

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
APRIL 23, 2009

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 23, 2009 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Barry Hayes of the Freedom Community Church delivered the invocation followed by the Pledge of Allegiance led by Commissioner Martin.

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

ELECTED OFFICIALS PRESENT. Commissioner Albert O. Goldberg, Commissioner John L. Gunter, Jr., Commissioner Darrel E. Martin, Vice Mayor Sharon Kelly, Mayor Christopher J. Bell

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager (CM) Ralph O. Bowers, Public Safety Director (PSD) J. M. Isom, Sr., City Treasurer Elizabeth Palmer, and City Clerk (CC) Diane Gibson Smith.

01. Presentation to PSD Mark Isom

- a) Mayor Bell presented PSD Mark Isom with his Bachelor and Master Degrees. PSD Isom stated he was able to achieve these degrees through the Police Chiefs Association.

02. Proclamations

- a) Mayor Bell proclaimed May 3 - 9, 2009 as National Drinking Water Week by reading the proclamation in its entirety.
- b) Mayor Bell proclaimed May 3 - 9, 2009 as Municipal Clerks Week by reading the proclamation in its entirety.

CM Bowers noted employee Kevin Meehan (sitting in the audience) also recently successfully completed a course in Water Distribution. He will sit for the exam in the near future.

03. Consent Agenda. Commissioner Martin moved and Vice Mayor Kelly seconded to approve the Consent Agenda except for the April 9, 2009 minutes. The motion carried with all Commissioners voting aye.

- a) Lake County Library Policy LCC-12

04. Approved Corrected Minutes of the Regular Meeting of April 9, 2009 Commissioner Martin requested the following corrections:

- Page 36, Item 6 - incorrect ordinance title.
- Page 37 - several small grammatical corrections and clarification on property owner versus business owner.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to approve the April 9, 2009 minutes as corrected. The motion carried with all the Commissioners voting aye.

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05. Agenda Update - additional discussion of special use exemption Resolution 2009-005 approved at the April 9, 2009 meeting.

06. Presentation of Annual Financial (CAFR) Report – Chet Ross gave his thoughts on the year ending September 30, 2008. He noted the following:

- a) General/Utility Funds – He noted more was spent out of the General Fund last year and things are getting a little tight. We need to be careful going forward. He noted the Commission is conservative and prudent so overall the City is still in good shape.
- b) Property purchased for the Public Safety Complex – he stated we are still a long way from paying this off with the impact fees being collected.
- c) Sewer – Mr. Ross noted we need to raise revenues. The City was out of compliance with the debt covenant ratio for the SRF loan. We transferred a little more money from Utility Fund into the General Fund - this may or may not come under scrutiny.
- d) The City still has \$1 million in the redevelopment funds; projects need to be started as there is a three year clock on the funds. CM Bowers noted additional lighting and signage has been approved. Mr. Ross noted Fruitland Park's redevelopment area was put in place 10 years ago.

Commissioner Kelly questioned when Mr. Ross's contract expires. CT Palmer stated there is one more year on the current contract. Commissioner Kelly suggested a penalty clause be inserted when the contract is redone.

Mayor Bell stated the information received on the debt covenant ratio could affect next year's budget so learning this information earlier would have been helpful.

CM Bowers questioned if there were any disturbing trends. He noted he and CT Palmer are trying to trend spot, but have not found any other than the state revenues declining. CT Palmer noted she will give a layman's report on what is going on within the next month or so. CM Bowers added the funds being spent on the electric will be put back in the General Fund by bonds.

Commissioner Gunter questioned if we still have four months of reserves. CT Palmer stated we now have two months. Chet Ross stated Fruitland Park is experiencing growth like other cities and have had to use some of the reserves to keep things going.

CM Bowers stated, for the upcoming year, transferring funds out of reserves to balance the budget will be imprudent. We will find a way to make things work until things get better. Mid-year is not going as well as expected and we will still have a shortfall. All remaining General Fund capital expenditures are being removed.

Vice Mayor Kelly moved and Commissioner Gunter seconded to accept the Comprehensive Annual Financial Report for year ending September 30, 2008. The motion carried with all members of the Commission voting aye.

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07. City Attorney's Report – CA Gerken stated he just received an email from Lake County ROW regarding CR466A. He stated they sent a map showing the parcels obtained. The email indicated Lake County ROW had met with engineers regarding the ROW needed and determined it is the minimum needed for the project. He noted the plans say 60% but only need to be reviewed to be 90%. CA Gerken stated we have told the County we want staff to be involved but haven't been as of yet. CA Gerken noted he will contact the County to set up a meeting to review the plans. CA Gerken stated the County was told staff wanted to be involved prior to any meetings with property owners.

Vice Mayor Kelly stated Jennifer Hill informed her that the \$5 million for CR 466 has been received. She added Jim Stivender put CR466A into the stimulus as resurfacing and this was approved. This may be a problem CM Bowers stated he has a plan.

CM Bowers stated he met with an attorney for the Pine Ridge Dairy. If Lake County thinks they are getting anything from them, they are mistaken. Condemnation proceedings will be needed instead. The attorney stated they want entitlements for concurrency instead of cash as that will provide maximum tax benefits for the Dairy. The stimulus resurfacing money means we will need to wait 3 years and won't be able to ask for federal money. We can use TRIP rent to build the segment from Cutoff Road out and then use developer money for Cutoff Road in. The idea is we need to put together a project that makes sense and then come up with funding sources. He noted he is not sure what Lake County Public Works wants to do but he does know what we want to do.

08. City Manager's Report

- a) Update on Electric appraisal – CM Bowers stated the electric appraisal has been received. Vice Mayor Kelly stated she is concerned with what areas are included. CA Gerken stated the City has the right to all parts within the City limits and can negotiate to perhaps purchase areas outside the City limits. CM Bowers stated he will send the appraisal for a peer review. The first step is to review and ask questions of the appraisal and see what makes sense to add. The next step is to advertise Request for Qualifications for an electric distribution engineer.
- b) Lake County League of Cities letter to St. Johns approval – CM Bowers stated he recommends sending the letter as written.

Commissioner Martin moved and Vice Mayor Kelly seconded to approve the letter as written. The motion carried unanimously with all Commissioners voting aye.

- c) Phone call from WRA (consumptive use people) – CM Bowers stated WRA received a call from SJRWM stating they want to come down and speak with us regarding our consumptive use permit. CM Bowers stated he did speak to Bob Martinez about a water supply project idea. The meeting will be held in about three weeks.

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- d) Discussion of grant writers and consideration of proposal by Fred Fox – CM Bowers stated he received a proposal from Fred Fox to redo our CDBG grant application. CM Bowers stated he also received a letter that the federal government is putting additional money into the pot and we should resubmit our grant. We can tweak the CDBG project and make it score higher.

PSD Isom stated he would also like to use Fred Fox for the fire station complex grant application.

Vice Mayor Kelly moved and Commissioner Martin seconded to approve working with Fred Fox on the CDBG grant and fire station complex grant. The motion carried unanimously with all Commissioners voting aye.

- e) Request for reimbursement for participation in an economic development project – CM Bowers stated he is requesting reimbursement for the \$695 he spent on a 2009 Coffee Table Book being put together by Lake-Sumter Community College.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to approve reimbursing CM Bowers. The motion carried unanimously with all Commissioners voting aye.

- f) CM Bowers announced a change in the hours of the pool. The pool will be closed on Sunday, but will have longer hours on the weekdays. The Commission agreed.

09. Unfinished business

- a) Commissioner Martin stated he has some remaining questions regarding Resolution 2009-005 and the Special Exception for the daycare facility. He noted the fencing along LaVista is only four-foot high but should be six-foot tall. Also, there is only one restroom.

Charlie Rector stated there is six-foot fencing on the abutting properties; not along La Vista. CM Bowers noted his intent was to have the fence six-feet all around. CA Gerken requested the minutes reflect the intent was to have the fence area six-foot high all around.

Commissioner Kelly stated we need to appoint someone to make sure all is done.

PSD Isom stated all appears to be done except the circular driveway and the fence.

Commissioner Martin stated historically this property was used as a daycare center. PSD Isom stated the previous license holder did lose her license due to too many children. The State has inspected the house and approved the location for the 30 children as long as the City approves the special exception.

Commissioner Martin stated Ms. Roberts will be there working at the daycare center, but under a different person's license. Does this require the City of Fruitland Park do a background check? PSD Isom stated the State does all the

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background checks. The State is usually very quick to react when children are involved.

Commissioner Martin noted something does not seem right with this daycare center. Vice Mayor Kelly stated Ms. Roberts did a good job but just had too many children.

CA Gerken stated the City does not have a concern over purely operational things with the business. The City's only concern is whether the business is zoned properly, etc.

10. Held Public Hearing and adopted Ordinance 2009-005 consenting to extending inclusion in the Municipal Service Taxing Unit for an additional 2 years. CA Gerken read Ordinance 2009-005 as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONSENTING TO THE INCLUSION OF THE CITY OF FRUITLAND PARK, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MSTU FOR A SPECIFIED TERM OF YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell requested public comments. There were none

Vice Mayor Kelly moved and Commissioner Martin seconded to adopt Ordinance 2009-005. The motion carried with Commissioner Goldberg, Commissioner Gunter, Vice Mayor Kelly, Commissioner Martin, and Mayor Bell all voting aye.

11. New business

a) American Legion Post 219 property – CA Gerken swore in Charlie Rector.

1) Adopted Resolution 2009-006 granting several variances to American Legion Post 219. CA Gerken stated a title problem was found with the property late yesterday. The deed contains an error in the legal description and a corrective deed is needed. CA Gerken also noted the serving of alcohol on the property is also in question. There is a State Statute which states alcohol cannot be sold on property closer than 500 feet of a school. PSD Isom stated the American Legion has been approved by Tobacco and Beverage to serve alcohol on the premises.

Commissioner Martin questioned if there would be a cooking area. Charlie Rector reviewed the project background. The building is three parts – a large kitchen area, a large meeting area, and a lounge area. The whole building is only accessible with a card.

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Mayor Bell questioned if all cooking would be done inside the building. Commissioner Martin noted a barbeque trailer is shown on the site plan and questioned if it would stay there. Mr. Rector stated the barbecue trailer will be on a concrete pad but will be moveable to take to events. Commissioner Martin questioned how the trailer would be moved. Mr. Rector stated the trailer would be moved over the grass.

At the TRC Meeting, Tiffany Kapner from LPG Urban and Regional Planners stated she felt there should be a ten foot planted buffer which takes precedent over the ten foot or zero foot sideline buffer. Mr. Rector noted he disagrees and believes a zero lot line is okay. The Planning and Zoning Board agreed with the ten foot and zero foot line. Mr. Rector stated a six foot shadowbox fence was requested by the adjacent apartment owners and will be put in. The building is proposed to be set seven foot off the property line.

Lake County Public Works Director Jim Stivender arrived and was welcomed by the Commission.

Landscaping is proposed off Catawba and Fountain Street. Shared parking has been agreed to with the Lion's Club and a copy of the agreement has been received. A ten foot utility easement along the west side of this property is also being given to the City as long as the easement does not interfere with parking. They are requesting no plantings along that side.

CA Gerken stated without a doubt, the setbacks on this property are ten and zero. The landscaping for this property states ten/ten foot buffer. Clarification is needed on this property that a ten foot landscape buffer is not needed on either side. All were in agreement that no landscape buffer was needed on either side.

Mayor Bell questioned the use of artificial plantings. Mr. Rector noted the Planning and Zoning Board did not go along with the artificial plants.

CA Gerken read Resolution 2009-006 in its entirety as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE FROM CHAPTER 154, SECTION 154.040 REGARDING SETBACK REQUIREMENTS AND CHAPTER 164, SECTION 164.030 REGARDING LANDSCAPE AND BUFFER REQUIREMENTS OF THE LAND DEVELOPMENT CODE OF THE CITY OF FRUITLAND PARK, FLORIDA; GRANTING SUCH VARIANCES FOR PROPERTY GENERALLY LOCATED AT 194 WEST FOUNTAIN STREET AND KNOWN AS AMERICAN LEGION POST 219; PROVIDING FOR RECORDATION; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Kelly moved and Commissioner Gunter seconded to approve the variance request items 1 - a, b, c, 2 - a, b, c, and 3-b. The motion carried

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unanimously with Commissioner Gunter, Vice Mayor Kelly, Commissioner Martin, Mayor Bell, and Commissioner Goldberg all voting aye.

- 2) Major site plan review – Mr. Rector stated there are 20 more parking spaces than code requires and three more handicap spaces than required. There are a total of 60 parking spaces.

For the record, Mayor Bell stated he has no problem sharing his parking lot with the American Legion after 5:00 p.m. and as long as they do not cross the grass.

Mayor Bell questioned the capacity of the building. Mr. Rector stated the meeting room as a capacity of 115 and the lounge has a capacity of 75.

Commissioner Martin stated he only sees two light poles in the parking area. Mr. Rector stated the City of Leesburg recommended the placement of the poles. There will also be lights on the side of the building.

Vice Mayor Kelly moved to approve the site plan with the following conditions: all engineer questions are answered, a corrective deed is obtained, and the ten foot easement is in place prior to approval of the construction plan and permitting is allowed. Commissioner Goldberg seconded the motion. The motion carried unanimously with all Commissioners voting aye.

- b) Mayor Bell asked Jim Stivender as to why he was here. Mr. Stivender stated he had actually come by to see Charlie Rector. Mayor Bell mentioned the email the City Attorney had received. CA Gerken noted the City wants to be involved in this right of way acquisition. Mr. Stivender stated the next meeting will be after the review of these plans. Jim Stivender stated they have received \$1.5 million and are continuing the bill FDOT for the remainder of the \$5 million.
- c) Review of statement of qualifications for architects for Public Safety Complex and Community Center – CM Bowers stated any of the top firms would be good to use. Mayor Bell stated the next step is to set up interviews. The decision was made to schedule 15 minutes per presentation per project from the top three firms and then vote. The consensus was to schedule the presentations for May 12th starting at 6:00 p.m. The regular meeting will be rescheduled and any items needing to be reviewed will be heard on the 12th.

12. Citizens' comments - none

13. Commissioners' comments

a) Vice Mayor Kelly - none

b) Commissioner Gunter - none

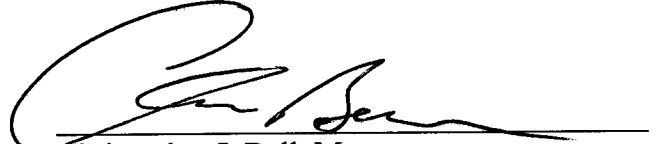
c) Commissioner Martin - none

d) Commissioner Goldberg - none

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14. Mayor Bell's comments – Mayor Bell reminded everyone of the water survey – CM Bowers stated this will be completed. Mayor Bell also mentioned the problem in Minneola. CA Gerken stated Attorney Bob Williams has been retained and will do the outside review. Mayor Bell reminded everyone of the Employee picnic on May 2nd.

15. ADJOURNMENT. There being no further business to discuss, Commissioner Goldberg moved to adjourn. The meeting adjourned at 9:35p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk