

**FRUITLAND PARK CITY COMMISSION REGULAR MEETING  
MINUTES  
February 27, 2014**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, February 27, 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 Manager Gary La Venia, City Attorney Scott Gerken, 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**

Mayor Bell called the meeting to order at 7:00 p.m.

**INVOCATION**

At Mayor Bell's request, Father John C. Giel, Catholic Community of St. Paul Church, gave a historical background of the church; described the various services provided in the surrounding areas including the City of Fruitland Park, and gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mr. Tommy Gamble, Fire Chief, introduced Mr. Shelton Turner, Fire Department Explorers, to this evening's meeting who led in the Pledge of Allegiance to the flag.

Ms. Nancy Helander, Fruitland Park Explorers Program, recognized the children involved who have been recruited through the ranks to become the city's firefighters and expressed her gratitude to the city commission for their support.

In response and on behalf of the city commission, Mayor Bell expressed appreciation to the men and women involved.

**2. ROLL CALL**

At Mayor Bell's request, Ms. Coulson called the roll and a quorum was declared present.

**3. PROCLAMATIONS**

**March 2014 – Irish American Heritage Month**

On behalf of the city commission, Mayor Bell read into the record a proclamation designating the month of March 2014 as *Irish American Heritage Month* in recognition of the long history of Irish-American contributions to the State of Florida. He referred to the 2010 US Census and acknowledged the nationalities from the population residing in the City of Fruitland Park to be 17 percent Irish-related.

Mr. Patrick V. Kennedy, President, Ancient Order of Hibernians in America thanked the city commission for the recognition; requested that the community recognize the date of March 17, 2014 as “*St. Patrick’s Day*”, and accepted the proclamation with gratitude.

**4. LOCAL PLANNING AGENCY**

**By unanimous consent, the city commission recessed its meeting at 7:12 p.m. to convene the Local Planning Agency meeting and reconvened at 7:16 p.m.**

**5. PUBLIC COMMENTS**

There were no public comments at this time.

**6. CONSENT AGENDA**

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

**7. REGULAR AGENDA**

**(a) Charter Review Committee Update**

Mr. “Mackie” McCabe, Charter Review Committee Chair, reported on the committee’s current review of the Charter sections Articles I. to III. at its February 25, 2014 meeting; relayed the consensus reached on the method in reviewing the charter, and welcomed the city commission’s input.

Mr. La Venia gave a report on his recent contact with the Florida Institute of Government to determine whether they could be retained as the city’s consultants to review the charter. He relayed their comments on their review of the city’s charter that it is a solid document requiring minimal changes and that they have no one on staff to provide such service. Mr. La Venia explained that he has reached out to LPG Urban and Regional Planners Inc.; indicated that a procurement process is not required as they are currently the city’s planner, and recommended that they be retained as the consultant for the committee.

**A motion was made by Vice Mayor Goldberg and seconded by Commissioner Kelly that the city commission approve the city manager’s recommendation to retain Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., as the consultant for the Charter Review Committee at a cost of \$9,500, to conduct a study on the redistricting process (the creation of a map with four districts with the mayor at-large or five districts) and authorize the execution of an agreement for professional services.**

Mr. Gerken conveyed discussions held at the February 25 committee meeting on retaining the consultant as needed recognizing that even if a referendum regarding districting occurs in the November 2014 election, districting will not take place in the city until 2016 when a number of changes will be anticipated at that time. He explained that the committee will work with Mr. Beliveau to make a decision on districting and review and redraw the current map before the 2016 election.

After discussion, Mayor Bell requested that Mr. Beliveau be invited to the next regular city commission meeting to address the redistricting issue.

Following further discussion on the process involved with the charter revision and initiatives on the ballot, **Mayor Bell called for a roll call vote on the motion and declared it carried unanimously.**

- (b) **“Love Week 5K Run and Kids Fun Run” Report**  
By unanimous consent, the “Love Week 5K Run and Kids Fun Run” report was postponed to the March 13, 2014 regular city commission meeting at staff’s request.

- (c) **Surplus Items – Patrol Vehicles**  
After discussion and a motion was made by Commissioner Gunter and seconded by Commissioner Kelly that the city commission approve staff’s recommendation to sell two vehicles as surplus items which are no longer operational: 1988 Ford (VIN No. 2FAFP71W8WX18639) and 2003 Ford (VIN No. 2FAFP71WX3X142952).

Following further discussion, **Mayor Bell called for a vote on the motion and declared it carried unanimously**

- (d) **Year-to-Date Budget Report**  
Ms. Gayle submitted the treasurer’s report of the City of Fruitland Park’s financial information; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Ms. Gayle reported that the year’s budget was closed out, expenditures are conservative, and that the budget process will commence on April 1, 2014. She addressed her plan to meet with the city commission to determine whether changes ought to be made.

After discussion, Ms. Gayle explained that she is currently waiting for the auditor’s adjustments.

**By unanimous consent, Mayor Bell opened the public hearing.**

## **7. REGULAR AGENDA**

- (e) **First Reading – Ordinance 2014-002 – Comprehensive Plan Amendment – “The Villages of Fruitland Park – DRI”**  
It now being the time advertised to hold a public hearing and after Mr. Gerken read into the record the title of the proposed ordinance 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, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT TO CREATE A NEW FUTURE LAND USE DESIGNATION WITHIN THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN ENTITLED "THE VILLAGES OF FRUITLAND PARK-DRI"; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT PURSUANT TO FLORIDA STATUTES 163.3184(3) AMENDING THE FUTURE LAND USE DESIGNATION FROM LAKE COUNTY RURAL TO THE VILLAGES OF FRUITLAND PARK DRI ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 780 ± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF CR 466-A AND NORTH OF PINE RIDGE DAIRY ROAD; PROVIDING FOR SEVERABILITY; 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, AND PROVIDING FOR AN EFFECTIVE DATE. (The second public hearing will be held on April 27, 2014.)

After discussion, Mr. Rector relayed the unanimous recommendations of approval from the Planning and Zoning Board and the Local Planning Agency to transmit the previously cited ordinance to the appropriate agency.

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

**A motion was made by Commissioner Kelly and seconded by Commissioner Gunter that the city commission approve the Local Planning Agency's recommendation to transmit proposed Ordinance 2014-002 as previously cited to the state.**

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

**The motion was declared unanimously carried.**

**8. NEW BUSINESS**

There was no new business to address at this time.

**9. OFFICERS' REPORTS**

**(a) City Manager**

**i. February 25, 2014, County Commission**

Mr. La Venia gave a report on recent actions by the Lake County Board of County Commissioners at its February 25, 2014 regular meeting to advertise public hearings on the following corridors and Lake County Metropolitan Planning Organization's consideration at its recent meeting to include the respective projects as roadway improvements in its program, and described the phases involved:

- **Pine Ridge Dairy Road #5603**

vacate and cease maintenance on a portion of county maintained Pine Ridge Dairy Road #5603.

- **CR 466A ROW**

vacate a portion of right-of-way along the old alignment of CR 466A in the Fruitland Park area.

**ii. City of Fruitland Park Cleanup Day**

Mr. La Venia reminded the city commission of the *Fruitland Park Cleanup Day* to take place on Saturday, March 1, 2014 at Gardenia Park starting at 8:30 a.m. and encouraged the citizens to support their city by keeping it clean.

**(b) City Attorney**

**i. Attorney-Client Session – Parish Lawsuit (Case No. 2013 CA 001361)**

Mr. Gerken referred to his report given at the last regular commission meeting on the mediation on the Robert A. Parish litigation on February 20, 2014 attended by the mediator, Mr. La Venia and himself; explained that they reached an impasse as a settlement was not attained.

Mr. Gerken explained that subsequent to the mediation, additional discussions took place and a meeting reconvened earlier this day, in advance of the deposition of Mayor Bell, whereby a settlement agreement was reached and executed, contingent upon approval by the city commission.

Mr. Gerken advised that he desires advice concerning the subject pending litigation at 6:00 p.m., prior to the March 13, 2014 regular commission meeting, to accept the proposed settlement. He recognized that almost all the funds would be coming from the city's insurance provider and that scheduled depositions for the city commissioners or discoveries, as a result, will be stayed or cancelled.

**ii. Wingspread Homeowner's Association**

Mr. Gerken acknowledged the presence of Mr. Marc Schwartz, Wingspread Homeowners' Association (HOA); recalled the city commission's previous consideration on the issue of the gate between Wingspread and The Glen HOAs, and noted the petition to vacate the area was filed, ultimately considered and denied by the city commission.

With regards to the land application, Mr. Gerken referred to the code requirements that the applicant pay the associated fees with the application and total outstanding attorney's fees of \$1,789.08 which remains unpaid and pointed out Wingspread's payment of the regular filing fee with the petition. He relayed Wingspread's request, under the circumstances, for relief from the fees to be waived and recognized the situation as extraordinary as it was not purely connected to the petition.

Mr. Marc Schwartz, president representing Wingspread HOA, recollected the events that occurred at previous city commission meetings when the original matter was considered, never acted upon, but eventually postponed on a number of occasions due to insufficient information which left the neighborhood to resolve amongst themselves. He recognized that the majority of the fees occurred after that time.

Mr. Gerken recommended that some relief be given and left the matter up to the city commission's discretion.

After extensive deliberations, and **on motion of Commissioner Cheshire, seconded by Vice Mayor Goldberg and unanimously carried, the city commission approved revising the balance of fees and request that Wingspread Homeowners' Association pay \$450.00 to the city.**

**iii. Fees Settlement Agreement - Police and Fire Service Fee Action Lawsuit (Case No. 2013 CA 400 Circuit Court, Fifth Judicial District)**

Mr. Gerken recognized the date of the hearing for the approval of the settlement agreement, which can be attended by the public, on the subject case will be held on Wednesday, March 5, 2014 at the Lake County Clerk of the Circuit Courts.

Mr. Gerken explained that the class fund would be divided among the class members, attorneys and representatives and an announcement or ruling may be issued later by the judge.

**iv. Special Magistrate**

Mr. Gerken referred to his comments made at the February 13, 2014 regular city commission meeting regarding the septic tank tragedy and the ability to proceed with the special magistrate process. He reported that

he prepared a draft of a special magistrate ordinance which he will provide for city commission consideration at a future meeting.

**10. COMMISSIONERS' COMMENTS**

**(a) Vice Mayor Goldberg**

Vice Mayor Goldberg had nothing to report.

**(b) Commissioner Kelly**

Commissioner Kelly relayed an elected official's comments made at the February 26, 2014 Lake County Metropolitan Planning Organization (MPO) meeting on the status of CR 466A corridor and indicated that he will be keeping on top of the issue.

**(c) Commissioner Cheshire**

Commissioner Cheshire had nothing to report at this time.

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

Commissioner Gunter thanked Mayor Bell for his involvement and representing the city commission with the transportation issue and his recent trip with other local Lake County elected officials to Tallahassee on behalf of the city to seek funding for CR 466A.

**11. MAYOR'S COMMENTS**

**(a) February 18 and 19, 2014 Lake County Legislative Days**

Mayor Bell reported on his involvement on the Transportation Committee at the February 18 and 19, 2014 Lake County Legislative Days with Lake County Board of County Commissioner Timothy Sullivan, the MPO's Executive Director T. J. Fish and other representatives who primarily addressed the US 466A corridor as a priority to be implemented.

**(b) February 20, 2014, Ocala/Marion County Chamber and Economic Partnership**

Mayor Bell reported on his February 20, 2014 meeting at the Ocala/Marion County Chamber and Economic Partnership with elected officials from the Village of Lady Lakes; noted the message relayed to Lake County on the need to track businesses for economic growth, and mentioned the exchange of ideas.

**(c) February 25, 2014, Lake County**

Mayor Bell explained that Mr. La Venia accompanied him to the Lake County Board of County Commissioners regular meeting on February 25, 2014 on the approval to advertise public hearings to vacate and cease maintenance on a portion of county maintained Pine Ridge Dairy Road #5603 and vacate a portion of right-of-way along the old alignment of CR 466A in the City of Fruitland Park area.

Mayor Bell addressed the economic development and the resources available at The Villages into Lake County and the elected officials' support to improve the roadways and the traffic signals at CR 466A and 441 roadway.

Mayor Bell explained that he and Mr. La Venia met with District 5 Lake County Commissioner Welton Caldwell and Mr. Bill L. Veach, Lake County Deputy Manager, regarding the CR 466A corridor and that they are in the process of finalizing the Interlocal Agreement relating to the proposed community park which will be considered at a future city commission meeting.

**(f) February 22, 2014, Workshop**

Mayor Bell noted that the February 22, 2014 City Commission Workshop will be held to address the Capital Improvement Plan (CIP) and indicated that Mr. La Venia will be reporting back to the city commission.

**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 8:12 p.m.**

The minutes were approved at the, March 13, 2014 regular city commission meeting.

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

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