

**FRUITLAND PARK CITY COMMISSION  
WORKSHOP MEETING AGENDA**

**January 25, 2024**

City Hall Commission Chambers

506 W. Berckman Street

Fruitland Park, Florida 34731

**Upon the conclusion of the regular meeting.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PROPOSED RECOMMENDED CHARTER CHANGES** (city attorney)
  - Charter Provisions for City Code**
  - Charter Review**
- 4. ESTABLISHING FUTURE MEETING DATES**
- 5. OTHER BUSINESS**
- 6. ADJOURNMENT**

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

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

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

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



TO: Mayor Cheshire, Vice-Mayor DeGrave, Commissioner Bell, Commissioner Gunter, Commissioner Mobilian, and City Manager La Venia

CC: Esther Coulson, City Clerk, Jeannine Racine, City Treasurer, Betty McHale, HR Director

FROM: Anita Geraci-Carver, City Attorney

DATE: February 12, 2023

RE: Draft Charter Amendments & Ballot Questions

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Attached please find for your review and comment draft charter amendments to address public notice of special meetings, adoption of technical regulations by resolution rather than by ordinance, providing for appointment of city treasurer and city clerk by the city manager, clarifying that the city attorney may be removed by a majority vote of the city commission without a public hearing, moving the establishment of a planning and zoning board from the charter to the City's code, amending provisions relating to qualifying for office and form of ballots to comply with Florida law, amending when a run-off election is held to comply with Florida law, and amending the initiation by petition of charter amendments to comply with Florida law.

I look forward to your comments at a Commission meeting; however, if you would like to discuss in advance, please let me know and we can schedule a time to meet.

## **QUESTION 1.**

Sec. 3.11. - Procedure.

- (a) Meetings. The commission shall meet regularly at least once in every month at such time and places as the commission may prescribe by resolution. Special meetings may be held on the call of the mayor or a majority of the members and, whenever practicable, upon no less than twenty-four (24) ~~twelve (12)~~ hours notice to each member and the public.

### **REQUIRING NO LESS THAN 24 HOURS NOTICE TO THE PUBLIC OF SPECIAL COMMISSION MEETINGS**

Should the Charter of Fruitland Park be amended to comply with Florida law and require no less than 24 hours notice to the public of special city commission meetings rather than 12 hours notice as currently provided in the Charter?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

## **QUESTION 2.**

Sec. 8.02. - Nominations.

Candidates for the office of city commissioner ~~or mayor~~ shall qualify for such office by complying with all requirements of general law and by the filing of a written notice of candidacy with the city clerk at such time and in such manner as may be prescribed by ordinance.

### **REQUIRE CANDIDATES SEEKING TO QUALIFY FOR CITY COMMISSION TO COMPLY WITH REQUIREMENTS OF GENERAL LAW**

Should the Charter of Fruitland Park be amended to require candidates seeking to qualify for the office of city commissioner to comply with all requirements of general law?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

### **QUESTION 3.**

Sec. 8.03. - Form of ballots.

~~The commission by resolution shall prescribe the form of the ballot including the method for listing candidates for city commissioner and mayor elections and any other city election, including a charter amendment to be voted on by the city shall be presented for voting a required by general law, by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described amendment be adopted?" Immediately below such question shall appear, in the following order, the words "for approval" and also the words "against approval" with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the voter's choice or with a lever opposite "for approval" or "against approval" if voting machines are used~~

#### **REQUIRE ELECTION BALLOTS TO COMPLY WITH REQUIREMENTS OF GENERAL LAW**

Should the Charter of Fruitland Park be amended to require an election ballot, including the method for listing candidates for city commissioner, and any other city election, including a charter amendment, to be in the form required by general law?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

#### **QUESTION 4.**

Sec. 8.04. - Elections.

(a) Multiple Candidates. In the event there are more than two candidates who qualify for any one seat, there shall be a primary election held concurrently with the statewide primary election provided for in § 100.061, Florida Statutes, as may be amended from time to time, or as set forth by the city commission. The two candidates for whom the highest number of votes are cast shall stand for election at the general election. As a result, a prevailing candidate at a general election must receive more than fifty percent of the votes cast. If no candidate receives a majority of the votes cast for the office to be filled, at a regular city election, then the two (2) candidates receiving the highest number of votes for such office shall be voted upon in an election designated as a "run-off election" to be held on the second Tuesday following the date of the regular city election. The candidate receiving the highest number of votes in such "run-off election" shall be declared to have been elected to the office to be filled.

(b) Single Candidates. In the event not more than one (1) person qualifies as a candidate, either for ballot listing or write-in, for a designated seat on the city commission ~~or mayor~~ to be filled at an election, that seat shall not be listed on the regular city election ballot. Each unopposed candidate shall be deemed to have voted for himself.

#### **REQUIRE RUN-OFF ELECTIONS BETWEEN CANDIDATES FOR CITY COMMISSION TO COMPLY WITH TIME REQUIREMENTS OF GENERAL LAW**

Should the Charter of Fruitland Park be amended to require any run-off election between candidates for city commission to be held as promptly as possible consistent with general law requirements?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

## **QUESTION 5.**

Sec. 10.01. - Charter amendments.

(b) Initiation by Petition. The voters of the city may propose amendments to this charter by petition signed by at least ten percent (10%) of the total number of qualified voters registered to vote in the city as of the last preceding municipal general election.

(1) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing and numbered consecutively from the first page to the last page, identifying thereon the relationship of each page to the other. Each signature shall be executed in ink or indelible pencil and shall be followed by the residence address and voting precinct of the person signing. Petitions shall contain, or have attached thereto throughout their circulation, the full text of the proposed charter amendment, and the full text of the existing charter provision that is to be revised or amended.

(2) Affidavit of Circulator(s). Each paper of a petition shall have attached to it, when filed, an affidavit executed by each circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the proposed charter amendment.

(3) Certificate of Petition. Upon certification of the sufficiency of the petition by either the supervisor of elections of Lake County or the city clerk, such certification to include the validity of the names on the petition as qualified voters registered to vote in the city the commission shall place the proposed amendment to a vote of the voters at the next general election ~~held not less than sixty (60) days after certification~~ or at a special election called for such purpose.

### **REQUIRE CITIZEN PETITIONS FOR CHARTER AMENDMENTS AND ELECTIONS HELD ON AMENDMENTS TO COMPLY WITH GENERAL LAW**

Should the Charter of Fruitland Park be amended to comply with general law by requiring the percentage of qualified voters signing a citizen petition for charter amendments be calculated based on the number of qualified voters registered to vote in the City as of the last preceding municipal general election and by removing time constraints to hold an election on the proposed charter amendments?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

## **QUESTION 6.**

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 law. ~~purchase at a reasonable price.~~

### **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



## **QUESTION 7.**

Sec. 4.00. - City treasurer.

The city manager ~~commission~~ shall ~~appoint~~ hire a city treasurer, subject to approval by a majority vote of the commission. 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 manager ~~commission~~.

### **APPOINTMENT OF CITY TREASURER**

Should the Charter of Fruitland Park be amended to provide for the city treasurer to be a city employee hired by and under the direction and authority of the city manager subject to approval by a majority vote of the commission?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

## **QUESTION 8.**

Sec. 4.01. - City clerk.

The city manager ~~commission~~ shall ~~appoint~~ hire a city clerk, subject to approval by a majority vote of the commission. 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~~ or the city manager.

### **APPOINTMENT OF CITY CLERK**

Should the Charter of Fruitland Park be amended to provide for the city clerk to be a city employee hired by and under the direction and authority of the city manager subject to approval by a majority vote of the commission?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

## **QUESTION 9.**

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.

### **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

## **QUESTION 10.**

~~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.~~

### **DELETE LANGUAGE RELATING TO APPOINTMENT AND TERM OF CITY TREASURER, CITY CLERK AND CITY ATTORNEY**

If the city treasurer and city clerk are hired by the city manager and not appointed by the city commission should the provisions relating to the appointment of those positions, the term of appointment, and the process for their removal be deleted from the Charter?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

## **QUESTION 11.**

### **~~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.~~

### **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, setting terms for board members, providing for duties and other provisions relating to the planning and zoning board and instead include those provisions in the City Code?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

## **ALTERNATIVE QUESTION 7.**

Sec. 4.00. - City treasurer.

The commission shall appoint a city treasurer upon recommendation from the city manager. 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, the city manager, or the city commission. The city treasurer is subject to the day to day direction and supervision of the city manager.

### **APPOINTMENT OF CITY TREASURER**

Should the Charter of Fruitland Park be amended to provide for the city treasurer to be appointed upon recommendation from the city manager and under the day to day direction and supervision of the city manager?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

## **ALTERNATIVE QUESTION 8.**

Sec. 4.01. - City clerk.

The commission shall appoint a city clerk upon recommendation from the city manager. 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, the city manager or the city commission~~. The city clerk is subject to the day to day direction and supervision of the city manager.

### **APPOINTMENT OF CITY CLERK**

Should the Charter of Fruitland Park be amended to provide for the city clerk to be appointed upon recommendation from the city manager and under the day to day direction and supervision of the city manager?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

### **ALTERNATE QUESTION 10.**

Sec. 4.03. - Appointment and term of office of city treasurer, city clerk and other city officers ~~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~~ The city treasurer and city clerk 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.

### **APPOINTMENT AND TERMINATION OF CITY ATTORNEY**

Should the City of Fruitland Park Charter be amended to delete language in Sec. 4.03 relating to the city attorney so that all language pertaining to the city attorney is in Section 4.02?

\_\_\_\_\_ YES

\_\_\_\_\_ NO