

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
April 25, 2013

MEETING STATISTICS. A regular meeting of the Fruitland Park City Commission was conducted in the Commission Chambers of City Hall, 506 West Berckman Street, Fruitland Park, Florida on Thursday, April 25, 2013 beginning at 7:00 p.m

INVOCATION AND PLEDGE OF ALLEGIANCE. Acting City Manager/Police Chief Isaacs delivered the invocation followed by the Pledge of Allegiance led by Vice Mayor Kelly.

ROLL CALL. Mayor Bell asked City Clerk Diane Gibson Smith to call the roll.

ELECTED OFFICIALS PRESENT. Commissioner John L. Gunter, Jr., Commissioner Chris Cheshire, Commissioner Albert O. Goldberg, Vice Mayor Sharon Kelly, and Mayor Christopher J. Bell.

MUNICIPAL OFFICIALS/OTHERS PRESENT. Acting City Manager (ACM) /Police Chief (PC) Terry Isaacs, City Treasurer (CT) Jeannine Racine Michaud, Community Development Director (CDD) Charlie Rector, and City Clerk (CC) Diane Gibson Smith.

01. CITIZENS COMMENTS

- a.) Steve Fussell, husband of Fruitland Park Café owner, stated he has had a career in advertising, etc. In reading about Fruitland Park in the past, he noted hardly any of the stories are positive, most are negative. Mr. Fussell stated he will be launching a program called "I Love Fruitland Park." He stated he has a vested interest in having a better community. He noted he will include a website about what is going on in Fruitland Park and he wants to help change the image to those who want to move here.

Commissioner Gunter noted he was very happy to hear about someone wanted to report on the positives that go on in the City.

02. APPROVED CONSENT AGENDA AS PRESENTED

Mayor Bell presented the Consent Agenda as presented.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to approve the Consent Agenda as presented. The motion carried with all Commissioners voting aye. The items approved were: minutes of the March 28, 2013 CC meeting, minutes of the April 2, 2013 Special CC meeting, and minutes of the April 18, 2013 Special CC meeting.

03. HEARD CITY TREASURER'S REPORT FOR PERIOD ENDING MARCH 31, 2013. CT Michaud stated City Hall is now paid off! She noted the General Fund revenues still exceed expenditures. Most departments are under budget except Legal which will be corrected with mid-year adjustments. Water usage is high in Other General Govt and Recreation. This will be addressed in mid-year.

CT Michaud reviewed the mid-year recommendations. She reviewed she increased some revenues and decreased for health insurance and retirement in Public Works. Overall, the General Fund is being decreased by \$9,600 which includes not making the transfer in from Fund Balance. In Redevelopment, the grant income and expenditures were removed. Capital Improvement, the sales surtax was decreased. In Utility, decreased all the

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additional work that was in the budget and was still able to increase contingencies by \$99,000 due to the Wicks lawsuit proceeds.

CT Michaud noted our web site was redesigned so we need to pay him something for that work.

Commissioner Cheshire questioned why we have our city departments pay for water. Mayor Bell noted this was the former Treasurer's way to account for the water usage. The payments come from General Fund.

04. CITY ATTORNEY REPORT

- a.) CA Gerken stated a Stein lawsuit was filed. He requested a shade meeting in the near future (May) to discuss litigation. Attorney Mike Roper will also be attending.
- b.) CA Gerken reported on the Richardson litigation. Some discovery has been going on and mediation has been set for June 14, 2013. Prior to this additional discover and depositions.

Vice Mayor Kelly questioned if CA Gerken bills for calls from our Acting City Manager. CA Gerken stated no.

Vice Mayor Kelly asked if bids were required for emergency purchases and what makes it an emergency purchase. She stated this in reference to the A/C unit in the EMS building. CA Gerken stated bids were not required due to the dollar amount. CA Gerken stated he spoke with ACM Isaacs about this purchase and let him know it was within his authority to authorize.

05. INTERIM CITY MANAGER'S REPORT

- a.) Softball field – ACM Isaacs stated a request has come to rent the Cales Complex softball field and one of the employees. The employee will be contracted by the requestor directly.
- b.) Replacement A/C – ACM Isaacs gave a report on the A/C unit in the EMS building. The decision was made to have the unit replaced instead of fixed. Per City policy, quotes were received. The low quote was accepted. This apparently caused some concern our usual repairman for A/C. ACM Isaacs stated policy was followed and that was why the decision was made.

Vice Mayor Kelly questioned if the quote over \$4,000 could have been accepted in an emergency situation. CA Gerken stated in an emergency, it could be done.

- c.) ACM Isaacs made a presentation to Sergeant Beckie Sirolli for her role in the tracking and capturing of the “worst distributor of child pornography” in Florida – and in the world.

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06. INTRODUCTION/FIRST READING OF ORDINANCE

- a.) Approved first reading of Ordinance 2013-001 changing the star time of the Planning and Zoning Board meetings. CA Gerken read Ordinance 2013-001 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; AMENDING SECTION 31.27 OF THE CODE OF ORDINANCES ENTITLED "MEETINGS; VOTING; OFFICERS"; TO CHANGE THE TIME OF PLANNING AND ZONING BOARD MEETINGS; PROVIDING FOR FUTURE CHANGES TO BE MADE BY A MAJORITY VOTE OF THE PLANNING AND ZONING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken noted the actual time for the Planning and Zoning Board meetings is within our Code of Ordinances. This will not only change the time but also allow them to change it whenever without having to advertise.

Vice Mayor Kelly moved and Commissioner Gunter seconded to approve the first reading of Ordinance 2013-001. The roll call vote was as follows:

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

The motion carried unanimously.

07. NEW BUSINESS

- a) Approved three items for Family Dollar

- i. Approved Lot Split for Stokes CA Gerken swore in CDD Rector. CDD Rector stated the property is to be split into 3 parcels. The Planning and Zoning Board approved this unanimously.

Commissioner Gunter moved and Commissioner Goldberg seconded to approve the lot split. The motion carried with all Commissioners voting aye.

- ii. Approved Resolution 2013-008 granting variances for property located at 106 West Miller Street. CDD Rector stated three variances are needed in order to make this property work for everyone involved. They include the landscape buffer requirement removing, allowing fewer parking spaces than our regulations require, and allowing for slightly smaller parking spaces.

CA Gerken read Resolution 2013-008 by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING VARIANCES FOR PROPERTY GENERALLY LOCATED SOUTH OF SHILOH STREET,

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WEST OF N. DIXIE AVENUE, AND NORTH OF W. MILLER STREET AT 106 WEST MILLER STREET; SPECIFICALLY GRANTING VARIANCES FROM CHAPTER 164, SECTION 164.030 REGARDING LANDSCAPE REQUIREMENTS, CHAPTER 162, SECTION 162.040 REGARDING PARKING AND SECTION 162.060 REGARDING DESIGN STANDARDS OF OFF-STREET PARKING AND LOADING AREAS; PROVIDING FOR RECORDATION; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Cheshire moved and Commissioner Goldberg seconded to approve Resolution 2013-008. The roll call vote was as follows:

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

The motion carried unanimously.

- iii. Approved Site Plan for Family Dollar CDD Rector stated 81 notices sent out. A total of four phone calls were received. One letter was received from Thrift Store but they had no objection. The neighboring residents had no objections once they knew about the boundary line being PVC fencing.

CA Gerken swore in Carlos Barrios, company representative. He stated the Family Dollar will own the parcel.

Commissioner Gunter stated the staff had discussed putting a road through there. CDD Rector stated he had spoken to Mr. Stokes about this and the need for an additional 30 feet so Mr. Stokes is aware of that idea though he may not want to "give" the additional feet to the City.

Commissioner Gunter asked if this could be in the developers agreement. CDD Rector stated this already is within the agreement. Mr. Stokes is the only one affected by this.

Mayor Bell asked if this will be a City street. CA Gerken stated it would be a 30 foot road next to a driveway. This is not a public driveway.

Vice Mayor Kelly questioned the trail. Mayor Bell stated yes, but the route will need to be looked at any way. May need to look at taking the trail along Dixie Avenue.

Mayor Bell asked if the widening of Miller was taken into account. CDD Rector stated yes.

Mayor Bell asked about the sewer. CDD Rector stated they will be on sewer. The line to the Post Office will need to be relocated.

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Mayor Bell questioned the boxes for the decorative street lights. Mayor Bell suggested identifying several areas to put them in. CDD Rector stated this will need to be engineered prior to placement.

Commissioner Gunter moved and Commissioner Cheshire seconded to approve the site plan. The motion carried with all Commissioners voting aye.

- b.) Approved Resolution 2013-007 amending the budget for the repair of a fire truck and installation of pool lanes. CA Gerken read Resolution 2013-007, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET BY \$6,300 FOR THE PURCHASE OF FIRE EQUIPMENT (\$3,000) TO INSTALL A WATER TANK ON THE BRUSH TRUCK AND POOL EQUIPMENT (\$3,300) FOR THE PURCHASE OF NEW POOL LANES, PROVIDING FOR THE AMENDMENT OF THE 2012-2013 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to approve Resolution 2013-007. The roll call vote was as follows:

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

The motion carried unanimously.

- c.) Approved Resolution 2013-009 amending the budget for the General Fund mid-year review. CA Gerken read Resolution 2013-009, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET BY \$9,600 FOR THE MID-YEAR GENERAL FUND REVIEW, PROVIDING FOR THE AMENDMENT OF THE 2012-2013 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Kelly moved and Commissioner Cheshire seconded to approve Resolution 2013-009. The roll call vote was as follows:

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

The motion carried unanimously.

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- d.) Approved Resolution 2013-010 amending the budget for the Utility Fund mid-year review. CA Gerken read Resolution 2013-010, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET BY \$99,573 FOR THE MID-YEAR UTILITY FUND REVIEW, PROVIDING FOR THE AMENDMENT OF THE 2012-2013 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Cheshire moved and Vice Mayor Kelly seconded to approve Resolution 2013-010. The roll call vote was as follows:

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

The motion carried unanimously.

- e.) Approved Resolution 2013-011 amending the budget for the Redevelopment Fund mid-year review. CA Gerken read Resolution 2013-011, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET DOWN BY \$260,000 FOR THE MID-YEAR REDEVELOPMENT FUND REVIEW, PROVIDING FOR THE AMENDMENT OF THE 2012-2013 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to approve Resolution 2013-011. The roll call vote was as follows:

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

The motion carried unanimously.

- f.) Approved Resolution 2013-012 amending the budget for the Sales Surtax Revenue Fund mid-year review. CA Gerken read Resolution 2013-012, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET DOWN BY \$20,000 FOR THE MID-YEAR SALES SURTAX REVENUE FUND REVIEW, PROVIDING FOR THE AMENDMENT OF THE 2012-2013 BUDGET; PROVIDING FOR AN EFFECTIVE DATE

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Vice Mayor Kelly moved and Commissioner Cheshire seconded to approve Resolution 2013-012. The roll call vote was as follows:

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

The motion carried unanimously.

- g.) Re-Scheduled Capital Workshop for June 8, 2013. Mayor Bell stated we had scheduled the workshop for May 18th, but he feels this should be postponed and rescheduled when we have a new City Manager.

Vice Mayor Kelly disagreed stating we have many projects that we need to get moving on.

Mayor Bell noted the additional work that would be placed on the interim City Manager if this workshop went forward.

After discussion, the workshop was rescheduled for June 8, 2013.

Commissioner Goldberg moved and Commissioner Gunter seconded to postpone the workshop to June 8, 2013. The motion carried on a vote of 4 ayes and 1 nay by Vice Mayor Kelly.

08. COMMISSIONERS' COMMENTS

- a.) Commissioner Gunter – wished to be excused for May 9th. This meeting is being cancelled.
- b.) Vice Mayor Kelly – stated she wants another workshop to throw things out that need to be done. Mayor Bell stated we will add this to the May 13th workshop.

Vice Mayor Kelly noted she would like to discuss letting the Auditor. This will be done at the next meeting.

Vice Mayor Kelly stated we need to discuss the City Treasurer position.

After discussing the City Treasurer applicants, the decision was made to bring in Mr. Brill for a second interview. The date of April 30, 2013 at 7:00 p.m. was scheduled.

- c.) Commissioner Goldberg – stated he is proud of our Police Department.
- d.) Commissioner Cheshire – agreed with Commissioner Goldberg. Noted he is happy the Fruitland Park Café is going to be Communication Department.

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09. MAYOR BELL'S COMMENTS. Mayor Bell reviewed upcoming events.
10. ADJOURNMENT. There being no further business to discuss, Commissioner Cheshire moved to adjourn the regular meeting. The meeting adjourned at 9:05 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk
Acting City Clerk