

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING MINUTES**  
**November 21, 2013**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, October 10, 2013 at 7:00 p.m. (Proof of publications are filed in the supplemental papers to the minutes of this meeting.)

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

**Also Present:** City Attorney Scott Gerken, Interim City Manager Rick Conner, City Treasurer Tannette Gayle, Chief of Police Terry Isaacs, Captain David Borst, Community Development Director Charlie Rector, Parks and Recreation Director Michelle Yoder, and City Clerk Esther B. Coulson.

**1. (a) CALL TO ORDER AND INVOCATION**

Mayor Bell called the meeting to order at 7:06 p.m.

Pastor Walter "Walt" Martin, Trinity Assembly of God, gave the invocation and honored in remembrance the following:

- Emergency Medical Services (EMS) Captain and District Chief Joseph Dragojevich (former Fruitland Park EMS Captain), October 18, 2013;
- Oscar Gerken (City Attorney Scott Gerken's father), October 28, 2013, and
- the veterans on Veterans Day, November 11, 2013.

**(b) PLEDGE OF ALLEGIANCE**

Commissioner Gunter led in the Pledge of Allegiance to the flag.

**2. ROLL CALL**

Mayor Bell requested that Ms. Coulson call the roll and a quorum was declared present.

**3. PROCLAMATIONS/SPECIAL RECOGNITION**

**Presentation – In Memory of Late City of Fruitland Park Commissioner Darrel Martin (November 2, 2004 to November 18, 2009)**

Mayor Bell suggested postponing the presentation to Mrs. Myra Martin, in memory of the late City Commissioner Darrel Martin, until her arrival later in the meeting.

**4. ANNUAL ELECTION OF VICE MAYOR**

Mayor Bell thanked Vice Mayor Kelly for presiding over the November 14, 2013 special meeting and also for her service as Vice Mayor over the past year. He recognized that it is in order for the annual election of vice mayor on a rotational basis.

Commissioner Gunter placed the name of Commissioner Al Goldberg to serve as Vice Mayor for the forthcoming year. The nomination was seconded by Vice Mayor Kelly. There being no further names placed in nomination, Mayor Bell declared the nominations closed.

On motion of Commissioner Gunter, seconded by Commissioner Kelly and unanimously carried, the city commission elected Commissioner Al Goldberg to serve as Vice Mayor for the forthcoming year.

Vice Mayor Goldberg thanked the commission for the opportunity.

**5. PUBLIC COMMENTS**

There were no public comments at this time.

**6. CONSENT AGENDA**

On motion of Vice Mayor Goldberg, seconded by Vice Mayor Kelly and unanimously carried, the city commission approved the following minutes as submitted:

- August 5, 6, and 7, 2013 budget workshop meeting minutes;
- August 8, 2013 special and regular commission meeting minutes;
- August 12, 2013 special commission meeting minutes;
- August 26, 2013 special commission meeting minutes;
- September 5, 2013 special commission meeting minutes;
- September 12, 2013 special and regular commission meeting minutes;
- September 19, 2013 special commission meeting minutes;
- September 26, 2013 regular commission meeting minutes;
- October 10, 2013 regular commission meeting minutes;
- October 11, 2013 special commission meeting minutes, and
- October 17, 2013 special commission meeting minutes.

**7. REGULAR AGENDA**

**(a) Presentation – Potential New City Developments**

Mr. Rector gave a presentation on the status of the following potential active residential and commercial construction in the community:

- **Fruitland Estates** - Off Urick Street and towards Mirror Lake Drive (phase one) 90-Units.  
Accumulated debris and underbrush were cleared from the property during the week; infrastructure is currently in place, and development was previously approved by the city commission. A meeting has been scheduled to review the final phase in order that permits could be released in late January or February 2014.

Seventy-six units (phase two) to complete the 166 units development previously approved. There is no current infrastructure in place (roads, sewer, and water) which the developer wants to phase in from phase one to phase two which ultimately goes to Mirror Lake Drive.

- **Chelseas Run Property, Register Road** - One hundred and sixteen remaining lots were recently sold to a developer from Orlando; the erection of homes for about 15 permits each is planned for February or March 2014, and the infrastructure for road, water and sewer are in place with the exception of street lights that was received from the City of Leesburg.
- **Deep Woods Subdivision, Cook Drive** - At the end of Cook Drive, 15 remaining lots were recently purchased; plans are underway to build around March 2014 date, and connection to the city's sewer system is doable.
- **The Villages Property, Miller Street** - Having met with the representatives on November 20, 2013, the project is under development on Miller Street for approximately 2,038 units (72 as assisted community living facility units). The intent is to proceed quickly recognizing that funding has been made and a five-star restaurant on Miller Street is planned to serve the residents and the public.

**Ezell Property, Spring Lake Road** - Fourteen acres of the Ezell property east of The Episcopal Church; the property owners applied for 156 units and the Planning and Zoning Board made a recommendation to approve 148 units at its November 20, 2013 meeting.

Infrastructure is already in place for 297 units, permits would have to be applied, and discussions are ongoing with financing in place on the development of a total of 266 units.

**Bouis Property** - recently changed ownership again and has been relisted with the realtor.

**Lake Ella** - the city previously annexed 158 acres at Timber Top Lane and Rolling Acres Road; recently changed ownership and have been seeking single family homes annexation requests.

**Smaller Projects** - for four or five residential homes are forthcoming.

Mr. Rector addressed the need for planning in anticipation for dramatic changes to take place in the next 12 to 18 months. He estimated that 260 Equivalent Residential Unit capacity (ERUs) are currently available at the sewer plan; noted

that later on this evening's agenda, the city commission will be considering the request to explore recommended options to expand the sewer capacity, and that the well capacity, with water and possibly storage, is available.

**(b) Evaluate Wastewater Expansion Options**

After much discussion and **on motion of Vice Mayor Goldberg, seconded by Commissioner Cheshire and unanimously carried, the city commission approved staff's recommendation to approve the civil engineering services proposal agreement between the City of Fruitland Park and Booth, Ern, Straughan & Hiott Inc. (engineers) to review options to expand the City of Fruitland Park's wastewater capacity for the amount of \$3,480.00 plus reimbursables, with an option to be presented to the city commission at a future date.**

**(c) NPDES Agreement – 2013-14**

After discussion and **on motion of Commissioner Gunter and seconded by Vice Mayor Goldberg, and unanimously carried, the city commission approved staff's recommendation to approve an agreement for the National Pollutant Discharge Elimination System for the amount of \$7,500.00 for Fiscal Year 2013-14 and approve the recommendation to retain Ms. Maryann Krisovitch as the contract coordinator.**

**(d) Utilities Relocation - Replacement Promissory Note – FDOT**

The city commission considered its action on the replacement of a promissory note from the City of Fruitland Park to the State of Florida Department of Transportation (FDOT).

Messrs. Conner and Gerken recognized and commended Ms. Gayle's efforts on the subject issue. Mr. Gerken recalled the city's requirements to move its water and wastewater utilities along US 441; indicated that the costs were in the budget, and mentioned FDOT's extension of an interest loan in this regard; however, payments were supposed to start in October 2013.

Mr. Gerken relayed FDOT's concurrence as the project is ongoing and recommended approval to extend the first payment date for an additional year where no payments would need to be made until October 2014. He recognized that the promissory note was for \$913,496, recognized the existing "true-up" provision and the expense of total cost with a payment schedule to be calculated is anticipated to be significantly less at the end of the project.

**On motion of Commissioner Kelly, seconded by Commissioner Gunter and unanimously carried, the city commission approved the city attorney's recommendations to approve the replacement of the promissory note as previously cited.**

Mr. Gerken confirmed in response to Mayor Bell's request, that he will communicate with Mr. Conner and research the provisions for waiver of any of the expenses.

(e) **Real Estate Appraisals**

The city commission considered its action on the two real estate appraisals received on properties the city may like to purchase (1) property located west of the City of Fruitland Park's Library for the library expansion and (2) property located east of the public works department yard for the public works expansion.

After Mayor Bell recalled the city commission's previous request to provide appraisals on the subject properties, Mr. Rector reviewed the real estate appraisal for \$28,969 and the concurrence from Mr. Robert R. Ruiz, the property owner, to sell provided there was an installation of a six-foot vinyl privacy fence.

Mr. Rector referred to his recent conversations with Mr. James Senatore, architect, regarding the potential library expansion; indicated that Ms. Jo-Ann Glendinning, Library Director, was able to obtain the county's concurrence in this regard, and relayed Mr. Senatore's statement on the city's savings, due to the purchase, for an additional space to the property.

Mr. Rector requested direction from the city commission to direct the city attorney to draft a contract in order to move forward in the property purchase and present the issue for the Community Redevelopment Agency's consideration to approve \$4,324 for the privacy fence installation or the city purchase the property from Mr. Ruiz for \$28,969 and pay him to erect the fence. Mr. Rector explained that the approved grant funds are provided from the library.

After Messrs. Rector and Conner described the potential for future expansion of the subject property, **a motion was made by Commissioner Kelly that the city commission approve staff's recommendation to direct the city attorney to draft a contract between the City of Fruitland Park and Mr. Robert R. Ruiz, property owner, to proceed with the purchase of the property located west of the City of Fruitland Park's library for library expansion and submit same to the Community Redevelopment Agency for consideration.**

Following further discussion, **the motion was seconded by Commissioner Cheshire.**

**Mayor Bell called for a vote on the motion and declared it carried unanimously.**

Mr. Rector described the location of the appraised Martin property east of the public works facility; recognized that the red building is not included, and reviewed the appraisal for the steel building. He requested that the appraiser appraise the land separately and also appraise the property to include the land and

steel building. Mr. Rector referred to his conversations with Mr. Martin earlier this day; relayed that he was indecisive in accepting the purchase price, and that he would be more comfortable in finding his own appraisal.

Mr. Rector explained that the land is \$65,000 and that the entire property is \$280,000. After he requested the city commission's direction to continue with negotiations, Mayor Bell expressed desire for the projects to proceed.

Mr. Rector addressed the property owner's awareness that the property is an asset for a public works facility; explained that he would like to approach Mr. Martin due to his possible interest in the land, and explained that if he sells, he would need to relocate.

After further discussion and **by unanimous consent, the city commission postponed to a future meeting its consideration of the property located east of the public works department yard for the public works expansion for further information on the possible sale of the School Board of Lake County's available properties.**

**(f) Resolution 2013-018, ISBA – Lake County, City of Leesburg and the Town of Lady Lake Negotiation Process**

At Mayor Bell's request, Mr. Gerken read the title of proposed Resolution 2013-018 the substance of which is as follows:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, INITIATING THE PROCESS PURSUANT TO SECTION 171.203, FLORIDA STATUTES FOR NEGOTIATING AN INTERLOCAL SERVICE BOUNDARY AGREEMENT; INVITING LAKE COUNTY, THE CITY OF LEESBURG, AND THE TOWN OF LADY LAKE TO PARTICIPATE IN SUCH NEGOTIATIONS; IDENTIFYING AN UNINCORPORATED AREA OF LAND TO BE DISCUSSED; IDENTIFYING ISSUES TO BE NEGOTIATED; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE (City Attorney/Community Development Director).

Mr. Gerken gave a historical overview on the city commission's previous approval of the interlocal agreement between the county regarding property annexation conducted on a number properties to begin the interlocal service boundary agreement process, a planning component which allows local governments to address and plan for various services from police and fire to utilities in a designated area. He referred to the accompanying map; indicated that the City of Fruitland Park is undergoing a similar process, and voiced his recommendation for approval.

Following further discussion, a motion was made by Commissioner Kelly and seconded by Commissioner Cheshire that the city commission approve the city attorney's recommendation to adopt Resolution 2013-018 as previously cited.

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

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

The motion was declared unanimously carried.

- (g) **Resolution 2013-024, Establishing a City Charter Review Committee**  
At Mayor Bell's request, Mr. Gerken read the title of proposed Resolution 2013-024 the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ESTABLISHING A CHARTER REVIEW COMMITTEE TO REVIEW, RECOMMEND AND SUBMIT PROPOSED AMENDMENTS AND/OR REVISIONS TO THE CITY CHARTER; PROVIDING FOR COMPOSITION OF THE CHARTER REVIEW COMMITTEE; ASSIGNING ITS DUTIES AND DURATION; PROVIDING FOR PUBLIC MEETINGS AND FOR A METHOD OF PROVIDING LEGAL AND STAFF SUPPORT FOR THE COMMITTEE, AND PROVIDING FOR AN EFFECTIVE DATE (City Attorney/City Clerk).

Mr. Gerken referred to the city commission's discussions made at previous meetings on specific issues relating to the city charter. He pointed out the proposed resolution's suggested format and the city commission's consideration to authorize the formation of the committee, if approved. Mr. Gerken explained that the resolution does not identify the members and addressed the city commission's option to provide potential names at the next meeting.

After Mayor Bell suggested advertising for charter review committee openings on water bills encouraging individuals to complete applications using the city's established process, Mr. Gerken outlined the committee's goals to make recommendations and described the procedures involved before it reaches the voters for approval for the November 2014 ballot.

A motion was made by Commissioner Gunter and seconded by Commissioner Kelly that the city commission approve the city attorney's recommendation to adopt Resolution 2013-024 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	Yes
Commissioner Kelly	Yes
Mayor Bell	Yes

The motion was declared unanimously carried.

**(h) Public Alert Weather Radios - Repeal Ordinance 2007-009**

The city commission considered its action to repeal Public Alert Weather Radios Ordinance 2007-009.

Mr. Rector explained that the public alert weather radios is not required by the Florida Building Code and International Building Code except for the area near the city hall. He addressed the reasons why it was appropriate at the time and that it does not work within the current installation, newer home construction and other devices.

Mayor Bell, in voicing his disagreement, gave an example of a potential weather-related event which occurred earlier this year; the activation of the weather radio alert at his home and office, and the announcement subsequently made on television to which Commissioner Kelly concurred.

Commissioner Cheshire felt it is a personal responsibility which he believes is government interference and the imminent development underway the costs to the new residents installing the equipment to which Commissioner Gunter voiced his agreement which he dissented at the time the issue was addressed before the city commission in 2007.

Mr. Gerken indicated that the city commission would need to direct the city attorney to draft an ordinance to repeal Public Alert Weather Radios Ordinance 2007-009.

After much discussion, a motion was made by Commissioner Gunter and seconded by Commissioner Cheshire that the city commission direct the city attorney to draft an ordinance to repeal Public Alert Weather Radios Ordinance 2007-009.

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

<b>Vice Mayor Goldberg</b>	<b>Yes</b>
<b>Commissioner Cheshire</b>	<b>Yes</b>
<b>Commissioner Kelly</b>	<b>No</b>
<b>Mayor Bell</b>	<b>No</b>
<b>Commissioner Gunter</b>	<b>Yes</b>

**The motion was declared carried on a three-to-two vote.**

**(i) First Reading – Ordinance 2013-009, Correcting a Scrivener’s Error on Ordinance 2013-003 – Water Service Base Rate**

At Mayor Bell’s request, Mr. Gerken read the title of proposed Ordinance 2013-003 the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA CORRECTING A SCRIVENER’S ERROR IN THE BASE RATE INCLUDED IN CITY OF FRUITLAND PARK ORDINANCE 2013-003 SETTING FORTH THE BASE RATE APPLICABLE TO OUTSIDE CITY LIMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE (City Attorney). (The second reading will be held on 2013.)

Mr. Gerken explained that the subject proposed ordinance corrects the error in the base rate for the out-of-city water rate in the first ordinance that amended the water rates and the amended ordinance.

**A motion was made by Commissioner Kelly and seconded by Vice Mayor Goldberg that the city commission approve Ordinance 2013-009 as previously cited.**

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

<b>Commissioner Cheshire</b>	<b>Yes</b>
<b>Commissioner Kelly</b>	<b>Yes</b>
<b>Mayor Bell</b>	<b>Yes</b>
<b>Commissioner Gunter</b>	<b>Yes</b>
<b>Vice Mayor Goldberg</b>	<b>Yes</b>

**The motion was declared unanimously carried.**

## PUBLIC HEARING

Upon Mr. Gerken's suggestion and by unanimous consent, the city commission considered items 7. (j) and 7.(k) as one item.

(j) **Small-Scale Proposed Comprehensive Plan Amendment and Public Hearing – Ordinance 2013-010 – Amending the Future Land Use Designation - Petitioner: Countryside Baptist Church**

At Mayor Bell's request, Mr. Gerken read the title of proposed Ordinance 2013-010 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 COUNTY URBAN MEDIUM DENSITY TO INSTITUTIONAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 3.60± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF REGISTER ROAD AND EAST OF US 27/441; 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).

(k) **Small-Scale Proposed Comprehensive Plan Amendment and Public Hearing – Ordinance 2013-011 – Amending the Boundaries – Petitioner: Countryside Baptist Church**

At Mayor Bell's request, Mr. Gerken read the title of proposed Ordinance 2013-011 the substance of which is as follows:

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 3.60± ACRES OF LAND GENERALLY LOCATED NORTH OF REGISTER ROAD AND EAST OF US 27/441; REZONING THE PROPERTY FROM LAKE COUNTY "CFD" (COMMUNITY FACILITIES DISTRICT) TO PUBLIC FACILITIES DISTRICT 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 (City  
Attorney/Community Development Director).

Mr. Gerken swore-in Mr. Rector who provided testimony on the subject proposed ordinances; described the location of the church, and relayed the applicant's request to add an addition for water, sewer and fire services.

In referring to the site plan, Mr. Rector identified the proposed addition on the south-end of the current building where the current break-room in the home is used as a sanctuary and the intent to build the same seating as a sanctuary and the break-room as classrooms. He explained that the water and sewer issues have been reviewed by staff, the planner and engineers and that the application has already been made for permits for sewer connection which is proceeding.

After further discussion, a motion was made by Commissioner Cheshire and seconded Vice Mayor Goldberg by that the city commission approve Ordinance 2013-010 providing for a comprehensive plan amendment as previously cited.

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

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

The motion was declared unanimously carried.

A motion was made by Commissioner Kelly and seconded by Commissioner Cheshire that the city commission approve Ordinance 2013-011 amending the boundaries as previously cited.

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

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

**The motion was declared unanimously carried.**

**(I) Second Reading and Public Hearing – Ordinance 2013-008, Electrical Service Franchise Agreement – City of Leesburg**

It now being the time advertised to hold a public hearing to consider the enactment of the proposed ordinance and after Mr. Gerken read the title, the substance of which is as follows, Mayor Bell called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AN AMENDMENT TO FRUITLAND PARK'S ELECTRIC FRANCHISE AGREEMENT WITH THE CITY OF LEESBURG, FLORIDA; EXTENDING THE TERM OF THE FRANCHISE WHILE RETAINING A PURCHASE OPTION; PROVIDING FOR CERTAIN TERMS AND CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE (City Attorney). (The first reading was held on November 14, 2013.)

Discussions ensued on the proposed extended terms on the electrical service franchise agreement which the City of Leesburg approved at its November 18, 2013 regular meeting; the design of the whole electrical system working in support of the City of Fruitland Park, and the need to implement the process immediately.

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

**A motion was made by Commissioner Cheshire and seconded by Vice Mayor Goldberg that the city commission enact Ordinance 2013-008, as previously cited, to become effective immediately as provided by law.**

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

<b>Commissioner Gunter</b>	<b>Yes</b>
<b>Commissioner Kelly</b>	<b>Yes</b>
<b>Mayor Bell</b>	<b>Yes</b>
<b>Vice Mayor Goldberg</b>	<b>Yes</b>
<b>Commissioner Cheshire</b>	<b>Yes</b>

**The motion was declared carried unanimously.**

**8. NEW BUSINESS**

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

## 9. OFFICERS' REPORTS

### (a) City Manager

Ms. Yoder reported that 20 churches are planning for a February 2014 5k charitable run; believed that the event is too close to the March 15, 2014 Fruitland Park Days, and indicated that the proceeds from runners and sponsors for the 5k would be allocated towards Heritage Community Church's food bank. She explained that there will be a meeting on November 25, 2013 relating to more details on the 5k event and addressed her preference for separate events as well as including the Kids' Run for the Fruitland Park Day.

After discussion and upon Ms. Yoder's recommendation, **the city commission, by unanimous consent agreed on the churches' plan to hold a February 2014 5k charitable run as a separate event leading up to the March 15, 2014 Fruitland Park Day which will include the Kids' Run.**

### (b) City Attorney

#### i. Communications Services Tax

Mr. Gerken referred to the city commission's discussions at the November 14, 2013 special meeting regarding the elimination of the utility tax and addressed the Lake County Municipal League's opposition to get rid of the communications services tax that deals with cable services. He explained that a legislative body made a recommendation to get rid of it a few years ago and the few bills that were pending did not make it very far. Mr. Gerken indicated that the utility tax is acceptable; however, the communications tax is "on fire". He expressed his willingness to review the issue further if anyone has any other information.

#### ii. Notice of Taking Deposition – James Richardson (Case No. 2013 CA 400)

Mr. Gerken pointed out calls he received regarding scheduling a deposition at his office in February 2014 on the subject case. He suggested that the city commission make a selection by signing the time slot in one of three days assigned and if they are not able to attend, other arrangements would be made.

#### iii. Fire Service Fee Class Action Lawsuit (Case No. 2013 CA 400)

Mr. Gerken announced that he is requesting a shade meeting tentatively immediately after the December 12, 2013 regular meeting to discuss the Fire Service Fee Class Action Lawsuit. He addressed the opportunity for the city commission to meet the attorney, hear his views and share their thoughts.

- iv. **Robert A. Parish vs. City of Fruitland Park, Case No. 2013 CA 001361**  
Mr. Gerken requested the need for the city commission's guidance to hold a potential closed attorney-client meeting in the future to discuss the Robert A. Parish Lawsuit (Case No. 2013 CA 001361).

**10. COMMISSIONERS' COMMENTS**

**(a) Commissioner Kelly**

Commissioner Kelly had no comments to submit at this time.

**(b) Vice Mayor Goldberg**

Ms. Yoder explained plans have been made to advertise the 6:00 p.m. December 6, 2013 "Hometown Christmas" in the "Daily Commercial" and announcements were made in the water bills and the city's newsletter. She explained that signs for "Hometown Christmas" will be erected on November 25, 2013.

**(c) Commissioner Cheshire**

Commissioner Cheshire had no comments to submit at this time.

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

Commissioner Gunter had no comments to submit at this time.

**11. MAYOR'S COMMENTS**

**(a) Dates to Remember**

Mayor Bell recognized that the Local Planning Agency (LPA) meeting will be held on December 12, 2013 at 6:00 p.m.; the regular city commission meeting at 7:00 p.m., and immediately following, the shade meeting will held.

Mr. Conner recommends changing the procedure by holding the city commission regular meeting at 7:00 p.m. with the Pledge of Allegiance; recess the regular meeting and take action sitting as the commission at the LPA and the Community Redevelopment Agency meetings, and reconvene to the regular session.

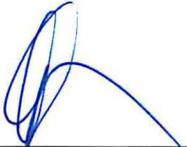
**(b) Nicaragua Trip**

Mayor Bell addressed his intent to show a video featuring a recent trip he attended with the Heritage Church group to Nicaragua to visit local villagers to install a water well for fresh water; however, due to technical difficulties, he highlighted the villagers' living conditions and the group's hard work and accomplishments.

**12. ADJOURNMENT**

There being no other business to come before the city commission at this time, on motion of Commissioner Cheshire, seconded and unanimously carried, the meeting adjourned at 9:05 p.m.

The minutes were approved at the December 12, 2013 regular city commission meeting.

Signed   
\_\_\_\_\_  
Esther B. Coulson, City Clerk

Signed   
\_\_\_\_\_  
Christopher Bell, Mayor