

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING
MINUTES
January 9, 2014**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on January 9, 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, Captain David Borst, 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 at 7:00 p.m.; Pastor Aaron Hornsby, Eagle's Nest Baptist Church, gave the invocation, and the Girl Scouts of Citrus Council, Cadet Troops 4706 and 4711, Leesburg led in the Pledge of Allegiance to the flag.

2. ROLL CALL

Ms. Coulson called the roll and a quorum was declared present.

3. INTRODUCTION - NEW CITY MANAGER

On behalf of the city commission, Mayor Bell introduced new City Manager Gary La Venia to the City of Fruitland Park; briefly highlighted his credentials, and thanked the city commission for their participation in the selection process.

The city commission welcomed Mr. La Venia to the city who thanked them for the honor.

By unanimous consent, the city commission took the following item out of order on this evening's agenda.

(d) Second Reading and Public Hearing – Ordinance 2013-013 – Establishing City Commissioners' Retirement Benefits

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ESTABLISHING BENEFITS FOR CITY COMMISSION MEMBERS AFTER SUCH MEMBERS HAVE COMPLETED AT LEAST FIFTEEN CONSECUTIVE YEARS OF SERVICE AS A CITY COMMISSIONER; PROVIDING FOR AMOUNTS OF SUCH RETIREMENT BENEFITS AND REQUIREMENTS TO QUALIFY FOR SUCH BENEFITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN

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EFFECTIVE DATE. (City Attorney/Community Development Director) (The first reading was held on December 12, 2013.)

Mr. Gerken read into the record the title of the previously cited proposed ordinance; suggested tabling same, and pointed out the requirements of Florida Statutes for the city's implementation of an actuarial analysis before proceeding. He referred to the projections he submitted to the city's auditor which was previously provided by the former Interim City Manager Rick Conner.

A motion was made by Commissioner Cheshire that the city commission deny Ordinance 2013-013 as previously cited.

After discussion, the motion was seconded by Commissioner Gunter. Mayor Bell called for a vote on the motion to deny and declared it carried unanimously.

4. PUBLIC COMMENTS

Mr. Gerken recognized public hearing agenda items 7(b) and (c) regarding the Penner Property and suggested that the public wishing to address their concerns in this regard ought to do so at that time.

The following City of Fruitland Park residents appeared voicing their opposition to the pension ordinance that was denied earlier at this evening's meeting:

Ms. Rita Rye, Messrs. Cruiz, Michael Howard, and Dave Bethany.
Mr. Tom Gola, City of Fruitland Park resident, requested clarification on the 15-year retirement provision.

Mr. Gerken described the defeated Retirement Ordinance 2013-013 for elected officials as mandated by state statutes with the requirement that allows for the adjustment of terms and provisions; the implementation of a similar ordinance by other surrounding municipalities, and pointed out the Attorney General's Opinion on the entitlement of the mandatory state pension if the city commission lost an election and served a continuous 20 years.

By unanimous consent, the city commission recessed its regular meeting at 7:20 p.m. to convene the Community Redevelopment Agency meeting and reconvened at 7:25 p.m.

6. CONSENT AGENDA

After discussion, and **on motion of Commissioner Gunter, seconded by Commissioner Kelly and unanimously carried, the city commission approved the December 12, 2013 regular city commission meeting minutes as corrected and approved the December 20, 2013 special city commission meetings minutes as submitted.**

7. REGULAR AGENDA

(a) Presentation – Update

Mayor Bell recognized the presence of Mr. Adam Sumner, Lake County Economic Development and Tourism Department and representative for the area.

Mr. Robert Chandler, Lake County Economic Development and Tourism Department Director, gave a power-point presentation and update on the Lake County Business Opportunity Centers (BOCs); a copy of which is filed with the supplemental papers to the minutes of this meeting.

Mr. Chandler described the free classes offered during 2014 in North and South Lake Campuses in Lake-Sumter County; identified the Lake-Sumter State College Business Incubator Program and introduced its director Ms. Nancy Muenzmay who was present at this evening's meeting. Mr. Chandler recognized the need for more participation in the community, addressed the plans for marketing the BOC and indicated that more information can be obtained from the www.LakeBOC.com.

QUASI-JUDICIAL PUBLIC HEARING

By unanimous consent, the city commission considered Quasi-Judicial Public Hearing Items 7. (a) and (b) together.

(b) Second Reading and Quasi-Judicial Public Hearing – Ordinance 2013-014 - Rezoning Property North of Poinsettia Avenue and North of Spring Lake Road to Planned Unit Development – Petitioner: Jonathan Penner

It now being the time advertised to hold a public hearing, Mr. Gerken read into the record the title of the proposed ordinances as outlined below; explained the quasi-judicial process, and swore-in members of the public and staff who intended to give testimony at this evening's meeting:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING APPROXIMATELY 14.27± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF POINESETTIA 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, AND PROVIDING FOR AN EFFECTIVE DATE. (City Attorney/Community Development Director) (The first reading was held on December 12, 2013.)

- (c) **Second Reading and Quasi-Judicial Public Hearing – Ordinance 2013-012 – Small Scale Comprehensive Plan Amendment – Amending the Future Land Use Designation - North of Poinsettia Avenue and North of Spring Lake Road to Multiple Family High Density - 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 9.04 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF POINSETTIA AVENUE AND NORTH OF SPRING LAKE ROAD; 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 (City Attorney/Community Development Director). (The first reading was held on December 12, 2013.)

Mr. Charlie Rector, Community Development Director, highlighted the request to approve the 148 apartment units; indicated that related information (including an independent traffic study that was conducted) were submitted to Lake County and the Lake County School Board who had no objections to the application. He referred to the completed master development agreement addressing the position of the Planning and Zoning Board and the city commission.

The following residents appeared before the city commission voicing their objections to the subject proposed uses and the potential increase in traffic on Spring Lake Road:

Messrs. William James; Myron Waye, Charles Stern, Richard Rouge, Ron Bywalks, Bruce Coby, Charlie Stoles, Mses. Donna Powers, and Terry Parrish.

By unanimous consent, Mayor Bell closed the public hearing.

Mr. Rector explained the proposed development of a combination of single and multi-family homes and the radius of the recent traffic study that was submitted to Lake County conducted on the land which was originally annexed.

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After extensive discussions, Mr. Johnathan Penner, developer, addressed his intent to develop higher-end lower-income properties currently zoned for 111 homes community or 148 units and described how he fulfilled all the requests and exceeded the requirements for the proposed project to benefit the community.

Mr. Rector outlined the efforts of the developer and the engineers in complying with the procedures on the setback requirements on the roadway and property development and the placement of the retention area to prevent the stormwater runoff into the lake.

Mayor Bell requested that the developer ask that Traffic Planning and Design (engineering firm in Maitland, Florida) incorporate in the traffic study, the inclusion of the proposed development of approximately 2,000 homes and the future four-lane highway as a result of The Villages before the county approval process.

Following further deliberations, **a motion was made by Commissioner Gunter and seconded by Commissioner Kelly that the city commission approve the motion to deny the:**

- **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's comprehensive plan for approximately 9.04 acres of property generally located north of Poinsettia Avenue and north of Spring Lake Road;**
- **rezoning 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, and**
- **master development agreement for the property.**

The roll call vote on the motion was declared unanimously carried.

8. NEW BUSINESS

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

9. OFFICERS' REPORTS

(a) City Manager

At Mayor Bell's request, Mr. La Venia described his educational and professional background and lengthy experience in local government; his involvement with various boards, and his work with diverse communities.

Mr. La Venia addressed the proper planning towards the forthcoming changes on the development of The Villages project and indicated that he looks forward to working towards the city's best interests.

(b) City Attorney

i. Resolution 2014-002 Suspending Police and Fire Service Fees Billing and Collection

The city commission considered its action to adopt proposed Resolution 2014-002, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, SUSPENDING THE BILLING AND COLLECTION OF POLICE AND FIRE SERVICE FEES AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Gerken gave a historical background of the subject resolution which was recommended due to the ongoing lawsuit.

After discussion, Mr. Gerken read into the record the title of the proposed aforementioned resolution.

Following further deliberations, **a motion was made by Vice Mayor Goldberg and seconded by Commissioner Gunter that the city commission adopt Resolution 2014-002 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 Kelly	No
Commissioner Cheshire	Yes
Commissioner Gunter	Yes
Mayor Bell	Yes

The motion was declared carried unanimously.

ii. Police and Fire Service Fee Action Lawsuit (Case No. 2013 CA 400 Circuit Court, Fifth Judicial District)

Request to hold a potential closed attorney-client meeting on Tuesday, January 21, 2014 at 6:30 p.m.

Mr. Gerken noted the newspaper article on the fees; recognized the current settlement negotiations that are ongoing, and indicated that a finalized proposed settlement agreement is being worked which is anticipated to be prepared by Mr. Greg Stewart, attorney from Nabors Giblin & Nickerson,

Attorney, with the plaintiff's council to reach an agreement. Mr. Gerken requested an additional shade meeting for the purposes of discussing a potential settlement of the lawsuit or any other direction that the city commission would like to give at that time for Tuesday, January 21, 2014 at 6:30 p.m.

With respect to the suspension of fees, Mr. Gerken relayed the request that the plaintiff consents to the request on what the suit is about whereby a stipulated order could be submitted to the court to be approved expeditiously and there would be no further charges for police and fire fees on the next water utility bills.

10. COMMISSIONERS' COMMENTS

(a) Vice Mayor Goldberg

Vice Mayor Goldberg voiced concerns on general accusations to the city commission; questioned the public's continued presence, and requested their attendance by showing support for the citizens similar to the city commission showing same for the citizens.

(b) Commissioner Kelly

Earlier in the meeting, Commissioner Kelly expressed concerns on her commitment as an elected official and described the role and responsibilities of representing the public at various meetings.

(c) Commissioner Cheshire

Commissioner Cheshire encouraged the public to inform the city commission on their needs by attending the city commission meetings more often. He mentioned the impending development activities and sound economic base in the city; noted the city's vision desired for the future, and addressed the need to manage change properly which will work to the city's advantage.

(d) Commissioner Gunter, Jr.

Commissioner Gunter recognized the times when elected officials devote their efforts at other city-related meetings, conferences, training and their energy in advocating issues relating to the city to various governmental representatives on behalf of the public.

11. MAYOR'S COMMENTS

Mayor Bell described his services on a number of boards outside the city on a regular basis and the efforts made in bringing services for the city. He addressed the plan to attend meetings at the legislative level. Mayor Bell explained the number of proposed projects around the area of the casino, park land, and community building projects coming to the city.

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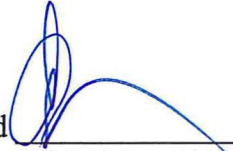
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Mayor Bell reviewed the forthcoming events under the "Dates to Remember" and encouraged the public to contact staff to attend the events; namely, March 1 Fruitland Park Cleanup Day and March 14, 2014 Fruitland Park Founders Day.


12. ADJOURNMENT

There being no further business to come before the city commission at this time, on motion made, seconded the meeting adjourned at 9:25 p.m.

The minutes were approved at the February 13, 2014 regular meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Christopher Bell, Mayor