

PUBLIC NOTICE AND AGENDA OF THE GROVELAND LOCAL PLANNING AGENCY
MEETING SCHEDULED TO CONVENE AT **6:30** P.M., WEDNESDAY, JUNE 8, 2016, IN THE
PURYEAR BUILDING AT 243 SOUTH LAKE AVENUE.

CALL TO ORDER
ROLL CALL

MAYOR	TIM LOUCKS	tim.loucks@groveland-fl.gov
VICE-MAYOR	KAREN MCMICAN	karen.mcmican@groveland-fl.gov
COUNCILMEMBER	JOHN GRIFFIN	john.griffin@groveland-fl.gov
COUNCILMEMBER	DINA SWEATT	dina.sweatt@groveland-fl.gov
COUNCILMEMBER	MIKE RADZIK	mike.radzik@groveland-fl.gov
CITY ATTORNEY	ANITA GERACI-CARVER, ESQ.	
CITY MANAGER	REDMOND JONES, II	redmond.jones@groveland-fl.gov
ACTING CITY CLERK	LISA CORTESE	lisa.cortese@groveland-fl.gov
SERGEANT-AT-ARMS	CHIEF M. SMITH TENNYSON	melvin.tennyson@groveland-fl.gov

Please note: Most written communication to or from government officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

AGENDA

1. Approval of Meeting Minutes from May 16, 2016
2. Approval of Resolution 2016-06-15: Open Air Permit Fee

Comments from the Public

Adjournment

Groveland Code of Ordinances Sec. 2-58 (f). Any person desiring to address the council shall first secure the permission of the presiding officer and shall give his name and address for the record. All remarks shall be addressed to the council as a body and not to any member thereof unless permission to do so is first granted by the presiding officer. Unless further time is granted by the presiding officer or the council, members of the public shall limit their discussion or address to no more than five minutes. No question shall be asked a councilmember or city official except through the presiding officer. **If your address is exempt from public record you are not required to state it. In addition do not give out your Social Security Number, phone number, email address of any other information you do not want others to have access to as the meetings are recorded and those recordings are considered public record.**

Pursuant to the provisions of Chap. 286, F.S., Sec. 286.0105, if a person decides to appeal any decision made by this body with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based and is advised to make such arrangements at his or her own expense.

City of Groveland
Minutes
Local Planning Agency Meeting
Monday, May 16, 2016

The Groveland City Council held a regularly scheduled meeting on Monday, May 16, 2016 in the E.L. Puryear Building located at 243 S. Lake Avenue. Mayor Tim Loucks called the meeting to order at 6:40pm with the following members present: Vice Mayor Karen McMican, Council Members Mike Radzik, and Council Member Dina Sweatt. City officials present were City Attorney Anita Geraci-Carver, City Manager Redmond Jones, Acting City Clerk Lisa Cortese and Sergeant-at-Arms Chief M. Smith Tennyson. Council Member John Griffin was absent.

AGENDA

1. Approval of Meeting Minutes 05-02-2016

Council Member Dina Sweatt moved to approve; seconded by Council Member Mike Radzik. The motion was approved with all members present voting aye.

2. Ordinance 2016-05-12: Comp Plan Amendment – Hope Plaza

Council Member Mike Radzik moved to forward to Council with the recommendation for approval; seconded by Vice-Mayor Karen McMican.

Mayor Tim Loucks asked if any of the Council Members had any ex-parte communications with the applicant. Vice-Mayor Karen McMican, Council Member Dina Sweatt, and Council Member Mike Radzik all indicated they had not had any ex-parte communications with the applicant. Mayor Tim Loucks indicated that he had spoken with staff and Tony McCoy previously and directed him to the City Manager and the City Planner.

The motion was approved with all members present voting aye.

3. Ordinance 2016-05-13: PUD Rezoning – Hope Plaza

Council Member Dina Sweatt moved to forward to Council with the recommendation for approval; seconded by Council Member Mike Radzik.

Mayor Tim Loucks asked if any of the Council Members had any ex-parte communications with the applicant. Vice-Mayor Karen McMican, Council Member Dina Sweatt, and Council Member Mike Radzik all indicated they had not had any ex-parte communications with the applicant. Mayor Tim Loucks indicated that he had spoken with staff and Tony McCoy previously and directed him to the City Manager and City Planner.

Both Council Members Dina Sweatt and Mike Radzik amended their motion to include the following changes (pg. 2 Subsection 2. second to last paragraph to read: Other similar no more intensive uses will be permitted at the discretion of the City Manager and approval of the City Council.) and forward to Council with the recommendation for approval.

The motion was approved with all members present voting aye.

4. Ordinance 2016-05-14: Vacation of Easement – Southgate

Council Member Dina Sweatt moved to forward to Council with the recommendation for approval; seconded by Vice-Mayor Karen McMican.

Mayor Tim Loucks asked if any of the Council Members had any ex-parte communications with the applicant. Mayor Tim Loucks, Vice-Mayor Karen McMican, Council Member Dina Sweatt, and Council Member Mike Radzik all indicated they had not had any ex-parte communications with the applicant.

The motion was approved with all members present voting aye.

5. Resolution 2016-05-13: Variance Side Setback – Eagle Pointe

Council Member Mike Radzik moved to forward to Council with the recommendation for approval; seconded by Council Member Dina Sweatt.

Mayor Tim Loucks asked if any of the Council Members had any ex-parte communications with the applicant. Vice-Mayor Karen McMican, Council Member Dina Sweatt, and Council Member Mike Radzik all indicated they had not had any ex-parte communications with the applicant. Mayor Tim Loucks indicated that he had spoken with the applicant with regards to a three-inch discrepancy and a variance needed due to the size of the home. Mr. Loucks stated he directed the applicant to city staff.

The motion was approved with all members present voting aye.

PUBLIC COMMENTS

ADJOURNMENT

Mayor Tim Loucks adjourned the meeting at 6:50pm.

Attest:



Tim Loucks, Mayor

Lisa Cortese, Acting City Clerk



REQUEST FOR LPA CONSIDERATION

MEETING DATE: June 6, 2016

ITEM NUMBER: 2

AGENDA ITEM: Resolution 2016-06-15 – Open Air Sales Permit Fee

CITY GOAL: Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.

PREPARED BY: Anita Geraci-Carver, City Attorney

DATE: May 24, 2016

BACKGROUND: Staff has requested a revision to the City's Fee Schedule. As I understand the request from staff, they would like Council to no longer charge a permit fee for open air sales if the applicant is conducting sales with the proceeds of the sales going towards a charitable purpose, even if the applicant is not a nonprofit, tax exempt organization. Currently the City charges the following permit fees for open air sales:

- One or two day sale \$40.00
- Three to five day sale \$60.00
- More than five day sale \$75.00

An open air sale is defined as follows in the City's code:

the offering, display or sale of goods, merchandise, or services not within a fully enclosed building. Sales conducted from tents, trucks, or other non-permanent structures shall be construed to be open air sales. Open air sales include seasonal sales and outdoor sales associated with a permanent business location such as a grand opening or a special promotion.

Seasonal sales have a different permit fee rate.

Permits are required in order to have an open air sale, garage or yard sale, or special event with minor exceptions. The Code provides that other than for approved seasonal sales, open air sales are only allowed as an accessory use to a permanent commercial building with a valid occupational license, and are not allowed as a temporary use not accessory to a permanent commercial building.

If a local government or a nonprofit, tax exempt organization in Groveland is holding a special event, the City does not charge a permit fee, although the applicant must still obtain a permit. The City relies on paperwork to determine if an organization is a nonprofit, tax exempt organization in Groveland.

"The city with a future, watch us grow!"

For open air sales, staff does not want to use the term nonprofit, tax exempt organization in Groveland, rather staff has suggested *no fees if open air sales profits are used in general charity activities.*

The attached resolution provides for staff's recommended language with a slight revision, and I have added a definition for "charity activities". I have also added a requirement that the applicant submit proof to the City that the profits were utilized for charity activities.

STAFF RECOMMENDATION: Staff has recommended the LPA recommend approval of Resolution 2016-06-15 to City Council
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REVIEWED BY CITY MANAGER:

COUNCIL ACTION:

MOTION BY:

SECOND BY:

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RESOLUTION 2016-06-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVELAND, FLORIDA, COUNTY OF LAKE, STATE OF FLORIDA, AMENDING THE CITY OF GROVELAND'S FEE SCHEDULE TO NOT CHARGE A PERMIT FEE FOR OPEN AIR SALES IF PROFITS FROM SUCH SALE IS USED IN GENERAL CHARITY ACTIVITIES; PROVIDING FOR SEVERABILITY; REPEALING LANGUAGE IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes the importance of open air sales activities to create a sense of community;

WHEREAS, these types of events often include offerings, displays or sales of goods, merchandise, or services not within a fully enclosed building; and

WHEREAS, the City Council also desires to encourage profits generated from open air sales to be utilized for charitable purposes, and is therefore willing to forego collection of a permit fee when profits are utilized for general charity activities and proof of such is provided to the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GROVELAND, FLORIDA:

SECTION 1. That the fees set forth in Resolution 2014-09-18 for Open air sale is hereby amended to read as follows:

Open air sale:

No permit fee will be assessed to an applicant if open air sale profits are used for the purpose of general charity activities.

- One or two day sale \$ 40.00
- Three to five day sale \$ 60.00
- More than five day sale \$ 75.00

General charity activities for purposes of this resolution shall mean: one designed to benefit, ameliorate, or uplift mankind mentally, morally, or physically. Examples are: relief of poverty, improvement of government, advancement of education, health, or religion, fostering kindness to animals, patriotism and community well-being.

The applicant must provide written documentation to the City of proof that profits generated from the open air sale were used for a general charitable activities purpose. Failure to provide such proof within 10 business days from the date of the open air sale will result in the applicant being required to pay the applicable open air sale permit fee.

SECTION 2. It is the intention of the City Council of the City of Groveland that the provisions of this Ordinance shall be codified and made a part of the City of Groveland Code of Ordinances.

SECTION 3. If any portion of this resolution is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect, the portion deemed

invalid or unenforceable shall be severed here from and the remainder of this resolution shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION 4: All resolutions or parts thereof, which are in conflict with this resolution are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION 5. The provisions within this resolution shall take effect immediately upon adoption.

PASSED AND RESOLVED in regular session of the City Council of the City of Groveland, Lake County, Florida, this _____ day of _____, 2016.

HONORABLE TIM LOUCKS, MAYOR
City of Groveland Florida

ATTEST:

City Clerk/Acting City Clerk



Approved as to Form:

Anita Geraci-Carver
City Attorney

Passed First Reading _____

Council Member _____ moved the passage and adoption of the above and foregoing Resolution. Motion was seconded by Council Member _____ and upon roll call on the motion the vote was as follows:

	YEA	NAY
John Griffin		
Tim Loucks		
Karen McMican		
Mike Radzik		
Dina Sweatt		