

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
February 13, 2014**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on February 13, 2014 at 7:00 p.m.

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

Also Present: City Attorney Scott Gerken, City Manager Gary La Venia, Police Chief Terry Isaacs, Fire Department Captain David Borst, Chief Tommy Gamble, Lieutenants Donald Gilpin and Tim Yoder; City Treasurer Tannette Gayle, Community Development Director Charlie Rector, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bell called the meeting to order and Pastor George A. Mulford, Grace Bible Baptist Church, gave the invocation.

On behalf of the Fire Department, Fire Department Chief Tommy Gamble, introduced Fire Department Explorer Mr. Richard Field who 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 Kelly, seconded by Commissioner Cheshire and unanimously carried, the city commission approved the January 9, 2013 regular and January 21, 2014 special city commission meeting minutes as submitted.

5. REGULAR AGENDA

(a) i. Charter Review Committee Update

At Mayor Bell's request, Mr. "Mackie" McCabe, Charter Review Committee Chair; thanked the city commission on the selection of the members; highlighted their diversity, and noted that two meetings have since been held. He relayed the committee's unanimous approval to proceed with the implementation of a redistricting plan for the City of Fruitland Park and recognized the inevitable increase in the speed of the new population. Mr. McCabe conveyed the committee's recommendation to retain a professional consultant to provide direction and requested the city commission's consideration in this regard.

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Mr. McCabe addressed his task to remain focused on the charter; the committee's intent to review the first three articles in the charter at its next meeting, and its plan to provide suitable recommendations to the city commission.

Recognizing that Mr. La Venia has further information on consultants, Mr. Gerken addressed the need for a study to be conducted whereby the consultant would principally review the census figures, the demographics of individuals living in each area, and the proper division of districts. He mentioned the various approaches undertaken by municipalities; relayed their advice to obtain a good study with someone's assistance, which is not legally required, and recognized the workload of in-house staff.

After discussion, and **by unanimous consent, the city commission concurred with the city attorney's request to direct staff to proceed in retaining a consultant for the Charter Review Committee to review the redistricting process and report back with more information at the next regular city commission meeting.**

ii. City Commission's Directives

Mayor Bell addressed the ability for the committee to approach individual commissioners; suggested utilizing the city commission as a platform to discuss and make decisions to review items in the charter as a whole before presenting them back to the committee for direction, and mentioned the plan to reserve the subject issue as a future regular city commission agenda item for consideration.

In response to Commissioner Cheshire's question on the one-year residency requirements under Section 3.2., Qualifications for elected officials, Mr. Gerken addressed his plan to review same.

Mayor Bell reviewed the following items in the charter; a copy of which is filed with the supplemental papers to the minutes of this meeting:

Subsection 3.12.(4), Action Requiring an Ordinance, . . . granting administrative authority for such charges

Mr. Gerken advised that a charter change would not be required as administrative staff or designee could be granted with the administrative authority to adjust user charges, with parameters and avoid the expense of advertising ordinances by incorporating as much user fees as possible, whenever they are increased, to be enacted as one ordinance.

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Sections 4.00., City Treasurer, 4.01., City Clerk, 4.02., City Attorney, and 4.04., City Manager

In recalling the city commission's concerns on previous relationships among the city treasurer, city clerk, city attorney, and city manager, Mr. Gerken explained that the charter allows for said positions, by ordinance, giving the city commission the power to establish the duties, assignment, administration, and reporting procedures.

Subsection 8.04.(a), Elections, Multiple Candidates . . . a "run-off election" to be held on the second Tuesday following the date of the regular city election.

After discussion and in response to Mayor Bell's recommendation to increase the period to hold the run-off election, Mr. Gerken suggested that depending on when the dates fall and with further research, language could reflect between one to four weeks to be determined by the city commission. He explained that this matter will be addressed by the committee as it reviews each section of the charter.

Subsection 9.04.(a), Petitions . . . at least fifteen percent (15%) of the total number of qualified voters registered to vote and Subsection 10.01.(a), 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.

In response, Mr. Gerken stated that he will check on the accuracy of the percentages as most of the language is based from state statute.

Subsection 10.03.(b), Penalties

Mr. Gerken explained that the penalties were established in 1984 and recognized the increase in fines since that time.

Section 10.02., Standard of Ethics

Answering Commissioner Kelly's inquiry, Mr. Gerken explained that the charter provided the city commission with the ability to establish standard of ethics by ordinance.

In response to an inquiry, Mr. Gerken advised the city commission can attend the committee meetings as citizens to observe.

(b) Gas Tax Working Group

On motion of Commissioner Cheshire, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved the appointment of Commissioner Gunter to serve on the League of Cities Local Option Gas Tax Working Group.

(c) Interfund Budget Amendment

On motion of Commissioner Gunter, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved the interfund budget transfer of five thousand dollars (\$5,000) from the sale of the fire trucks (previously approved by the city commission) to purchase other equipment and needed supplies.

By unanimous consent, Mayor Bell opened the Quasi-Judicial Public Hearing.

QUASI-JUDICIAL PUBLIC HEARING

(d) The Village of Mini Storage Project - Site Plan Review – Applicant: Ken Page

It now being the time advertised to hold a public hearing, to consider the applicant's request for a site plan review, Mr. Gerken swore in the individuals present who wish to give testimony on the subject item:

Mr. Rector, who was previously sworn, reported on the property owner's intent to phase-in and build mini-storage facilities off Racetrack Road (noting that the water is not currently available whereby one of the buildings will be used for a line retention pond for water to be available for fire suppression); connect the water line (once the city completes the water lines to The Villages), and request a waiver to the retention area to finalize the last building.

Mr. Rector explained that the property is already annexed and conveyed staff's recommendation that the major site plan be approved. He indicated that no comments were received from surrounding property owners; that the subject area is scheduled to be developed as a commercial property, and that outstanding issues previously addressed by the city's engineers and planners have since been corrected.

After further discussion, Mr. Rector conveyed the Planning and Zoning Board's recommendation of approval on the applicant's request for a major site plan review for The Village of Mini Storage project.

Mayor Bell called for interested parties to be heard:

Mr. Herb Holtz, The Villages resident, who was sworn, addressed the major issues of security and accessibility to the building after regular business hours.

Mr. Ken Page, subject property owner, described the security features to be implemented for the proposed storage facility after hours.

By unanimous consent, Mayor Bell closed the public hearing.

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Following further discussions, a motion was made by Vice Mayor Goldberg and seconded by Commissioner Cheshire that the city commission approve the Planning and Zoning Board's recommendation of approval of the applicant's request for a major site plan review for the Village of Mini Storage Project.

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

Vice Mayor Golderg	Yes
Commissioner Gunter	Yes
Commissioner Cheshire	Yes
Commissioner Kelly	Yes
Mayor Bell	Yes

The motion was declared carried unanimously.

6. NEW BUSINESS

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

7. OFFICERS' REPORTS

(a) City Manager

i. Workshop Session

Mr. La Venia announced that the city commission will be holding a workshop on Saturday, March 22, 2014 to address future plans; namely, the Capital Improvement Plan budget and have a presentation from Mr. Joe Hill, former St. Johns River Water Management District Chair, accompanied by three experts regarding water conservation.

ii. Computers'

Mr. La Venia disclosed that in April 2014, Microsoft™ will stop supporting the operating system Windows XP as an unsupported function. He addressed the need to expedite over time an upgrade to Windows 7, a secured operating system, for city department users by purchasing new computers, laptops and other devices or utilizing the existing computers. Mr. La Venia described the potential risks and challenges if the existing system is kept and the advantages associated with the migration.

(b) City Attorney

i. Future Agenda Items - The Villages Project

Due to the influx of "The Villages" project; Mr. Gerken announced the anticipation of receiving several projects on forthcoming city commission agenda items whereby documents which will be available for review.

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Later in the meeting and in response to Mr. Rector's inquiry, the city commission agreed that staff submit information from the consultants relating to the Villages project in summary format with the bulk of information accessible at city hall.

ii. Ongoing Litigation

Mr. Gerken reported that in one week's time, the city manager and himself will be attending a mediation on the Robert A. Parish litigation. He stated that some of the city commission members have pending depositions and will be attending the mediation on Thursday, February 20, 2014 and explained that he will report back to the city commission at the next meeting with more information.

iii. Sceptic Tank Tragedy

Mr. Gerken mentioned the city commission's awareness of the recent sceptic tank tragedy that took place in the city. He explained that it is imperative to review what took place, why and how to avert a similar occurrence in the future.

Mr. Gerken acknowledged the steps staff undertook in following procedures and their performance above and beyond their duties and on their behalf, he explained that they did what they could.

Mr. Gerken recognized property owners' reluctance in allowing governmental staff officials on to their properties and acknowledged the opportunities given to owners to go through a notice procedure and cure the provisions. He pointed out the city's current abatement or code enforcement process which, under any circumstances, would not run within the 14-day time period and indicated that the city could revisit same to accelerate the process with a special magistrate procedure. He referred to the notices undergoing the special magistrate procedures (under the code enforcement process and the Florida Statutes which supplants the Code Enforcement Board) that the city could pursue.

Mr. Gerken shared his experience in serving previously as a special magistrate for another entity where complaints would be addressed before the code enforcement process with the city commission's ability to review same. He gave his opinion that the special magistrate's procedures would not have changed the outcome and that staff would review other steps that could have been undertaken and avoid, as much as possible, a similar incident in the future.

After further discussion, Mr. Gerken concurred with the suggestion to utilize the Community Redevelopment Agency funds towards securing

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foreclosed properties and the need to establish parameters in cases of emergencies.

Mr. Gerken recognized the constitutional requirements for code enforcement which the city commission needs to be aware of. He stated that he will review other municipalities and other provisions with the ability to deal with such situations and report back to the city commission with more information on proceeding with a magistrate system;

8. COMMISSIONERS' COMMENTS

(a) **Vice Mayor Goldberg**

Vice Mayor Goldberg read into the record recent invitations to the city commission, police and firefighters to a dinner in their honor at the Fruitland Park Lions Club on Monday, February 24, 2014; copies of the respective invitations are filed with the supplemental papers to the minutes of this meeting.

(b) **Commissioner Kelly**

Commissioner Kelly stated that she had no comments at this time.

(c) **Commissioner Cheshire**

Commissioner Cheshire stated that he had no comments at this time.

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

Earlier in the meeting, Commissioner Gunter questioned the advent of internet cafes since they were closed by the state to which Mr. Gerken explained that he has communicated personally with the owners and recognized the illegal and legal activities taking place and the enforcement of same by local jurisdictions. He addressed the ability to regulate the internet cafes; referred to Adult Arcade Amusement Centers, Internet Cafes and Sweepstakes Redemption Cafes Ordinance 2012-030 enacted on November 8, 2012, and noted the procedures that would have to be undertaken.

Mr. Rector recognized the activities of said facilities in other locations as well as within the city and his referral, when individuals present their paperwork, to Mr. Gerken's office.

Chief Isaacs gave a report on what actions he undertook in referring the site locations to other governmental regulating agencies and relayed the suggestion by the State Attorney's Office that whenever complaints relating to violations are made, the local jurisdiction would need to deal with the problem to which Mr. Rector voiced his agreement.

In referring to Ordinance 2012-030, Mr. Gerken took the position to allow the activities which the city is not going to prohibit; referred to state agencies' declaring that they are illegal, and pointed out the final official information

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received is that such activities are not allowed. He recognized the overruling authority of other governmental agency heads and took the position that he would require an official legal documentation from owners that their operations are legal and comply with the city's zoning requirements.

9. MAYOR'S COMMENTS

Mayor Bell reviewed the forthcoming events under the "Dates to Remember":

- February 18 and 19, 2014, Lake County Legislative Days, Tallahassee where he will be attending to address transportation and local government issues;
- February 22, 2014 Workshop at 9:00 a.m. will be held at the city commission chambers;
- March 1, 2014 Fruitland Park Cleanup Day at 9:00 a.m. will meet by the pavilion next to the Parks and Recreation pool at Gardenia Park with Waste Management Inc. supplying the equipment and everyone is encouraged to attend;
- March 14, 2014 at 10:00 a.m., *How to Get Published* from Nancy J. Cohen, an award-winning author, will be held at Fruitland Park Library, and
- March 15, 2014 Fruitland Park Founders Day will commence from 10:00 a.m. to 6:00 p.m.

Mayor Bell gave a video presentation of the successful February 8, 2014 "Love Week 5K Run and Kids Fun Run" event featured in YouTube http://www.youtube.com/results?search_query=Love+Week+5K+Run%2C+Fruitland+Park&sm=3. He announced that a presentation from Ms. Yoder will be made at the next meeting.

10. ADJOURNMENT

There being no further business to come before the city commission at this time, on motion made, seconded the meeting adjourned at 8:20 p.m.

The minutes were approved at the February 27, 2014 regular meeting.

Signed _____

Esther B. Coulson, City Clerk

Signed _____

Christopher Bell, Mayor