

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
April 10, 2014**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, April 10, 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, Parks and Recreation Director Michelle Yoder, 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 Barry Hayes, Freedom Community Church gave the invocation, and Lieutenant Donald Gilpin and Firefighter Tyler Ramsey, 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. ARMED FORCES DAY

(a) Proclamation – May 17, 2014

On behalf of the city commission, Mayor Bell read into the record a proclamation designating Saturday, May 17, 2014 as *Armed Forces Day* reflecting upon the sacrifices of the citizens and paying special tribute to the men and women by celebrating their dedication. The mayor acknowledged the recent naming of *Fruitland Park/Founders Day* which was originally recognized as *Armed Forces Day*, the day that the city holds up high.

Commander John Geller, The Fruitland Park American Legion Post 219, accepted the proclamation with gratitude.

(b) 5k Fun Run/Walk

The city commission considered its action to grant the police chief's request to close certain streets within the City of Fruitland Park to support and commemorate the Armed Forces Day 5k Run hosted by The Fruitland Park American Legion Post 219.

Commander Jim Maynard, Fruitland Park American Legion Post 219, 5k Fun Run/Walk organizer, described the course and the allocation of funds from the proceeds to various organizations including the legion's legacy fund for the veterans who have lost their lives. He expressed appreciation to the city for the help received and encouraged everyone to attend.

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On motion of Commissioner Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission approved the police chief's request as previously cited.

At the request of Commissioner Kelly, Commander Maynard agreed to provide a report on the outcome of the 5k Fun Run Walk event.

5. PUBLIC COMMENTS

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

6. CONSENT AGENDA

Approval of Minutes

On motion of Vice Mayor Goldberg, seconded by Commissioner Gunter and unanimously carried, the city commission approved the March 13, 2014 regular minutes as submitted.

7. REGULAR AGENDA

(a) Charter Review Committee Update

Mr. La Venia gave an update on the April 8, 2014 Charter Review Committee meeting on its re-examination of the entire charter on items previous addressed; the presentation on the redistricting process from the consultant, Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., and the committee's decision to hold a public hearing on May 20, 2014 at 6:00 p.m. in the commission chambers.

(b) Police Vehicles

On motion of Commissioner Kelly, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved the police chief's recommendation to approve the sale of patrol vehicles (1998 Ford, VIN# 2FAFP71W8WX18639; 2003 Ford, VIN# 2FAFP71WX3X142952, and Chevrolet 2006, VIN #1GNDT13S462357911).

(c) First Reading - Ordinance 2014-006, Code Enforcement - Special Magistrate System

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; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND A TRANSITION PERIOD. (The second reading and public hearing will be held on April 24, 2014.)

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After discussion, a motion was made by Vice Mayor Goldberg and seconded by Commissioner Gunter that the city commission approve Ordinance 2014-006 as previously cited.

Mayor Bell called for a roll call vote on the motion with the city commission members voting as follows:

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

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

(d) First Reading – Ordinance 2014-009, Recreation Fees

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 second reading and public hearing will be held on April 24, 2014)

After discussion and on motion of Commissioner Kelly, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved Ordinance 2014-009 as previously cited.

LOCAL PLANNING AGENCY

At this time and by unanimous consent, the city commission took Item 4., Local Planning Agency out of order on this evening’s agenda.

Mr. Rector pointed out his memorandum dated March 28, 2014 regarding the Jonathan Penner apartment complex project located on 2307 Spring Lake Road and referred to the city commission’s denial at its January 9, 2014 second public hearing of the rezoning application of approximately 14.27± 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. He described the restrictions on subsequent reapplications for similar rezoning on any portion or on the subject parcel within 12 months under Section 152.040 d), Reapplication for Denied Rezoning reflected under the Land Development Code.

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Mr. Rector explained that the petitioner has reapplied for the same rezoning of PUD and R2, and small scale comprehensive plan amendment and that he had made major revisions to the building and site plan.

After discussion, a motion was made by Commissioner Gunter and seconded by Commissioner Cheshire that the city commission approve staff's request to authorize the new revised application considered before moving same to the Local Planning Agency.

Following further discussion, Mayor Bell called for roll call vote on the motion 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 (four to one) 4-1 vote.

By unanimous consent, the city commission recessed its regular meeting at 7:32 p.m. to the Local Planning Agency meeting and reconvened at 8:32 p.m.

- (e) **First Reading – Ordinance 2014-005, Rezoning North of Poinsettia Avenue and North of Spring Lake Road – R-2 to PUD - 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; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The second reading and public hearing will be held on April 24, 2014.)

A motion was made by Commissioner Gunter and seconded by Commissioner Kelly that the city commission approve Ordinance 2014-005 as previously cited.

Mayor Bell called for a roll call vote on the motion with the city commission members voting as follows:

Commissioner Gunter	Yes
Vice Mayor Goldberg	Yes
Commissioner Cheshire	No

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Commissioner Kelly	Yes
Mayor Bell	Yes

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

- (f) **First Reading – Ordinance 2014-004, 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 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 second reading and public hearing will be held on April 24, 2014)

After discussion, Mr. Gerken explained that a finalized development agreement will be presented at the next meeting.

A motion was made by Commissioner Kelly and seconded by Vice Mayor Goldberg that the city commission approve Ordinance 2014-004 as previously cited.

Mayor Bell called for a roll call vote on the motion with the city commission members voting as follows:

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

By unanimous consent, Mayor Bell opened the public hearings.

PUBLIC HEARING

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

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 EFFECTIVE DATE. (The first reading was held on March 13, 2014.)

Mr. Gerken explained that the court has not yet approved the settlement and requested that the item be postponed to the April 24, 2014 regular city commission meeting.

On motion of Vice Mayor Goldberg, seconded by Commission Gunter and unanimously carried, the city commission postponed its action on the aforementioned Ordinance 2014-007 to the April 24, 2014 regular city commission meeting.

(h) Second Reading and Public Hearing - Ordinance 2014-008, Municipal Lien Search Fees

It being the time advertised to hold a public hearing to consider the enactment of Ordinance 2014-008, the substance of which is as follows, Mr. Gerken read the title for the record and interested parties were called 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 BY CREATING SECTION 99.140, PROVIDING FOR MUNICIPAL LIEN SEARCH FEES; 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 March 13, 2014.)

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

On motion of Commissioner Cheshire, seconded by Vice Mayor Goldberg and unanimously carried, the city commission enacted Ordinance 2014-008 as previously cited to become effective as provided by law.

8. NEW BUSINESS

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

9. OFFICERS' REPORTS

(a) City Manager

- Florida City and County Management Association

At Mr. La Venia's request, **a motion was made by Commissioner Kelly, seconded by Vice Mayor Goldberg and unanimously carried, the city commission granted the city manager's request to attend the Florida City and County Management Association's Annual Conference in Orlando on May 28 to 31, 2014.**

- Public Relations

Mr. La Venia referred to his review of Lake County municipalities' methods of promoting their respective municipalities and showed brochures relating to same. He relayed his conversations with Mr. Lanny Husebo, Husebo Advertising and Public Relations in the City of Leesburg, regarding the concept of economic development featured in a public relations brochure and marketing the City of Fruitland Park available to the staff and public at a cost of approximately \$3,750.

On motion of Commissioner Kelly, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved the public relations concept as previously described and authorized the city manager to proceed with the developments of promoting the city.

- Property Purchase

Mr. La Venia referred to the city commission's previous discussions on the purchase of two properties adjacent to the Casino building for FY 2014/15.

After extensive discussions and **by unanimous consent, the city commission authorized the city manager to obtain an appraisal for the properties adjacent to the Casino Building before negotiations take place; provide contracts for the respective purchases to city commission, and utilize the Community Redevelopment Agency funds to implement same.**

- Performance Review - City Clerk

Mr. La Venia referred to the city commission's previous negotiations on revisiting the contracts for the city treasurer and city clerk which he has inherited, explained that an automatic increase, an inflator of 10%, was built-in for the city treasurer and none for the city clerk, and indicated that they have done a good job. He requested that both positions be treated fairly and equitably and recommended that the same inflator be applied.

After discussion, Mr. Gerken explained that the Charter Review Committee has addressed the charter officer positions, directly under the city commission; referred to the existing charter provisions that allows for the shifting of the administrative ability to the city manager, and indicated that if the city commission wishes to consider the issue, he could provide more information at a future meeting.

Following further discussion and **on motion of Commissioner Kelly, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved the city manager's request to apply the inflator as previously cited for the city clerk's position.**

- **Water Conservation Landscaping Ordinance 2009-003**

Mr. La Venia referred to the appearance of Mr. Joe Hill, Lake County resident and former St Johns River Water Management District (SJRWMD) Chair, before the city commission at its March 13, 2014 regular meeting and the concerns he addressed regarding the city's existing water conservation ordinance.

Mr. La Venia explained that he has provided Mr. B. Kraig McLane, SJRWMD's liaison, with a copy of the city's Water Conservation Rule with Landscaping Requirements Ordinance 2012-019, who indicated that he will provide a response back to Mr. La Venia. Mr. La Venia relayed his remarks to made to Mr. Hill on the status, that he would inform him of the SJRWMD's outcome and that he would be willing to subsequently meet with him in this regard.

- **Natural Franchise Agreement**

Mr. La Venia indicated that Mr. Gerken will be reviewing the franchising agreement.

Leadership Lake County Program

Mr. La Venia reported on his plan to apply to attend the 2015 Leadership Lake County Program starting in October 2014.

Florida Municipal Achievement Awards Program

Mr. La Venia pointed out the Florida League of City's Sixth Annual Florida Municipal Achievement Awards currently open to cities to submit nominations for projects relating to City Spirit Award, Florida Citizenship Award and Environmental Stewardship Award categories.

Renewal of the Countywide Municipal Service Taxing Unit for Emergency Medical Services

Mr. La Venia referred to the letter April 1, 2014 dated regarding the Renewal of the Countywide Municipal Service Taxing Unit for Emergency Medical

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Services which will expire on July 12, 2014 and addressed the plan draft an ordinance for the city commission's consideration by the April 24, 2014 meeting. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

- **Golf Cart Registration Ordinance Repeal**

Mr. La Venia reported on the consideration of repealing the fee portion and registration process of Golf Carts and Low Speed Vehicles Ordinance 2012-018 and refunding the users which will not be in place and enforceable to which Mr. Gerken addressed the plan to bring it back before the city commission for consideration.

(b) **City Attorney**

Mr. Gerken stated that he had nothing to report at this time.

10. COMMISSIONERS' COMMENTS

(a) **Vice Mayor Goldberg**

Vice Mayor Goldberg stated that he had nothing to report at this time.

(b) **Commissioner Cheshire**

Commissioner Cheshire stated that he had nothing to report at this time.

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

Commissioner Gunter stated that he had nothing to report at this time.

(d) **Commissioner Kelly**

In response to Commissioner Kelly's question relating to the proposed Police and Fire Service Fees Ordinance 2014-007 Mr. Gerken explained that he anticipates that the settlement will be approved shortly.

11. MAYOR'S COMMENTS

- **Regular City Commission Meeting Cancellations:**

- o July 24, 2014
- o August 14, 2014

On motion of Commissioner Cheshire, seconded by Commissioner Kelly and unanimously carried, the city commission approved cancelling the July 24 and August 14, 2014 regular city commission meetings.

- **City Manager - Performance Evaluation**

Mayor Bell explained that Mr. La Venia would like to be reviewed on his performance and encouraged the elected officials to meet with him within the next few weeks.

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- **Leadership Lake County Program**
Mayor Bell relayed reasons why Mr. La Venia ought to be recommended to the 2015 Leadership Lake County Program.

- **Dates to Remember**
Mayor noted the events under the Dates to Remember and stated that the date of the next regular city commission meeting will be held on April 24, 2014.

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 9:08 p.m.

The minutes were approved at the April 24, 2014 regular city commission meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Christopher Bell, Mayor