

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING  
MINUTES  
May 22, 2014**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, May 22, 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 Treasurer Tannette Gayle, 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 7:00 p.m.; Father "Ted" Theodore F. Koelln, Holy Trinity Episcopal Church gave the invocation, and Lieutenant Donald Gilpin, 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. PUBLIC COMMENTS**

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

**4. CONSENT AGENDA**

**Approval of Minutes**

**On motion of Commissioner Cheshire, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved the April 24, 2014 and May 8, 2014 regular city commission meeting minutes as submitted.**

**5. REGULAR AGENDA**

**(a) Charter Review Committee Update**

Mr. "Mackie" McCabe, Charter Review Committee Chair gave an update on matters relating to the Charter Review Committee who have been meeting since January 2014; reviewed the initial charter amendment recommendations for the city commission's consideration, and relayed the committee's approval of same. (A copy of the recommendation is filed with the supplemental papers to the minutes of this meeting.)

**On motion of Commissioner Kelly, seconded by Commissioner Gunter and unanimously carried, the city commission accepted the Charter Review Committee's recommendations on the city charter.**

On behalf of the city commission, Mayor Bell invited the members to the June 12, 2014 regular meeting to be recognized in appreciation for their work.

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**By unanimous consent and upon the city attorney's suggestion, the city commission authorized the city attorney to draft an ordinance for commission consideration at the June 12 meeting to submit to the Lake County Supervisor of Elections before the August 29 date for placement of the language to amend the charter for the November 4, 2014 ballot.**

After discussion, Mr. Gerken outlined the process involved in drawing the district lines on the map; the review of statutory provisions and requirements on amending the charter as well as the update of old language in the charter.

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

Commander Jim Maynard, Fruitland Park American Legion Post 219, 5k Fun Run/Walk organizer, thanked the city commission for its support and presented Certificates of Appreciation to Mayor Bell, the city commission, and Chief Isaacs.

Commander Maynard gave a report on the May 17, 2014 Armed Forces Day event; addressed the intent to promote same annually on Armed Forces Day, and indicated that the proceeds from the fun run will go towards a child diagnosed with cerebral palsy to attend Summer Camp Challenge.

Commander Maynard invited the city commission to attend May 26, 2014 Memorial Day ceremony to be held at Shiloh Cemetery.

The city commission and Chief Isaacs accepted the certificates with appreciation.

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

Mr. W. Chet Ross, CPA, Shumacker, Johnston & Ross PA gave a presentation on the Comprehensive Annual Financial Report for the year ended September 30, 2013. He reported that the city is in good financial position and anticipated the imminent changes in the next 12 months.

Mr. Ross reviewed his letter dated May 22, 2014 regarding the auditor's responsibility, planned scope and timing, and significant audit findings; a copy of which is filed with the supplemental papers to the minutes of this meeting.

**On motion of Commissioner Gunter, seconded by Commissioner Cheshire and unanimously carried, the city commission accepted the Comprehensive Annual Financial Report for the year ended September 3, 2013.**

**(d) Mid-Year Budget Review**

The city commission considered the approval of budget amendments, based on the financial analysis of Fiscal Year 2014/15 budget.

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Ms. Gayle recognized the need to bring various departments' budgets back into balance. (A copy of the FY 2014/15 mid-year review budget amendment recommendations was submitted for the record and filed with the supplemental papers to the minutes of this meeting.)

**On motion of Commissioner Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission approved the Fiscal Year 2014/15 mid-year budget.**

**(e) Library Impact Fee Disbursement ILA**

The city commission considered 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.

**On motion of Vice Mayor Goldberg, seconded by Commissioner Gunter and unanimously carried, the city commission approved, the interlocal agreement as previously cited with the funding of \$300,000.**

**(f) VCCDD ILA**

The city commission considered the approval of an interlocal agreement between the City of Fruitland Park and the Village Center Community Development District for fire services for The Villages of Fruitland Park.

**On motion of Commissioner Cheshire, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved the city manager's request to postpone the approval of the interlocal agreement as previously cited to the June 12, 2014 regular city commission meeting for more information.**

**(g) NSCUDD ILA**

The city commission considered 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.

**On motion of Commissioner Cheshire, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved the city manager's request to postpone the approval of the interlocal agreement as previously cited to the June 12, 2014 regular city commission meeting for more information.**

**(h) Northwest Community Park ILA**

The city commission discussed the interlocal agreement between Lake County and the City of Fruitland Park regarding the joint development of the North West Lake Community Park.

After Mr. Gerken highlighted the provisions in the agreement, Mayor Bell recognized the opportunity for the Lake County Parks, Recreation and Trails Advisory Board to initiate communications between the city and the county.

**On motion of Vice Mayor Goldberg, seconded by Commissioner Cheshire and unanimously carried, the city commission accepted the conceptual interlocal agreement as previously cited.**

### **PUBLIC HEARING**

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

- (i) **Second Reading and Public Hearing – Ordinance 2014-014 Establish Village Community Development District No. 11. – Petitioner: The Villages of Lake-Sumter Inc.**

It now being the time advertised to hold a public hearing to consider Ordinance 2014-014, 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, 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.)

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

Mayor Bell recognized the presence of Mr. Gary Moyer, representing The Villages, at this evening's meeting.

**A motion was made by Commissioner Kelly and seconded by Commissioner Gunter that the city commission enact Ordinance 2014-014 as previously cited to become effective immediately as provided by law.**

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

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

It now being the time advertised to hold a public hearing to consider Ordinance 2014-015, 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 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.)

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

**A motion was made by Commissioner Gunter and seconded by Commissioner Kelly that the city commission enact Ordinance 2014-015 as previously cited to become effective immediately as provided by law.**

Mr. Gerken referred to his discussions with staff regarding other matters within the ordinance that requires changes which will be considered before the city commission at a future meeting.

After discussion, **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 2014-012 – Rezoning - West of Micro Race-Track Road and North of CR 466A – Applicant and Owner: DR GCS Holdings, LLC**

It now being the time advertised to hold a quasi-judicial public hearing to consider Ordinance 2014-012, 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 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.)

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

**A motion was made by Vice Mayor Goldberg and seconded by Commissioner Cheshire that the city commission enact Ordinance 2014-012 as previously cited to become effective immediately as provided by law.**

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

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

- (I) **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**

It now being the time advertised to hold a quasi-judicial public hearing to consider Ordinance 2014-013, 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 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.)

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

**A motion was made by Vice Mayor Goldberg and seconded by Commissioner Gunter that the city commission enact Ordinance 2014-013 as previously cited to become effective thirty-one (31) days after adoption and if challenged within thirty (30) days after adoption, the ordinance may not become effective until the state land planning agency or administrative commission, respectively, issues a final order determining that the ordinance is in compliance.**

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

#### **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**

The city commission considered its action to enact proposed Ordinance 2014-005, the substance of which is as follows:

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.)

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Mr. Jimmy Crawford, attorney representing the applicant, for agenda items 5.(m) and 5.(n) addressed the abandonment of the proposed ordinance and requested that it be postponed for more information.

After much discussion and **on motion of Vice Mayor Goldberg, seconded by Commissioner Gunter and unanimously carried, the city commission postponed its action on proposed Ordinance 2014-005 to the September 11, 2014 meeting at the applicant's request.**

**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**

The city commission considered its action to enact proposed Ordinance 2014-004, 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 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. (The first reading was held on April 10, 2014.)

**On motion of Commissioner Gunter, seconded by Commissioner Kelly and unanimously carried, the city commission postponed its action on proposed Ordinance 2014-004 to the September 11, 2014 meeting at the applicant's request.**

**END OF PUBLIC HEARING**

**6. NEW BUSINESS**

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



**7. OFFICERS' REPORTS**

**(a) City Manager**

- **MPO BCPAC**

Mr. La Venia explained that Lake-Sumter Metropolitan Planning Organization Lake County Bicycle and Pedestrian Advisory Committee has an existing vacancy which will expire on December 31, 2014 or an appointment can be made for a two-year term expiring on December 31, 2016 to replace Ms. Sherry Bechtel, City of Fruitland Park.

Upon Mayor Bell's recommendation, and **by unanimous consent, the city commission appointed the parks and recreation director to serve on the above-captioned advisory committee.**

- **National Association of Letter Carrier Food Drive Report**

Mr. La Venia recalled that May 10, 2014 was proclaimed as National Association of Letter Carrier "Stamp Out Hunger" National Food Drive Day. He announced that Beyond the Walls Food Pantry received over 4,000 lbs of food, more than 30 volunteers from the community helped with the pantry, and more food is still waiting to be collected at the local post office. He thanked the letter carriers from the United States post office for their support.

- **Diversity Harassment and Ethics Employee Training**

Mr. La Venia reported that the Employee Diversity Training including harassment and ethics for city employees was held on May 13, 2014 conducted by Attorney Dorothy "Dotty" Green, the city's labor council from Latham Shuker Eden & Beaudine LLP.

- **Retirement System**

Mr. La Venia informed that the retirement presentations for city employees on the Florida Retirement System was held on May 14, 2014 and the International City/County Management Association Pension Plan on May 20, 2014; recommended offering them to the employees, and thanked Ms. Gayle for making the arrangements.

- **Updating the Personnel and Policy Procedures Manual**

Mr. La Venia explained that the city's new personnel and policy procedures manual was completed by Ms. Green and addressed his intent to request that the city commission review and provide comments on same before recommending approval.

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- **FDOT Highway Median Maintenance**  
Mr. La Venia indicated that the public works director will be attending a meeting scheduled with the State of Florida Department of Transportation on May 27, 2014 regarding the city's highway median maintenance.

- **City Roadways**  
Mr. La Venia recalled the city commission's approval to fund the city's roadways; referred to the proposals received from C.W. Roberts Contracting Inc. and Paquette Company (who are piggyback contracts for governmental work) for paving and repair to the city's roadways, and gave reasons why he recommended Paquette.

**On motion of Commissioner Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission approved the city manager's recommendation for Paquette Company to pave and repair the city's roadways. (Said project will commence in approximately start three to four weeks.)**

- **Memorial Day**  
Mr. La Venia recognized that Monday, May 26, 2014 to be Memorial Day and requested that the city commemorate the individual s who gave up their lives.

- (b) **City Attorney - Medical Marijuana**  
Mr. Gerken referred recent newspaper articles regarding the anticipated approval and legalization of medical marijuana and the municipalities' preparedness of same, where it would be sold, and where it is going.

Mr. Gerken recognized that nothing regarding marijuana sales is included in the city's zoning code and requested that he be authorized to work with the community development department director and the city's planners to draft language for city commission consideration before November 2014 to restrict where they could be sold in the city.

**8. COMMISSIONERS' COMMENTS**

- (a) **Vice Mayor Goldberg**  
**Excused Absence**  
Vice Mayor Goldberg thanked the city commission for excusing him at the May 8, 2014 meeting.

- (b) **Commissioner Cheshire**  
**Memorial Day**  
Commissioner Cheshire wished everyone well for the forthcoming Memorial Day.

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

**Annual Employee Picnic**

Commissioner Gunter complimented Ms. Michelle Yoder, Parks and Recreation Director, for conducting an outstanding job relating to the annual employee picnic event and wished she was present at this evening's meeting to be commended.

(d) **Commissioner Kelly**

**Annual Employee Picnic**

Commissioner Kelly concurred with Commissioner Gunter's sentiments regarding the annual employee picnic.

9. **MAYOR'S COMMENTS**

- **Illuminated Sign at Gardenia Park**

Mayor Bell referred to the Gardenia Park illuminated sign which has been registering a high temperature and suggested that the matter be looked into.

- **441 Roadway Improvement**

Mayor Bell recognized the final phase of completing the US 441 US 27 roadway improvement and recalled FDOT's extension of an interest loan towards the relocation of water and water utilities. As the city is a small town, he inquired whether arrangements could be made for a letter to be sent to FDOT requesting that the charges be waived noting that the expenses were unexpected and FDOT has performed a year past completion date.

In response, the city commission had no objection to the request.

- **Dates to Remember**

Mayor Bell noted the following meeting dates:

- o June 12, 2014 city commission regular meeting;
- o June 19, 2014 city commission workshop meeting, and
- o June 26, 2014 city commission regular meeting.

10. **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 8:09 p.m.**

The minutes were approved at the June 12, 2014 regular city commission meeting.

Signed \_\_\_\_\_

Esther B. Coulson, City Clerk

Signed \_\_\_\_\_

Christopher Bell, Mayor