

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
APRIL 9, 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 9, 2009 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. CM Bowers delivered the invocation followed by the Pledge of Allegiance led by Commissioner Martin.

ROLL CALL. Vice Mayor Kelly 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 A. Kelly.

Mayor Christopher J. Bell was out of town and had requested to be excused. The members of the Commission excused Mayor Bell.

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager (CM) Ralph O. Bowers, Public Safety Director (PSD) J. M. Isom, Sr., Community Development Director (CDD) Peggy Sue Newman, and City Clerk (CC) Diane Gibson Smith.

01. APPROVED THE CONSENT AGENDA AS PRESENTED

Commissioner Goldberg moved and Commission Martin seconded to approve the Consent Agenda. The motion carried unanimously with all Commission Members voting aye.

The following item was approved: Minutes of the March 26, 2009 City Commission meeting.

02. Agenda Update - none

03. City Attorney's Report – CA Gerken stated the electric appraisal is being sent out and should be received tomorrow.

Vice Mayor Kelly questioned if any word had been received from Lake County regarding CR 466A right of way. CA Gerken stated he has not heard anything yet, but will continue to ask for the information on a regular basis.

04. City Manager's Report

- a) Update on Master Lift Station - CM Bowers stated bids on the lift station have been received but the contract has not been awarded as we will be making some changes to the system which includes a change to the pump on the project. A recommendation will be coming to award the contract to the low bidder.
- b) MPO Workshop –CM Bowers stated he may request to enter into a super JPA with Lake County which would allow us to take over our own land use and planning decisions. Amy King is sending a JPA and will report back hopefully at the next meeting.
- c) Update on Architects Proposals for Public Safety Complex and Community Center - CM Bowers stated we received five proposals for the Public Safety Complex and six proposals

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
APRIL 9, 2009

for the Community Center. Will be reviewing and bring back to the next Commission Meeting.

05. Unfinished business - none

06. Introduced Ordinance 2009-005 consenting to extending inclusion in the Municipal Service Taxing Unit for an additional 2 years. CA Gerken read Ordinance 2009-005 by title only, 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.

CA Gerken noted this continues the City in the MSTU for two additional years at the same terms as in previous years.

Commissioner Martin moved and Commissioner Goldberg seconded to approve first reading of Ordinance 2009-005. The motion carried unanimously with Commissioner Martin, Commissioner Goldberg, Commissioner Gunter, and Vice Mayor Kelly all voting aye.

07. New business

a) Approved Resolution 2009-005 authorizing a Special Exception Use Permit for the operation of a child daycare at 111 S. Dixie Avenue for Clarissa Roberts with conditions. CA Gerken read Resolution 2009-005, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING A SPECIAL EXCEPTION USE PERMIT FOR THE OPERATION OF A CHILD CARE CENTER ON PROPERTY OWNED BY CLARISSA ROBERTS AND GENERALLY LOCATED AT 111 S. DIXIE AVENUE; SPECIFICALLY ALLOWING FOR AN INCREASE IN THE NUMBER OF CHILDREN SERVED BY SUCH FACILITY; PROVIDING FOR CONDITIONS; PROVIDING FOR RECORDATION; PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken swore in CDD Newman. CDD Newman presented the information. She noted several issues were addressed at Technical Review Committee regarding the fencing, health department issues, and a fire inspection. An alarm system was permitted and installed. Notices were sent to twenty-three surrounding property owners with no one

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
APRIL 9, 2009

having any opposition. P & Z Board requested a map showing the square footage of the play area and they recommended up to, but no more than, 39 kids.

CM Bowers noted TRC only addressed 30. If the applicant wants to increase the number, than additional information is needed. If the decision is made to request more than 30 children, then TRC will not give a recommendation as they only addressed 30 children.

Commissioner Martin suggested tabling this item until all the information is received to meet the criteria addressed by the engineers. CDD Newman stated all the information has been addressed, but she did not include it in the packet.

Vice Mayor Kelly stated this recommendation is made for 30 children. The approval process will need to be redone if the applicant requests additional children.

Charlie Rector stated the P & Z Board did request information to verify the number of children.

CA Gerken swore in PSD Isom, CM Bowers, business director Renee De Stolfe, and Charlie Rector.

PSD Isom stated he received a call today stating the front fence has a 5' gap which needs to be addressed. Also, a circular drive is needed rather than backing out onto LaVista.

Vice Mayor Kelly questioned the number of parking spaces needed for employees and if the circular drive would limit the parking. PSD Isom stated there would still be plenty of spaces at the end.

CA Gerken stated the applicant could request this be tabled and go back through the process to request the additional children. Commissioner Gunter agreed.

Business director Renee De Stolfe stated the fence is being taken care of tomorrow.

CDD Newman stated she will provide the Commission with written documentation of completion of all requirements.

CA Gerken stated the Commission can approve with whatever conditions they wish.

Commissioner Goldberg moved and Commissioner Gunter seconded to adopt Resolution 2009-005 contingent on bringing forth the required documentation to prove and to satisfy the conditions – including a safe ingress and egress, and to withhold the business tax receipt until all conditions are met for 30 children. The motion carried unanimously with Commissioner Goldberg, Commissioner Gunter, Vice Mayor Kelly, and Commissioner Martin all voting aye.

08. Citizens' comments - None

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
APRIL 9, 2009

09. Commissioners' comments

- a) Commissioner Gunter - none
- b) Commissioner Martin - none
- c) Commissioner Goldberg – none
- d) Vice Mayor Kelly – stated at the last meeting Mayor Bell noted he received a letter from Minneola requesting support of gambling. We decided to ignore the letter. At the recent MPO meeting, the Mayor of Minneola requested everyone consider a county-wide vote on this topic. CA Gerken stated to have a para-mutual wagering facility requires a county-wide referendum. Minneola passed a resolution requesting this referendum and sent the request to the Lake County Board. The cost of who would pay has not been addressed.

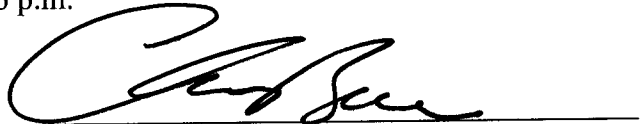
Charlie Rector stated the county referendum passes with the assumption that the facility would be built in Minneola, but the facility could actually be built in any city (if approved) or within the county. There is no limit on the number of facilities that could be built within the county.

Vice Mayor Kelly stated we could give them support, but add that the County would have to add a fee or tax that would be shared by all Police Departments. CA Gerken stated Florida Statutes are very clear as to where the funds can go. Local government cannot put additional taxes on this. The referendum would probably be a simple yes or no with no specifics, although the City could request the referendum specify where the facility was to be placed.

No one showed interest in sending a letter in support of the referendum.

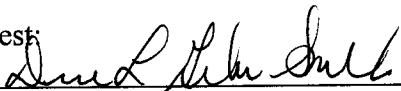
10. MAYOR BELL'S COMMENTS. Mayor Bell was not present.

11. ADJOURNMENT. There being no further business to discuss, Commissioner Goldberg moved to adjourn. The meeting adjourned at 7:46 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk