

ORDINANCE 2024-004

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, PROVIDING FOR AN AMENDMENT OF THE CHARTER OF THE CITY OF FRUITLAND PARK BY AMENDING ARTICLE IV, SECTION 4.02 TO CLARIFY THAT THE CITY ATTORNEY AND ANY ASSISTANTS SERVE AT THE PLEASURE OF THE CITY COMMISSION AND ALLOW THE CITY COMMISSION TO REMOVE THE CITY ATTORNEY OR ANY ASSISTANT CITY ATTORNEY BY A MAJORITY VOTE AT ANY TIME AND WITHOUT A PUBLIC HEARING; PROVIDING SPECIFYING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; REQUESTING THE SUPERVISOR OF ELECTIONS TO PLACE THE BALLOT LANGUAGE ON THE BALLOT FOR THE NOVEMBER 2024, GENERAL ELECTION; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, currently the City of Fruitland Park Charter provides that before the City Commission can discharge the city attorney for cause during any twelve-month term a three-fifths majority vote is required and the vote may not occur during the meeting at which the motion to discharge is made and seconded; and

WHEREAS, the Charter also entitles the city attorney to a public hearing upon request prior to the vote on a motion to discharge; and

WHEREAS, the city attorney should always serve at the pleasure of the governing body and be subject to discharge upon a majority vote at any time and without a public hearing; and

WHEREAS, the City of Fruitland Park has advertised this ordinance no less than 10 days prior to the adoption as required by law; and

WHEREAS, the City Commission desires to seek electors' approval to amend the City Charter to clarify that the city attorney and any assistants serve at the pleasure of the City Commission and may be discharged by a majority vote at any time and without a public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, as follows:

Section 1. Findings. In adopting this Ordinance, the City Commission of the City of Fruitland Park (the "City Commission") hereby makes and expresses the following findings, purposes and intent:

(1) Section 166.031 of Florida Statutes provides for the governing body of a municipality to submit to the electors of said municipality a proposed amendment to its charter through referendum. Upon adoption of an amendment by a majority of the electors voting in a referendum upon such amendment, the amendment shall be incorporated into the charter and the revised charter filed with the Department of State.

(2) The city attorney should always serve at the pleasure of the governing body and subject to discharge upon a majority vote at any time and without a public hearing.

Section 2. Amendment of the City of Fruitland Park's Charter. Article IV, Section 4.02 entitled City Attorney is hereby amended as follows:

ARTICLE IV. - ADMINISTRATIVE

Sec. 4.02. - City attorney.

There shall be a city attorney of the city who shall serve as chief advisor to the city commission, the city manager and all city departments, all officers of the city, and who shall represent the city in all legal proceedings and shall perform any other duties prescribed by this charter or by ordinance. The city attorney shall be a member in good standing of the Florida Bar Association and have been admitted to practice in the State of Florida for at least five (5) years prior to appointment. The city commission may also appoint such assistant city attorneys from time to time and for such periods as it may deem necessary to assist the city attorney or to perform services on specific or special matters. The city attorney and any assistant city attorneys serve at the pleasure of the commission. The city commission may remove the city attorney and any assistant city attorneys by a majority vote of the city commission at any time and without a public hearing.

Section 3. Referendum Called. The Charter amendment proposed in Section 2. of this Ordinance shall be presented to the City of Fruitland Park electorate at a referendum. The City Commission hereby authorizes, directs and requests the supervisor of elections to conduct the referendum, pursuant to applicable Florida law, with the date of the referendum to be November 5, 2024.

**REMOVAL OF CITY ATTORNEY AND ANY ASSISTANT
CITY ATTORNEY BY MAJORITY VOTE OF CITY
COMMISSION**

Should the Charter of Fruitland Park be amended to make clear that the city attorney and any assistant city attorney serves at the pleasure of the City Commission, may be

terminated by a majority vote of the Commission at any time and without a public hearing?

 YES
 NO

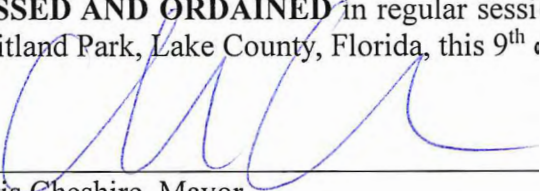
Section 4. Severability. If any provision or portion of this Ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

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

Section 6. Inclusion in Charter. It is the intention of the City of Fruitland Park and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Fruitland Park Charter as approved by a majority of electors voting on such measure.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage as a non-emergency ordinance at two scheduled meetings of the City Commission. The Charter amendment provision provided herein shall be effective on November 5, 2024 subject to approval of a majority of electors voting on the measure and certification of the election results.

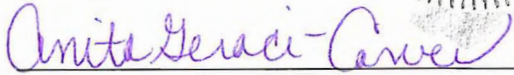
PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this 9th day of May 2024.


Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:


Esther Coulson, MMC, City Clerk

Approved as to Form:


Anita Geraci-Carver, City Attorney



(SEAL)

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

Passed First Reading April 25, 2024

Passed Second Reading May 9, 2024

ORDINANCE 2024-005

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, PROVIDING FOR AN AMENDMENT OF THE CHARTER OF THE CITY OF FRUITLAND PARK BY AMENDING ARTICLE IV, SECTIONS 4.00, 4.01, AND 4.03 TO PROVIDE FOR THE CITY MANAGER TO HIRE THE CITY CLERK AND CITY TREASURER NOT THE CITY COMMISSION; PROVIDING SPECIFYING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; REQUESTING THE SUPERVISOR OF ELECTIONS TO PLACE THE BALLOT LANGUAGE ON THE BALLOT FOR THE NOVEMBER 2024, GENERAL ELECTION; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, currently the City of Fruitland Park Charter provides for the City Commission to appoint employees to serve as the city clerk and city treasurer, rather than be hired by the city manager; and

WHEREAS, having the City Commission appoint employees to these positions requires the City Commission address, in a public meeting, matters relating to employment including but not limited to employee performance and termination; and

WHEREAS, the City is better served having a professional city manager hire the city clerk position and city treasurer position, and for these positions to serve under the direction of the city manager, as well as for employment related matters to be held outside of a public meeting; and

WHEREAS, the City of Fruitland Park has advertised this ordinance no less than 10 days prior to the adoption as required by law; and

WHEREAS, the City Commission desires to seek electors approval to amend the City Charter to provide for the city clerk position and the city treasurer position to be hired by the city manager.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, as follows:

Section 1. Findings. In adopting this Ordinance, the City Commission of the City of Fruitland Park (the “City Commission”) hereby makes and expresses the following findings, purposes and intent:

- (1) Section 166.031 of Florida Statutes provides for the governing body of a municipality to submit to the electors of said municipality a

proposed amendment to its charter through referendum. Upon adoption of an amendment by a majority of the electors voting in a referendum upon such amendment, the amendment shall be incorporated into the charter and the revised charter filed with the Department of State.

(2) The City is better served having a professional city manager hire the city clerk position and city treasurer position, and for these positions to serve under the direction of the city manager, as well as for employment related matters to be held outside of a public meeting.

Section 2. Amendment of the City of Fruitland Park's Charter. Article IV, Sections 4.00, 4.01, and 4.03 are hereby amended as follows:

ARTICLE IV. - ADMINISTRATIVE

~~Sec. 4.00. City treasurer.~~

~~The commission shall appoint a city treasurer. The city treasurer shall be the chief financial officer of the city responsible to the city commission for the preparation and recordkeeping of all financial matters of the city and shall perform such other duties as may be assigned by this charter, ordinance or the city commission.~~

~~Sec. 4.01. City clerk.~~

~~The commission shall appoint a city clerk. The city clerk shall give notice of commission meetings to its members and the public and shall keep the minutes of its proceedings which shall be a public record, and perform such other duties as are assigned by this charter and by ordinance.~~

~~Sec. 4.03. - Appointment and term of office of city treasurer, city clerk and city attorney.~~

~~The city commission by majority vote shall annually appoint the city treasurer, city attorney, and city clerk, and any other city officer created under this section at such compensation as is deemed necessary and proper, for terms of twelve (12) months to run concurrent with the fiscal year or until such time as its successors in office are duly appointed and qualified. Said officers may be discharged for cause during their term of office by a three-fifths (3/5) majority vote of the city commission. A motion to discharge shall contain the grounds upon which the motion is based. The date of the vote thereupon shall not occur at the same commission meeting at which the motion is made and duly seconded. Said officer affected shall be entitled to a public hearing upon request prior to the taking of the vote upon any motion to discharge.~~

Sec. 4.00 – City Treasurer and City Clerk.

The city manager shall hire a city clerk and city treasurer as employees of the city who will serve under the direction and authority of the city manager.

Section 3. Referendum Called. The Charter amendment proposed in Section 2. of this Ordinance shall be presented to the City of Fruitland Park electorate at a referendum. The City Commission hereby authorizes, directs and requests the supervisor of elections to conduct the referendum, pursuant to applicable Florida law, with the date of the referendum to be November 5, 2024.

HIRING OF CITY TREASURER AND CITY CLERK

Should the Charter of Fruitland Park be amended to provide for the city manager to hire a city treasurer and a city clerk to serve under the direction and authority of the city manager?

_____ YES

_____ NO

Section 4. Severability. If any provision or portion of this Ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

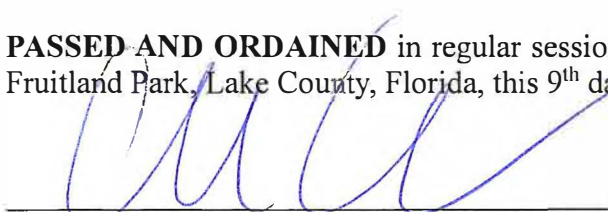
Section 5. Repeal

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

Section 6. Inclusion in Charter. It is the intention of the City of Fruitland Park and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Fruitland Park Charter as approved by a majority of electors voting on such measure.

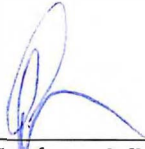
Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage as a non-emergency ordinance at two scheduled meetings of the City Commission. The Charter amendment provision provided herein shall be effective on November 5, 2024 subject to approval of a majority of electors voting on the measure and certification of the election results.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this 9th day of May 2024.

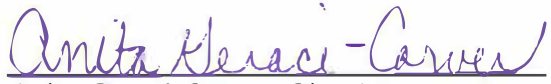

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:



Esther Coulson, MMC, City Clerk



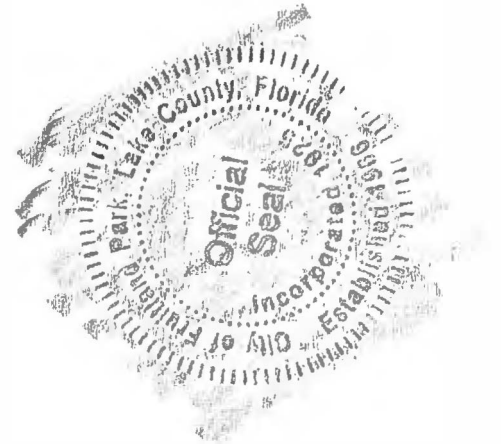
Anita Geraci-Carver, City Attorney

(SEAL)

Mayor Cheshire	<u>/</u> (Yes),	___ (No),	___ (Abstained),	___ (Absent)
Vice Mayor DeGrave	<u>/</u> (Yes),	___ (No),	___ (Abstained),	___ (Absent)
Commissioner Bell	<u>/</u> (Yes),	___ (No),	___ (Abstained),	___ (Absent)
Commissioner Gunter	<u>/</u> (Yes),	___ (No),	___ (Abstained),	___ (Absent)
Commissioner Mobilian	___ (Yes),	___ (No),	___ (Abstained),	<u>/</u> (Absent)

Passed First Reading April 25, 2024

Passed Second Reading May 9, 2024



ORDINANCE 2024-006

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, PROVIDING FOR AN AMENDMENT OF THE CHARTER OF THE CITY OF FRUITLAND PARK BY AMENDING ARTICLE VII, SECTION 7.01 TO MOVE LANGUAGE ESTABLISHING THE PLANNING AND ZONING BOARD TO THE CITY CODE; PROVIDING SPECIFYING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; REQUESTING THE SUPERVISOR OF ELECTIONS TO PLACE THE BALLOT LANGUAGE ON THE BALLOT FOR THE NOVEMBER 2024, GENERAL ELECTION; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, currently the City of Fruitland Park Charter establishes the planning and zoning board, provides for qualifications of board members, sets the number of board members as well as stating the planning and zoning board's purpose; and

WHEREAS, in order to provide the Commission flexibility in determining the qualifications, terms and the number of board members it is beneficial to move the language from the City's Charter to the Code of Ordinances, rather than placing a charter amendment on the ballot each time a change is proposed; and

WHEREAS, the City of Fruitland Park has advertised this ordinance no less than 10 days prior to the adoption as required by law; and

WHEREAS, the City Commission desires to seek electors approval to amend the City Charter to move the language from the Charter to the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, as follows:

Section 1. Findings. In adopting this Ordinance, the City Commission of the City of Fruitland Park (the "City Commission") hereby makes and expresses the following findings, purposes and intent:

(1) Section 166.031 of Florida Statutes provides for the governing body of a municipality to submit to the electors of said municipality a proposed amendment to its charter through referendum. Upon adoption of an amendment by a majority of the electors voting in a referendum upon such amendment, the amendment shall be incorporated into the charter and the revised charter filed with the Department of State.

(2) Allowing for language to be moved from the Charter to the Code provides the Commission with flexibility in establishing the qualifications, terms and the number of board members.

Section 2. Amendment of the City of Fruitland Park's Charter. Article VII, Section 7.01 entitled Planning and Zoning Board is hereby deleted as follows:

~~ARTICLE VII. PLANNING AND ZONING BOARD
Sec. 7.01. Planning and zoning board.~~

~~There shall be a city planning and zoning board consisting of five (5) members appointed by the city commission for terms of three (3) years from among the qualified voters of the city. Members of the planning and zoning board shall hold no other city office or employment. The planning and zoning board may make recommendations to the city manager and the city commission on all matters affecting the physical development of the city and shall be consulted on the comprehensive land plan, the same may or shall be authorized or required to be enacted by the city commission by the laws of the State of Florida, and the planning and zoning board shall exercise any and all other duties and responsibilities as from time to time may be provided by law, this charter, or ordinances of the city.~~

Section 3. Referendum Called. The Charter amendment proposed in Section 2. of this Ordinance shall be presented to the City of Fruitland Park electorate at a referendum. The City Commission hereby authorizes, directs and requests the supervisor of elections to conduct the referendum, pursuant to applicable Florida law, with the date of the referendum to be November 5, 2024.

**MOVE LANGUAGE ESTABLISHING THE PLANNING
AND ZONING BOARD FROM THE CHARTER TO THE
CITY CODE**

Should the Charter of Fruitland Park be amended to remove those provisions establishing the planning and zoning board and the number of board members, setting terms for board members, providing for duties and other provisions relating to the planning and zoning board and instead include provisions in the City Code?

_____ YES
_____ NO

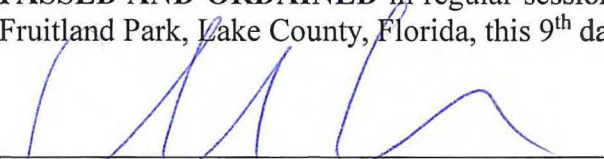
Section 4. Severability. If any provision or portion of this Ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

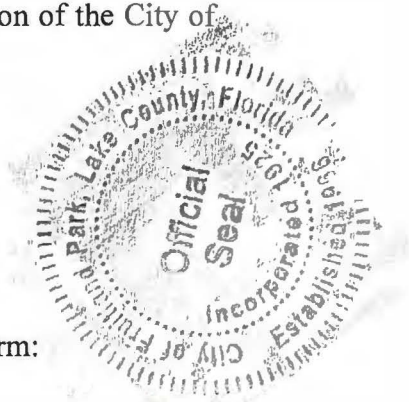
Section 5. Repeal All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Inclusion in Charter. It is the intention of the City of Fruitland Park and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Fruitland Park Charter as approved by a majority of electors voting on such measure.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage as a non-emergency ordinance at two scheduled meetings of the City Commission. The Charter amendment provision provided herein shall be effective on November 5, 2024 subject to approval of a majority of electors voting on the measure and certification of the election results.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this 9th day of May 2024.


Chris Cheshire, Mayor
City of Fruitland Park, Florida



ATTEST:

Esther Coulson, MMC, City Clerk

Approved as to Form:

Anita Geraci-Carver, City Attorney

(SEAL)

Mayor Cheshire	<u>/</u> (Yes), ___ (No), ___ (Abstained), ___ (Absent)
Vice Mayor DeGrave	<u>/</u> (Yes), ___ (No), ___ (Abstained), ___ (Absent)
Commissioner Gunter	<u>/</u> (Yes), ___ (No), ___ (Abstained), ___ (Absent)
Commissioner Bell	<u>/</u> (Yes), ___ (No), ___ (Abstained), ___ (Absent)
Commissioner Mobilian	___ (Yes), ___ (No), ___ (Abstained), <u>/</u> (Absent)

Passed First Reading April 25, 2024

assed Second Reading May 9, 2024

ORDINANCE 2024-007

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, PROVIDING FOR AN AMENDMENT OF THE CHARTER OF THE CITY OF FRUITLAND PARK BY AMENDING ARTICLE III, SECTION 3.15 TO ALLOW ADOPTION OF STANDARD CODE OF TECHNICAL REGULATIONS BY RESOLUTION RATHER THAN ORDINANCE; PROVIDING SPECIFYING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; REQUESTING THE SUPERVISOR OF ELECTIONS TO PLACE THE BALLOT LANGUAGE ON THE BALLOT FOR THE NOVEMBER 2024, GENERAL ELECTION; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, currently the City of Fruitland Park Charter requires any code of technical regulations such as but not limited to engineering standards for construction of roads, sidewalks, and utility facilities, to be adopted by ordinance thereby requiring two public readings and a final adoption hearing; and

WHEREAS, the City Commission desires to expedite the adoption and implementation of technical regulations that best serve the City and public; and

WHEREAS, since resolutions only require adoption at one public meeting allowing adoption of technical regulations by resolution rather than by ordinance will achieve the City Commission's goal; and

WHEREAS, the City of Fruitland Park has advertised this ordinance no less than 10 days prior to the adoption as required by law; and

WHEREAS, the City Commission desires to seek electors approval to amend the City Charter to allow code of technical regulations to be adopted by resolution rather than requiring adoption by ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, as follows:

Section 1. Findings. In adopting this Ordinance, the City Commission of the City of Fruitland Park (the "City Commission") hereby makes and expresses the following findings, purposes and intent:

(1) Section 166.031 of Florida Statutes provides for the governing body of a municipality to submit to the electors of said municipality a proposed amendment to its charter through referendum. Upon adoption of an amendment by a majority of the

electors voting in a referendum upon such amendment, the amendment shall be incorporated into the charter and the revised charter filed with the Department of State.

(2) Allowing adoption by resolution expedites implementation of technical regulations that best serve the City and public.

Section 2. Amendment of the City of Fruitland Park's Charter. Article III, Section 3.15 entitled Codes of technical regulations is hereby amended as follows:

Sec. 3.15. - Codes of technical regulations.

The commission may adopt any standard code of technical regulations by reference thereto in an adopting resolution ~~ordinance~~. The procedure and requirements governing such an adopting resolution ~~ordinance~~ shall be as prescribed for resolutions ~~ordinances~~ generally except that:

(1) The requirements for distribution and filing of copies of the resolution ~~ordinance~~ shall be construed to include copies of the code of technical regulations as well as of the adopting resolution ~~ordinance~~; and

(2) A copy of each adopted code of technical regulations as well as of the adopting resolution ~~ordinance~~ shall be authenticated and recorded by the city clerk pursuant to Section 3.16(a). Copies of any adopted code of technical regulations shall be made available by the city clerk for inspection ~~distribution~~ or for copying in accordance with law. ~~purchase at a reasonable price.~~

Section 3. Referendum Called. The Charter amendment proposed in Section 2. of this Ordinance shall be presented to the City of Fruitland Park electorate at a referendum. The City Commission hereby authorizes, directs and requests the supervisor of elections to conduct the referendum, pursuant to applicable Florida law, with the date of the referendum to be November 5, 2024.

ADOPTION OF STANDARD CODE OF TECHNICAL REGULATIONS BY RESOLUTION AND PROVIDING FOR INSPECTION AND COPYING

Should the Charter of Fruitland Park be amended to provide that the city commission will adopt standard code of technical regulations by resolution rather than by ordinance and to allow for inspection and copying of standard code of technical regulations by the public in accordance with The Florida Public Records Act and City regulations?

_____ YES
_____ NO

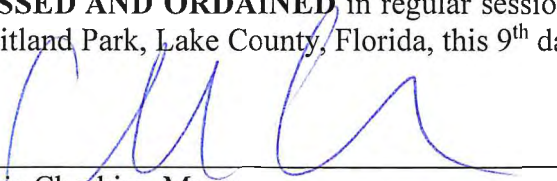
Section 4. Severability. If any provision or portion of this Ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

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

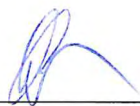
Section 6. Inclusion in Charter. It is the intention of the City of Fruitland Park and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Fruitland Park Charter as approved by a majority of electors voting on such measure.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage as a non-emergency ordinance at two scheduled meetings of the City Commission. The Charter amendment provision provided herein shall be effective on November 5, 2024 subject to approval of a majority of electors voting on the measure and certification of the election results.

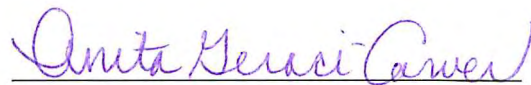
PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this 9th day of May 2024.


Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:


Esther Coulson, MMC, City Clerk

Approved as to Form:


Anita Geraci-Carver, City Attorney

(SEAL)

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

Passed First Reading April 25, 2024

Passed Second Reading May 9, 2024