-2) with a future land use designation on the City of Fruitland Park Future Land Use Map of "Single Family Medium Density."
3. Owner has filed applications for rezoning and amendment to the City's Comprehensive Plan for the Property as a residential planned unit development.
4. Owner represents that it is the sole legal owner of the Property and that it has the full power and authority to make, deliver, enter into, and perform pursuant to the terms and conditions of this Agreement and has taken all necessary action to authorize the execution, delivery, and performance of the terms and conditions of this Agreement.
5. The City of Fruitland Park has determined that the rezoning of the Property and the proposal for its development presents, among other things, an opportunity for the City to secure quality planning and growth, protection of the environment, and a strengthened and revitalized tax base.
6. Owner will fund certain public improvements and infrastructure to facilitate the development of the Property.
7. The Property is within the City's Chapter 180, Florida Statutes, utility district, and Owner has requested and City desires to provide water and sewer as well as other municipal services to the Property.

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

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

Section 2. Conditions Precedent. Owner has filed an application for rezoning for the Property. It is understood and agreed to by the City and the Owner that this Agreement shall not be binding or enforceable as to any party unless and until: a) the City duly adopts the Agreement and adopts an ordinance rezoning the Property. The land use and development obligations contained in this Agreement shall not be binding or enforceable as to the Owner unless and until the City's comprehensive plan amendment implementing or

related to the Agreement is found in compliance by the state land planning agency in accordance with the applicable Florida Statutes and such plan amendment is adopted by City. The parties hereto understand and acknowledge that the City is in no way bound to rezone the Property. The City shall have the full and complete right to approve or deny the application for rezoning.

Section 3. Land Use/Development. Development of the Property shall be substantially consistent with the "Conceptual Site Plan – Spring Lake Road" prepared by Dave Schmitt Engineering, Inc., dated [February 13, 2014](#) and attached as **Exhibit "B"** (the "Plan"). All development shall be consistent with City's "PUD" (Planned Unit Development/Residential) zoning district and, subject to City approval after public hearings and Department of Economic Opportunity approval, City's Multiple Family High Density land use category. As set forth further below, all land use issues addressed herein must be adopted by City through its regular procedures and pursuant to section 163.3187, Florida Statutes before being effective.

Section 4. Density. The maximum density shall not exceed [110](#) units. Owner shall make one apartment unit available for a local law enforcement occupant. [All development shall be either one or two story developments within the Property.](#)

Section 5. Development Standards. City and Owner agree that building setbacks from the property lines shall be as follows:

- A. Front: from Spring Lake Road – fifty feet (50')
- B. Side: Twenty-five feet (25')
- C. Rear: Twenty-five feet (25')
- D. Rear: From Lake Geneva – Fifty feet (50') from the high water line

Section 6. Lighting. All exterior lighting shall be arranged to reflect light away from adjacent properties to the greatest extent possible while providing lighting adequate to ensure safety on road right of way. The poles and street lights within the Property shall be installed by Owner and thereafter maintained by the Owner.

Section 7. Water, Wastewater, and Reuse Water.

A. **Generally.** Owner and their successors and assigns agree to obtain water, reuse water, irrigation water, and wastewater service (hereafter, "Utilities") exclusively through purchase from City when available. Owner covenants and warrants to City that it will not engage in the business of providing such Utilities to the Property or within City's F.S. Chapter 180 utility district. No private wells will be allowed within the Property.

B. **On-Site Improvements.** Owner, at its expense and without cost or expense to City, hereby agrees to design, permit, and construct all on-site water and on-site wastewater improvements (including reclaimed water facilities) (the "On-Site Improvements") as may be necessary to convey and transmit potable water and sanitary sewer service within the Property in sufficient quantities to serve the intended use for the Property, including connection to any water and sanitary sewer lines described in Section 7(C) of this Agreement. If City requests on or before the date on which Owner submits a final site plan for the Property for City approval, Owner agrees to oversize/upgrade any such improvements located within the Property, provided that City is responsible for any related, incremental expenses for doing so. Nothing herein,

however, shall relieve the Owner of the responsibility of obtaining and complying with any permit or approval necessary from any regional, local, state or national governmental authority, as required by law. Such approvals include any City approvals required by City's Land Development Regulations ("LDRs").

C. **Off-Site Improvements.** Concurrent with development of the Property (i.e., at or before a certificate of occupancy is issued), Owner shall undertake, at Owner's sole expense, the design, permitting, and construction of the off-site water and off-site sanitary sewer improvements (the "Off-Site Improvements") that meet all applicable City standards and specifications and that are determined by City and Owner to be necessary to bring potable water, water in such quantities as is necessary to provide sufficient fire suppression to the Property, and sanitary sewer lines and service to the western boundary of the Property in amounts and quantities for Owner's intended use of the Property.

D. **Ownership and Maintenance.** All On-Site Improvements shall be owned and maintained by Owner.

E. **Impact Fee Credits.** City shall grant Owner water and wastewater impact fee credits for the Off-Site Water and Sewer Improvements, respectively. In that regard, the amount of impact fee credits shall be determined by the City engineer and shall be based upon the costs associated with the Off-Site Water and Sewer Improvements that are contained for the same in the City's most recent applicable impact fee studies ("Total Eligible Costs"). In the event Owner disagrees with the City engineer's determination, Owner may request that the amount of impact fee credits be determined, at Owner's expense, by a qualified independent third party ("Third Party") chosen by both City and Owner. In such event, the Third Party shall determine the Total Eligible Costs and the corresponding impact fee credits. If City and Owner cannot agree on the selection of the Third Party, they shall each select a qualified independent third party, and both such selected parties shall together select the Third Party.

In no event, however, shall such impact fee credits exceed the impact fees generated from the Property. Although impact fee credits may be assigned to a successor in interest to Owner, impact fee credits shall remain with the Property and are otherwise non-transferable.

In the event the Total Eligible Costs to Developer associated with the Off-Site Water and Sewer Improvements exceed the amount of water and wastewater impact fees due from the Property, the "pioneering" provisions of subsection F shall apply.

F. **Pioneering.** In the event the Total Eligible Costs exceed the amount of water and wastewater impact fees due from the Property, the City and Owner shall enter into a pioneering agreement which sets forth the portion of impact fees that are paid for each new connection to the portion of the City's water or wastewater system constructed by Owner to Owner for a period of five (5) years from the date that construction of the Off-Site Water and Sewer Improvements are completed as certified by the City engineer's certificate of completion (the "Completion Date").

Section 8. Impact Fees. Owner shall be required to pay impact fees as established by City from time to time.

Owner agrees to pay all impact fees, including parks and recreation, police and fire rescue and any impact fees adopted after the execution of this Agreement for all units as building permits are issued for such units at the then existing rate. Prepayment of utility impact fees and acceptance by City of such fees shall reserve capacity for the prepaid units. No capacity is reserved until or unless such fees have been paid pursuant to an agreement with City. Owner agrees and understands that no capacity has been reserved and that Owner assumes the risk that capacity will be available. Accordingly, if capacity is available at the time of platting

and City is willing to allocate such capacity to Owner, Owner shall enter into a reservation agreement and any other utility agreements or easements related to the Property as requested by City from time to time.

Section 9. Easements. Owner shall provide the City such easements or right of way in form acceptable to the City Attorney, as the City deems necessary for the installation and maintenance of roads, sidewalks, bikeways, street lighting or utility services, including but not limited to sewer, water, drainage and reclaimed water services.

Section 10. Landscaping/Buffers. ~~Developer has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner shall install and maintain a twenty-five foot (25') landscape buffer consisting of four (4) canopy trees, two (2) understory trees, and fifteen (15) shrubs per one hundred feet (100') or portion thereof along the eastern, southern, and western boundaries of the Property. No landscape buffer shall be required adjacent to Lake Geneva. All landscaping and tree protection shall comply with Chapter 163 of the City of Fruitland Park Land Development Regulations.~~ Developer has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner shall install and maintain a twenty-five foot (25') landscape buffer consisting of four (4) canopy trees, two (2) understory trees, and fifteen (15) shrubs per one hundred feet (100') or portion thereof along the eastern, southern, southern boundary which does not abut Spring Lake Road and western boundaries of the Property. Along the southern property boundary which abuts Spring Lake Road the Owner shall install and maintain a thirty (30) foot landscape buffer which shall consist of four (4) canopy trees, four (4) understory trees and twenty (20) shrubs per one hundred feet (100') (hereafter called the "Enhanced Buffer"). The purpose of the Enhanced Buffer is to minimize the visual and noise impact on neighboring properties. It is the intent of the Enhanced Buffer to create the maximum visual screening for neighboring properties, and the type and species of plant material shall be selected from the City's approved list with such purpose in mind. No landscape buffer shall be required adjacent to Lake Geneva. All landscaping and tree protection shall comply with Chapter 163 of the City of Fruitland Park Land Development Regulations.

Owner shall, at its sole expense, install underground irrigation systems on all common areas of the Property, as well as exercise any other measures reasonably necessary to ensure the long-term maintenance of the landscaping.

Owner shall design and construct, at its sole expense, the interior landscaped areas and islands within the common and parking areas of the Property in accordance with all applicable City of Fruitland Park Land Development Regulations. Owner shall maintain such areas.

Owner shall install and maintain a six foot (6') vinyl privacy fence adjacent to the eastern and western boundaries of the Property.

Owner acknowledges City's goal of achieving a greater level of tree preservation within the City. In aid of such goal, Owner agrees to comply with all applicable City of Fruitland Park Land Development Regulations pertaining to tree removal and replacement.

Section 11. Stormwater Management. Owner agrees to provide at Developer's expense a comprehensive stormwater management system consistent with all regulatory requirements of the City and the St. John's River Water Management District. Impacts to flood plains are allowed in accordance with the Water Management District procedures for compensating storage and will be based on the 100-year floodplain established by Lake County.

Section 12. Other Municipal Facilities/Services. The City hereby agrees to provide, either directly or through its franchisees or third party providers, police and fire protection, emergency medical services, and solid waste collection, disposal, and recycling services to the Property under the same terms and conditions and in the same manner as are afforded to all other residential property owners within the City.

Section 13. Concurrency. Owner shall meet all applicable school and road concurrency requirements imposed by City, Lake County, or the Lake County School Board prior to any preliminary plat or construction plan approvals. Further, Owner acknowledges that City has adopted an ordinance relating to Proportionate Share Mitigation. Accordingly, Owner agrees that it shall be subject to such ordinance.

Section 14. Final Site Plan Approval. After the approved Conceptual Site and Developer's Agreement Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a preliminary plat, construction plans, and a Final Site Plan for the development shall be prepared and submitted for review and approval in the manner required by the City's Land Development Code, as amended.

Section 15. Environmental Considerations. The Owner agrees to comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

Section 16. Signage. Owner shall submit a master sign plan as a component of the final site plan (i.e., construction plan) application for the Property. Such plan shall be in compliance with all applicable regulations contained within the City of Fruitland Park Land Development Regulations, unless City grants a waiver or variance pursuant to the City's Land Development Regulations.

Section 17. Title Opinion. Owner shall provide to City, in advance of the City's execution of this Agreement, a title opinion of an attorney licensed in the State of Florida, or a certification by an abstractor or title company authorized to do business in the State of Florida, showing marketable title to the Property to be in the name of the Owner and showing all liens, mortgages, and other encumbrances not satisfied or released of record.

Section 18. Compliance with City Laws and Regulations. Except as expressly modified herein, all development of the Property shall be subject to compliance with the City Land Development Regulations and City Code provisions, as amended, as well as regulations of county, state, local, and federal agencies. All improvements and infrastructure shall be constructed to City standards.

Section 19. Due Diligence. The City and Owner further agree that they shall commence all reasonable actions necessary to fulfill their obligations hereunder and shall diligently pursue the same throughout the existence of this Agreement. The City shall further provide all other municipal services to the Property as are needed by Owner from time to time in accordance with the City's applicable policies for the provision of said services.

Section 20. Enforcement/Effectiveness. A default by either party under this Agreement shall entitle the other party to all remedies available at law or as set forth in Section 163.3243, Florida Statutes. However, both parties acknowledge that any land use or development provisions of this Agreement shall not be effective or implemented until thirty one (31) days after the City's adoption of the comprehensive plan amendment for the Property. If such amendment is challenged within thirty (30) days of the City's adoption, no development orders will be issued by City and no construction can occur until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the small scale development amendment is in compliance, pursuant to Florida Statute section 163.3187. .

Section 21. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Florida and venue for any action hereunder shall be in the Circuit Court of Lake County, Florida.

Section 22. Binding Effect; Assignability. This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their assigns. This Agreement shall be assignable by the Owner to successive owners. Owner shall, however, provide written notice to the City of any and all such assignees. The rights and obligations set forth in this Agreement shall run with the land and be binding on all successors and/or assignees. Owner consents to the placement of a claim of lien on the Property upon default in payment of any obligation herein without precluding any other remedies of City. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

Section 23. Waiver; Remedies. No failure or delay on the part of either party in exercising any right, power, or privilege hereunder will operate as a waiver thereof, nor will any waiver on the part of either party or any right, power, or privilege hereunder operate as a waiver of any other right, power, privilege hereunder, not will any single or partial exercise of any right, power, or privilege hereunder preclude any other further exercise thereof or the exercise of any other right, power, or privilege hereunder.

Section 24. Exhibits. All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

Section 25. Notice. Any notice to be given shall be in writing and shall be sent by certified mail, return receipt requested, to the party being noticed at the following addresses or such other address as the parties shall provide from time to time:

As to City:	Gary LaVenia City Manager City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone
Copy to:	Christopher J. Bell, City Mayor City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone Scott A. Gerken, Esquire City Attorney 4850 N. Highway 19A Mount Dora, FL 32757 352-357-0330 Telephone 352-357-2474 Facsimile

As to Owner:	Jonathan Penner 410 Biana Avenue Coral Gables, Florida 33146 (212) 988-6687 (914) 260-9222
Copy to:	Jimmy D. Crawford, Esquire Merideth Nagel, P.A. 450 East Hwy. 50, Suite 4 Clermont, Florida 34711 Phone (352) 394-7408 Fax (352) 394-7298 Email Jimmy.Crawford@MNagellaw.com

Section 26. Entire Agreement. This Agreement sets forth all of the promises, covenants, agreements, conditions, and understandings between the parties hereto, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, express or implied, oral or written, except as herein contained. However, the failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve Owner from complying with the law governing said permitting requirements, conditions, terms or restrictions.

Section 27. Term of Agreement. The term of this Agreement shall commence on the date this Agreement is executed by both the City and Owner, and shall terminate twenty (20) years thereafter; provided, however, that the term of this Agreement may be extended by mutual consent of the City and the Owner, subject to a public hearing in accordance with the requirements of Section 163.3225, Florida Statutes.

Section 28. Amendment. Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 29. Severability. If any part of this Developer’s Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not effect the other parts of this Developer’s Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be effected. To that end, this Developer’s Agreement is declared severable.

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

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

JONATHAN PENNER

Witness Signature

Print Name

Date: _____

Witness Signature

Print Name

ATTEST:

CITY OF FRUITLAND PARK, FLORIDA

Esther Coulson, CMC
Fruitland Park City Clerk

By: _____
Christopher J. Bell, Mayor
City of Fruitland Park

Date: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of January, 2014, by **JONATHAN PENNER**, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Notary Public
Notary Public - State of Florida
Commission No _____
My Commission Expires _____

EXHIBIT "A"

Subject Property Legal Description

EXHIBIT "B"

THE PLAN



**AGENDA ITEM
NUMBER
5n**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Ordinance 2014-004 Comprehensive Plan Amendment		
For the Meeting of:	May 22, 2014		
Submitted by:	Community Development Department Director		
Date Submitted:	May 15, 2014		
Are Funds Required:		Yes	<input checked="" type="checkbox"/> No
Account Number:			
Amount Required:			
Balance Remaining:			
Attachments:	Ordinance 2014-004		
Description of Item: Quasi-Judicial public hearing and second reading of proposed Ordinance 2014-004 Comprehensive Plan Amendment - Petitioner: Jonathan Penner. The first reading was held on April 10, 2014.			
Action to be Taken: Motion to enact Ordinance 2014-004, per the city commission's discretion.			
Staff's Recommendation: Approve.			
Additional Comments: N/A			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular Consent Agenda: _____
Mayor

ORDINANCE 2014-004

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 SINGLE FAMILY MEDIUM DENSITY IN THE CITY OF FRUITLAND PARK TO MULTIPLE FAMILY HIGH DENSITY ON THE FUTURE LAND USE MAP ELEMENT OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 9.06 ± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF POINSETTIA AVENUE AND NORTH OF SPRING LAKE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jonathan Penner, as Owner, has submitted an application requesting that approximately 9.06 acres of real property generally located north of Poinsettia Avenue and north of Spring Lake Road within the city limits of the City of Fruitland Park be assigned a land use designation of "Multiple Family High Density Residential" under the Comprehensive Plan for the City of Fruitland Park; and

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

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

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

Section 1: The following described property consisting of approximately 9.06 ± acres generally located north of Poinsettia Avenue and north of Spring Lake Road (the "Property"), and more particularly described as follows:

LEGAL DESCRIPTION: From the Southwest corner of the Northeast ¼ of the Southwest ¼ of Section 33, Township 18 South, Range 24 East, Lake County, Florida, Run South 89°20'30" East along the South line of the said Northeast ¼ of the Southwest ¼, a distance of 209.20 feet to the Point of Beginning of this Description: Thence North 0°30'15" East 910.19 feet; Thence run South 85°43'05" East, a distance of 508.67 feet; Thence run South 00°32'50" West 667.18 feet; Thence North 89°22'40" West 231.40 feet; Thence South 0°31'40" West 210.90 feet to the South line of the said Northeast ¼ of the Southwest ¼ of Section 33; Thence North 89°20'30" West, along the South line of the said Northeast ¼ of the Southwest ¼, 273.57 feet to the Point of Beginning. Less the South 33 feet thereof.

Parcel Alternate Key No. 1284368.

shall be assigned a land use designation of Multiple Family High Density, under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "B" and incorporated herein by reference.

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

Section 3: 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: 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 , 2014.

Chris Bell, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, CMC, City Clerk

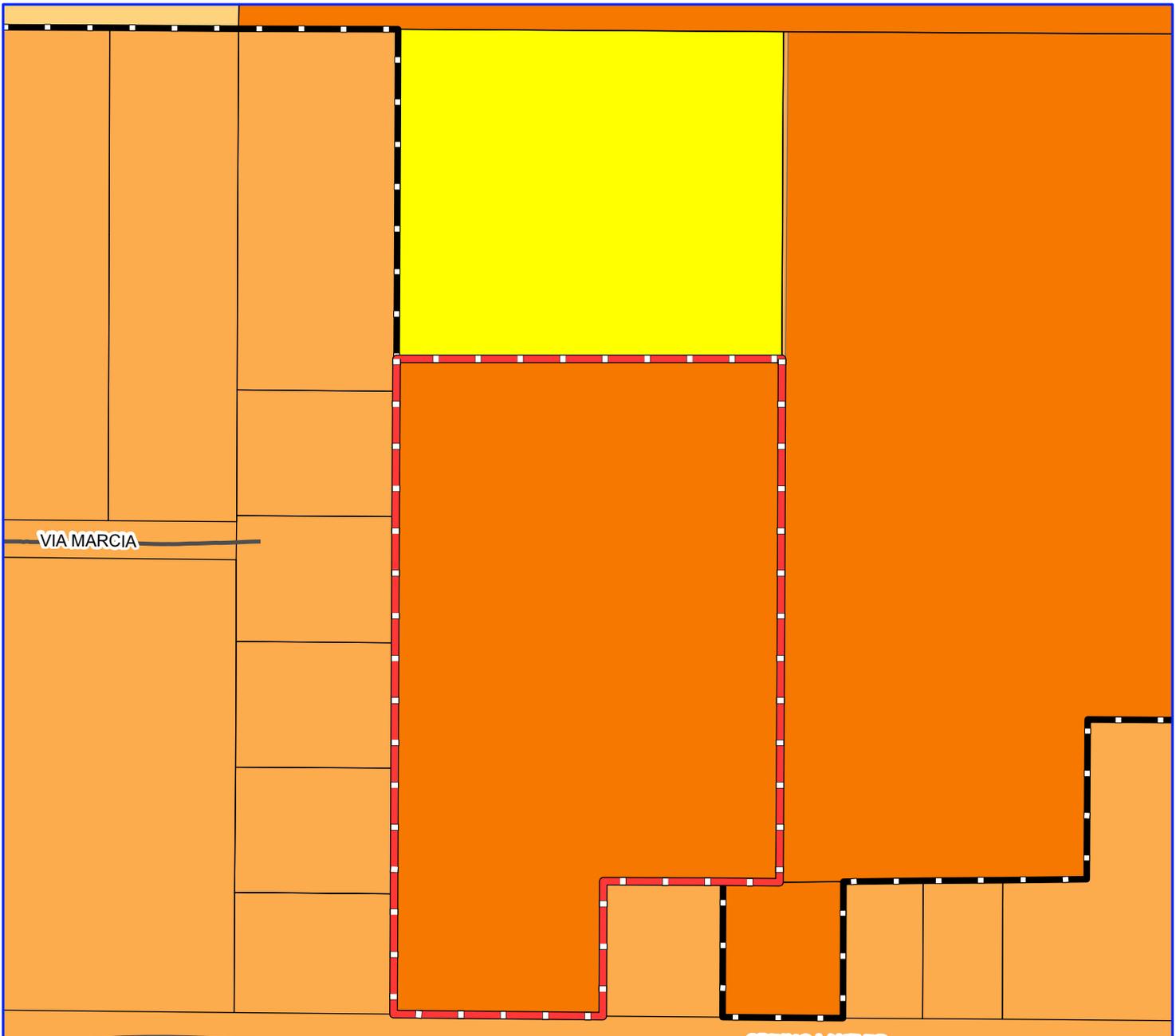
Scott Gerken
City Attorney

Vice Mayor Goldberg _____ (Yes), ___ (No), _____ (Abstained), _____ (Absent), _____
Commissioner Cheshire _____ (Yes), ___ (No), _____ (Abstained), _____ (Absent), _____
Commissioner Gunther _____ (Yes), ___ (No), _____ (Abstained), _____ (Absent), _____
Commissioner Kelly _____ (Yes), ___ (No), _____ (Abstained), _____ (Absent), _____
Mayor Bell _____ (Yes), ___ (No), _____ (Abstained), _____ (Absent), _____

Passed First Reading April 24, 2014
Passed Second Reading
(SEAL)

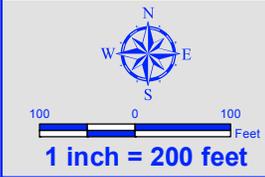
EXHIBIT A
LEGAL DESCRIPTION

From the Southwest corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 33, Township 18 South, Range 24 East, Lake County, Florida, Run South $89^{\circ}20'30''$ East along the South line of the said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, a distance of 209.20 feet to the Point of Beginning of this Description: Thence North $0^{\circ}30'15''$ East 1,325.45 feet to the North line of the said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 33; Thence run South $89^{\circ}39'10''$ East, along the North line of the said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, a distance of 505.91 feet; Thence run South $00^{\circ}32'35''$ West 1,116.62 feet; Thence North $89^{\circ}22'40''$ West 231.40 feet; Thence south $0^{\circ}31'40''$ West 210.90 feet to the South line of the said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 33; Thence North $89^{\circ}20'30''$ West, along the South line of the said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, 273.57 feet to the Point of Beginning. Less the South 33 feet thereof.



Legend

-  Subject Property (9.1 Ac±)
-  Fruitland Park City Limits
- City of Fruitland Park Future Land Use**
-  SFMD -- Single - Family Medium Density (4 du/ac)
-  MFLD -- Multiple - Family Low Density (8 du/ac)
-  MFHD -- Multiple - Family High Density (15 du/ac)
- Lake County Future Land Use**
-  URBAN



**City of Fruitland Park
Penner Site
Lake County, Florida
Proposed Future Land Use**

Project: 398-13-06
 File: Proposed FLU.mxd
 Name: Penner Site
 PM: Greg Beliveau
 Date: October 14, 2013
 Created By: J.Wilson

