

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
FEBRUARY 12, 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, February 12, 2009 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Langford of the Covenant Life Church of God delivered the invocation followed by the Pledge of Allegiance led by Commissioner Goldberg.

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, and Mayor Christopher J. Bell.

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager (CM) Ralph O. Bowers, City Treasurer (CT) Elizabeth P. Palmer, Public Safety Director (PSD) J. M. Isom, Sr., Community Development Director (CDD) Peggy Sue Newman, Library Director (LD) JoAnn Glendinning, Public Works Director (PWD) John Bostic III, and City Clerk (CC) Diane Gibson Smith.

01. Presentations

- a) President's Volunteer Service Awards to Crime Watch Volunteers – Chief Isom presented the President's Volunteer Service Awards to Crime Watch volunteers. William Marsh over 4000 volunteer hours, Tim Yoder over 2000 hours, and George Fernandez over 2000 hours.
- b) Attorney General's Award nomination of Officer Brent Tyler –Chief Isom stated Officer Brent Tyler was nominated for the Attorney General's Award. He did not receive the award but was recognized for his hard work and dedication.
- c) WAV project update by Maryann Krisovitch of St. John's River Water Management District. A copy of presentation is attached. Mayann Krisovitch stated this program is part of the permitting process for stormwater. She reviewed the various components of the WAV program. Commissioner Gunter questioned if there were any problems in Fruitland Park. Ms. Krisovitch stated Fruitland Park has few outlets so there are not many problems.

02. **Consent Agenda:** Routine items are placed on the Consent Agenda to expedite the meeting. If the Commission/Staff wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining items with one roll call vote; and (3) Discuss each pulled item and vote by roll call.

- a) Minutes
 - 1) LPA meeting of January 8, 2009
 - 2) Regular meeting of January 8, 2009
- b) Resolution 2009-002: A resolution of the City Commission of the City of Fruitland Park, Florida, amending the budget for the 2008-2009 Fiscal Year to appropriate \$35,100 in grant funding for the Police Department, providing for the amendment of the 2008-2009 budget; providing for an effective date.

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- c) Resolution 2009-003: A resolution of the City Commission of the City of Fruitland Park, Florida, amending the budget for the 2008-2009 Fiscal Year to appropriate \$604 in donations for library supplies, providing for the amendment of the 2008-2009 budget; providing for an effective date.
- d) Acceptance of the donation of a decorated Christmas tree from Vic and NJ Kimmel

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

Discussion ensued regarding the inclusion of the Consent Agenda.

03. CM Bowers introduced JoAnn Glendinning as the new Library Director. He noted we received many superbly qualified applicants and she was selected as the "best of the best."

04. Agenda Update: CM Bowers noted he will report on Well #6.

05. **ADOPTED ORDINANCE 2008-021 ANNEXING APPROXIMATELY 1± ACRES OF PROPERTY GENERALLY LOCATED AT 35117 GRAYS AIRPORT ROAD; REZONING THE PROPERTY FROM LAKE COUNTY "R-1" (RURAL RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL) WITHIN THE CITY LIMITS OF FRUITLAND PARK. (CTA TRANSPORTATION, INC.)** CA Scott read ordinance 2008-021 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, BY INCLUDING WITHIN THE CITY APPROXIMATELY 1± ACRES OF PROPERTY GENERALLY LOCATED AT 35117 GRAYS AIRPORT ROAD; REZONING THE PROPERTY FROM LAKE COUNTY "R-1" (RURAL RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken swore in the CDD Newman. CDD Newman provided the background information on the property. She noted the owner intends to sell the property as an office project.

Mayor Bell stated no representatives were present at the P & Z meeting nor are they present tonight. He questioned if there was a problem with no representatives being present. Mayor Bell stated the preference is to have someone present. CDD Newman stated the owner has been out of state.

Vice Mayor Kelly questioned if the property is currently being used. She also requested better maps. CDD Newman stated the property is not being used currently. Colored maps would be provided in the future.

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Commissioner Gunter moved and Vice Mayor Kelly seconded to adopt Ordinance 2008-021. The motion carried unanimously with Commissioner Gunter, Vice Mayor Kelly, Commissioner Martin, Mayor Bell, and Commissioner Goldberg all voting aye.

06. **ADOPTED ORDINANCE 2008-022 A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM LAKE COUNTY "URBAN" TO "COMMERCIAL" ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.0 ACRE OF PROPERTY GENERALLY LOCATED AT 35117 SOUTH GRAYS AIRPORT ROAD (CTA TRANSPORTATION, INC.)** CA Gerken read Ordinance 2008-022 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM LAKE COUNTY "URBAN" TO "COMMERCIAL" ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.0 ACRE OF PROPERTY GENERALLY LOCATED AT 35117 SOUTH GRAYS AIRPORT ROAD; PROVIDING FOR CONTINGENCIES; DIRECTING THE CITY CLERK TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

CDD Newman stated this amends the land use map and is the companion to the annexation ordinance previously approved.

Vice Mayor Kelly moved and Commissioner Martin seconded to adopt Ordinance 2008-022.

Mayor Bell requested comments from the public. There were no comments.

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

07. **FIRST READING AND INTRODUCTION OF ORDINANCE 2009-001 AMENDING CHAPTER 158 STORMWATER MANAGEMENT BY ADDING SECTION 158.150 ENTITLED NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) STORMWATER ILLICIT DISCHARGE REGULATION.** CA Gerken read Ordinance 2009-001 by title only, as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING THE FRUITLAND PARK LAND DEVELOPMENT REGULATIONS CHAPTER 158 RELATING TO STORMWATER MANAGEMENT BY ADDING SECTION 158.150 ENTITLED NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) STORMWATER ILLICIT DISCHARGE REGULATION, PROVIDING FOR THE REGULATION OF NON-STORMWATER DISCHARGE INTO THE STORMWATER MANAGEMENT SYSTEM; PROVIDING FOR PURPOSE AND

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INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES; REQUIRING USE OF BEST MANAGEMENT PRACTICES; PROVIDING FOR NOTIFICATION OF DISCHARGE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Kelly moved and Commissioner Martin seconded to approve the first reading of Ordinance 2009-001. The motion carried unanimously with Commissioner Martin, Mayor Bell, Commissioner Goldberg, Commissioner Gunter, and Vice Mayor Kelly all voting aye.

Vice Mayor Kelly questioned if volunteers would still oversee this. Mayor Bell noted sometimes a "Water Cop" oversees this. CA Gerken further explained a water cop. CM Bowers stated Code Enforcement, Public Works, and the Police Department will oversee this.

08. FIRST READING AND INTRODUCTION OF ORDINANCE 2009-003 REPEALING ORDINANCE 2006-011 AND AMENDING CHAPTER 101 WATER CONSERVATION TO INCLUDE THE ENHANCED WATER CONSERVATION REGULATIONS WHICH GO INTO EFFECT ON MARCH 8, 2009. CA Gerken read Ordinance 2009-003 by title only, as follows:

AN ORDINANCE OF FRUITLAND PARK FLORIDA AMENDING CHAPTER 101 WATER CONSERVATION OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES, PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING LANDSCAPE IRRIGATION SCHEDULES; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Bell questioned if this change would be advertised in advance.

Commissioner Gunter questioned Landscaping Irrigation not including cemeteries, golf courses, and fairways. He stated he reads this to mean golf courses can water every day. CA Gerken noted he does not believe those items are covered under this ordinance. This is a model ordinance from St. John's and is part of the permitting process.

Mayor Bell noted the one day a week is only during the winter months.

Commissioner Kelly noted this will be difficult to enforce anyway.

CA Gerken noted there is also an exception for reclaimed water. Commissioner Kelly noted there should be no control over reclaimed water.

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CM Bowers stated lake and well water should be regulated by this. Using reclaimed water for vegetation water is better as the water must be sprayed on the ground anyway.

CA Gerken noted there is no restriction on reclaimed water. Commissioner Kelly stated reclaimed water should not even have been mentioned in this ordinance.

Commissioner Martin left the room at 7:50 and returned at 7:52 p.m.

Commissioner Goldberg moved and Commissioner Gunter seconded to approve the first reading of Ordinance 2009-003. The motion was approved with Mayor Bell, Commissioner Goldberg, and Commissioner Gunter voting aye. Vice Mayor Kelly voted nay and Commissioner Martin was out of the room at the time of the vote.

09. City Treasurer's Reports for period ending November 30, 2008 and December 31, 2008. CT Palmer reviewed 25% into the fiscal year, the Finance Department has processed 365 invoices totaling \$525,356. She noted eight departments are over budget, mainly due to capital projects being purchased early in the year. The Electric Department is an exception and will require a budget amendment. The Fire Department is also an exception due to the purchase of 30 new pagers.

Mayor Bell questioned Chief Isom regarding the new radio system as TV stations are giving up the 700 MHz later than expected. Chief Isom stated Lake County is working on switching on the original date. The 800 system schedules are still on track even if the frequencies are not there. May is now the cut over.

CM Bowers stated he and CT Palmer will review the budget to determine if changes need to be made and will bring back any changes at the next meeting. CM Bowers stated it is better to deal with budgets before the problems are too deep.

010. CITY ATTORNEY'S REPORT - None

011. CITY MANAGER'S REPORT. CM Bowers reported on the following:

- a) Update on electric – CM Bowers stated the appraisals are being completed and we should have a report by end of the month. Mayor Bell questioned when the decision will be made. CM Bowers stated a decision should be made in the next month.
- b) Update on sewer – CA Gerken stated he filed the lawsuit and had contact with attorney for the defendants. Commissioner Kelly questioned the status of the employee who worked on site. CA Gerken stated there was an allegation included about the supervision of that employee. CM Bowers added due diligence is being done on this and fixes are being worked on. The Master Lift Station has gone out to bid and will be opened on March 2 at 2:00.
- c) CR 466A – CM Bowers stated he and the City Attorney had a meeting with the County Road Department and they are moving ahead a little bit as they are making small adjustments and attempting to do some acquisitions. The County Attorney stated “if not doing to suit you, perhaps take the money and do yourself.” CM Bowers stated he told CA Gerken that we

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should probably seriously consider this option as funds are limited. CM Bowers noted he told the County that Fruitland Park will take any and all of the project under its wing.

Commissioner Gunter questioned if the City took the road on as a project, does the road become a City road. CA Gerken noted the road will still be a County road; this would be similar to the PDE study where County impact fees were used. The road means more to the City than the County.

CA Gerken stated he and CM Bowers also attended a County meeting to clarify the funds previously allocated for CR466 would be shifted to CR466A. The County Commission is supportive of moving those funds to CR466A. The County is drafting a resolution to support this transfer. There is no legal binding, just a promise. CM Bowers noted if the City gets a commitment from the Dairy, we need to make sure they don't get hit two times and we need to make sure that money is spent on CR466A.

Vice Mayor Kelly stated the County stopped at 60% of the design. CA Gerken noted he was told this week the design is 70 – 80% complete and expected to be at 90% within eight weeks. The only money the County has in the budget for CR466A is \$1.5 million in 2011 for right-of-way acquisition. The proposed change will put \$7 million into the budget. Vice Mayor Kelly questioned if this change was stated in a Staff meeting or a County Commission meeting. CA Gerken stated at the Staff meeting.

CM Bowers stated this is why the City will be better served by taking the project over as offered by the County Attorney.

Charlie Rector, a concerned citizen, wondered where the funds would come from if the City took the project over and what would happen to impact fees. CM Bowers stated the City would need to make sure the impact fees collected for CR466A would go into CR466A.

Mayor Bell stated there are several steps to be looked at with the current step being the engineering.

Vice Mayor Kelly suggested getting the road classified so the City can apply for the federal grants itself.

CA Gerken added we need to be very careful since the road will continue to be a county road. The money is the key issue. Three things are needed to hurry the project along: 1.) Local knowledge of the City – creative solutions; 2.) Obtaining federal money is being looked at by the City; and 3.) If developers in the area can contribute with money or construction then it will happen. CA Gerken noted the MPO and TJ Fish are in favor of this.

Vice Mayor Kelly stated we have the support of the County Commission and she recommends we look to take over the project.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to approve CM Bowers and CA Gerken working on an agreement with the County. The motion carried unanimously with all Commissioners voting aye.

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- d) Update on Well #6 – CM Bowers noted there is a gaseous suspension that has not been identified. Putting in a new well may be cheaper than aerating this current well. Staff will go back and re-rate the wells so the City doesn't violate the permit while this well is off line. Staff will check into the well offered to the City by a church on Eagles Nest Road. Also, staff will look at the wells on the Dairy property and on the Logan property. Staff is moving ahead on those two fronts.
- e) Well #5 – CM Bowers noted the problem turned out better than expected as the telephone line was bad.

012. UNFINISHED BUSINESS - none

013. NEW BUSINESS

- a) Vendor Fees – CM Bowers stated Recreation Director (RD) Bechtel is trying to find ways to make it less expensive for people to attend this event. Vice Mayor Kelly stated the reduction of vendor fees could be done for civic and non-profit organizations. CM Bowers agreed. Commissioner Gunter noted the City should take over the blow-up items and allow kids to use for free. He noted other cities pay the vendor a flat fee to provide the service for free during the event. Food vendors must pay for spot and can charge. Mayor Bell stated he would like to see the entire event free similar to the Community United Methodist event. Consensus of the Commission is to make Fruitland Park Days free. CM Bowers will review this with RD Bechtel.
- b) Fruitland Park Cleanup – Mayor Bell suggested the date of March 21st. He suggested notifying the vendors and request snazzy shirts. Commission will meet at 8:00 a.m. Registration will be from 8:30 – 9:00 a.m. Crews will clean roadsides from 9:00 a.m. until 12:00 noon and the cookout will begin at 12:00 noon.
- c) Mayor Bell stated members of the Commission will leave City Hall at 5:30 p.m. on Thursday, February 19, 2009 to visit the Community Center in Wildwood and then the Capital Improvement Workshop will be held upon return. CA Gerken stated this needs to be noticed.

014. CITIZENS' COMMENTS - None

015. COMMISSIONERS' COMMENTS

- a) Vice Mayor Kelly - stated she was sorry to have missed Library Director McGuire's farewell party but she was attending a meeting.
- b) Commissioner Gunter - questioned if Tommy Gamble had been nominated for the Lake County League of Cities Citizen's award. Chief Isom stated he had been nominated in previous years, but could be nominated again. Chief Isom and CC Gibson Smith will work on the nomination form. Vice Mayor Kelly proposed CT Palmer be nominated for the Cities of Excellence Award this summer.
- c) Commissioner Martin - None