

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

February 9, 2012

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 9, 2012 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Mulford of the Grace Bible Baptist Church delivered the invocation followed by the Pledge of Allegiance led by Commissioner Gunter.

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

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

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager (CM) Ralph Bowers, Police Chief (PC) Terry Isaacs, Public Works Director (PWD) John Bostic III, City Treasurer (CT) Jeannine Racine Michaud, Community Development Director (CDD) Charlie Rector, and City Clerk (CC) Diane Gibson Smith.

01. STATE OF THE CITY

Mayor Bell presented his State of the City address. He noted we had some new staff additions – Police Chief Isaacs and CT Michaud, we were able to adopt a budget with a lower ad valorem tax without reducing services, completed comprehensive master water and wastewater plans, and were awarded a \$700,000 Community Development Block Grant which included a fully funded Lift Station. In addition we were able to secure a 30-year, interest free FDOT Hardship Loan and got approval on our 10-year CUP. For 2012, we have already annexed 84 parcels into the City. We are looking for economic growth and development, advancement on CR466A widening, a park project with Lake County which will include a convention center, and we welcome Welton Caldwell as our new Lake County Commissioner. New economic development in the works include the Bouis property, Pine Ridge Dairy property, and a BBQ restaurant. We will also be looking closely at the electric system. 2012 will be year of challenges, a year of promise, and has the potential to be biggest growth year yet.

03. APPROVED THE CONSENT AGENDA AS PRESENTED.

Mayor Bell presented the consent agenda for approval.

Commissioner Kelly moved and Commissioner Goldberg seconded to approve the consent agenda as presented. The motion carried with all the Commissioners voting aye. The minutes of the January 26 2011 LPA meeting and the January 26 2011 City Commission meeting were approved.

04. HEARD CITY TREASURER REPORT FOR PERIOD ENDING DECEMBER 31 2011

CT Michaud reviewed the report for the period ending December 31 2011. She noted the good news is revenues exceed expenditures except in the Recreation Department which should even out. Fuel is a problem. The remaining overages are mainly for annual payments being paid early in the year.

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05. CITY ATTORNEY'S REPORT

- a) CA Gerken stated next Tuesday the City's CUP goes to the SJRWMD Board for approval.
- b) CA Gerken stated he received an article stating the Lake County Board of County Commissioners is considering an ordinance on Local Preference which will include reciprocity – will use the same terms as other counties to bring to level playing field. Will provide a copy of the County ordinance at the next meeting.
- c) CA Gerken stated he will be bringing back a couple of clean-up ordinances for the annexations at the next meeting.

06. CITY MANAGER'S REPORT

- a) CM Bowers reported on a recent meeting with the Lake County ROW Acquisition staff. They stated they are moving ahead well. CM Bowers noted he told them he would like to see more progress on this. The Lake County staff informed us they would provide better communication with us.

CDD Rector stated CM Bowers asked how much administrative costs were coming out of the money set aside for this. They were unable to answer this question.

- b) CM Bowers stated he received a phone call from Ray Sharp, Environmental Services Director in Leesburg. He said he was approached by Pennbroke Fairways regarding a water issue. Mr. Sharp questioned if we would consider putting well #6 on their line. Pennbroke Fairways may be able to handle the sulfur as they have a heavy treatment.

After discussion of possible problems/concerns, the consensus of the Commission was to begin discussions regarding this possibility.

- c) CM Bowers gave an update on the water issue at 1006 Lake Myrtle Breeze Court. He noted the same water lines also supply the Glen and Wingspread. These customers are receiving the same water as everyone else uses. He noted what someone does to the water after it leaves our system is not our problem. Water softeners are to soften the water; some remove the chlorine. What happens to the water once it leaves the softener is not in our control. The water they are receiving meets all the appropriate standards for drinking water.
- d) Commissioner Gunter questioned where we are with the FDOT meeting with the businesses along US441. CM Bowers stated we are working on setting up the meeting.

The decision was made to invite FDOT back to the first meeting in May to give an update.

07. PUBLIC HEARINGS.

Adopted Ordinance 2012-003 and Ordinances 2012-011 through 2012-017 comprehensive plan amendments of recently annexed properties. CA Gerken read each ordinance, by title only, as follows:

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- a) **ORDINANCE 2012-003:** 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 "URBAN" ON THE FUTURE LAND USE MAP FOR LAKE COUNTY, FLORIDA, TO "INDUSTRIAL" ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 2.43± ACRES OF PROPERTY GENERALLY LOCATED EAST OF BREEZE LANE, NORTH SIDE OF COOKE DRIVE AND WEST OF US HWY 27/441 (1809568); AMENDING THE FUTURE LAND USE DESIGNATION FROM "URBAN" ON THE FUTURE LAND USE MAP FOR LAKE COUNTY, FLORIDA, TO "INDUSTRIAL" ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.24± ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF US HWY 27/441 AND N. DIXIE AVE., 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.

Mayor Bell requested comments and/or questions from the Public. There were none.

Commissioner Gunter moved and Commissioner Kelly seconded to adopt Ordinance 2012-003. The roll call vote was as follows:

Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Aye
Mayor Bell	Aye

The motion carried unanimously.

- b) **ORDINANCE 2012-011:** 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 "RURAL" TO "COMMERCIAL" ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 4.98 ACRES OF PROPERTY GENERALLY LOCATED AT THE SE CORNER OF CR466A AND MICRO RACETRACK 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 (3820858).

Mayor Bell requested comments and/or questions from the Public. There were none.

CM Bowers noted this is the outparcel for the Dairy property.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2012-011. The roll call vote was as follows:

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Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Aye

The motion carried unanimously.

- c) **ORDINANCE 2012-012:** 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 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF US 27/441, NORTH OF S. GRAYS AIRPORT ROAD AND SOUTH OF SHADOW HILL DRIVE; 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 (2802227).

Mayor Bell requested comments and/or questions from the Public. There were none.

Commissioner Goldberg moved and Commissioner Gunter seconded to adopt Ordinance 2012-012. The roll call vote was as follows:

Vice Mayor Richardson	Aye
Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye

The motion carried unanimously.

- d) **ORDINANCE 2012-013:** 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 .64 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF SPRING LAKE ROAD, WEST OF US HIGHWAY 27/441 AND EAST OF TOMMY LANE; 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 (1284236).

Mayor Bell requested comments and/or questions from the Public. There were none.

Commissioner Goldberg moved and Commissioner Gunter seconded to adopt Ordinance 2012-013. The roll call vote was as follows:

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Commissioner Gunter	Aye
Vice Mayor Richardson	Aye
Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye

The motion carried unanimously.

- e) **ORDINANCE 2012-014:** 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 "INDUSTRIAL" ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY .89 ACRES OF PROPERTY GENERALLY LOCATED AT THE SW CORNER OF AMERICAN LANE AND WATER OAK DRIVE INTERSECTION; 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 (1699215).

Mayor Bell requested comments and/or questions from the Public. There were none.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2012-014. The roll call vote was as follows:

Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Aye
Mayor Bell	Aye
Commissioner Goldberg	Aye

The motion carried unanimously.

- f) **ORDINANCE 2012-015:** 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 "INDUSTRIAL" ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.01 ACRES OF PROPERTY GENERALLY LOCATED EAST OF US HWY 27/441, SOUTH OF AMERICAN LANE AND WEST OF WATER OAK DRIVE; 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 (1284601).

Mayor Bell requested comments and/or questions from the Public. There were none.

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Commissioner Gunter moved and Commissioner Goldberg seconded to adopt Ordinance 2012-015. The roll call vote was as follows:

Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Aye
Mayor Bell	Aye

The motion carried unanimously.

- g) **ORDINANCE 2012-016:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING OR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM LAKE COUNTY "URBAN" TO "SF LOW DENSITY" ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.00 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF CR468, SOUTH OF MULBERRY STREET AND NORTH OF LOMAX DRIVE; 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 (1430542).

Mayor Bell requested comments and/or questions from the Public. There were none.

Commissioner Kelly moved and Commissioner Gunter seconded to adopt Ordinance 2012-016. The roll call vote was as follows:

Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Aye

The motion carried unanimously.

- h) **ORDINANCE 2012-017:** 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 "MULTI-FAMILY LOW DENSITY RESIDENTIAL" ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 4.96 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF URICK STREET AND LEMON AVENUE; 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 (1639808)

Mayor Bell requested comments and/or questions from the Public. There were none.

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Commissioner Goldberg moved and Commissioner Gunter seconded to adopt Ordinance 2012-017. The roll call vote was as follows:

Vice Mayor Richardson	Aye
Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye

The motion carried unanimously.

08. INTRODUCTION OF ORDINANCES

- a) Approved first reading of Ordinance 2012-018. Mayor Bell introduced Brian Gillette of Cart Works and Frank Re of Sta-Rite Carts and Accessories. Both businesses are located within the City limits of Fruitland Park.

CA Gerken read, Ordinance 2012-018, by title only, as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, CREATING CHAPTER 73 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES ENTITLED GOLF CARTS AND LOW SPEED VEHICLES; AUTHORIZING THE USE OF GOLF CARTS AND LOW-SPEED VEHICLES ON SPECIFIED ROADWAYS; PROVIDING DEFINITIONS; PROVIDING RESTRICTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken reviewed the changes to the ordinance since the last time it was discussed. He further noted the ordinance limits the carts to streets where the posted speed is 30 mph or less. He suggested moving this to 35 mph which is allowed by Florida Statute.

After much discussion, the decision was made for the following changes:

- Decals – golf carts/low speed vehicles
- Proof of insurance
- Fee to be established by resolution of Commission
- No license/tag/title for golf cart -- drivers are to be aged 14 and up; people who have lost license; elderly
- Inspections –will be required with details to be worked out later

The signs should be big enough to be noticed.

Commissioner Kelly moved and Vice Mayor Richardson seconded to approve Ordinance 2012-018 with the noted modifications. The roll call vote was as follows:

Commissioner Gunter	Aye
Vice Mayor Richardson	Aye
Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye

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The motion carried unanimously.

09. NEW BUSINESS

- a) Adopted Resolution 2012-005 amending the budget to increase executive vehicle repair fund by \$941. CA Gerken read Resolution 2012-005, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2011-2012 FISCAL YEAR TO INCREASE THE EXECUTIVE VEHICLE REPAIR BUDGET BY \$941 FROM THE LEGISLATIVE CONTINGENCY FUND TO COVER UNANTICIPATED REPAIRS, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

CM Bowers noted the car is assigned to the Police Department but he has allowed the repairs to continue to be shown here.

Commissioner Kelly moved and Commissioner Gunter seconded to adopt Resolution 2012-005. The roll call vote was as follows:

Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	No
Mayor Bell	Aye
Commissioner Goldberg	Aye

The motion carried with a vote of 4 – 1.

- b) Adopted Resolution 2012-006 amending the budget to increase the bank fees budget by \$5,000. CA Gerken read Resolution 2012-006, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2011-2012 FISCAL YEAR TO INCREASE THE BANK FEES BUDGET BY \$5,000 FROM THE LEGISLATIVE CONTINGENCY FUND TO COVER UNANTICIPATED FEES, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Gunter stated Colonial Bank never charged fees and BB&T only began charging fees this year.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Resolution 2012-006. The roll call vote was as follows:

Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Aye
Mayor Bell	Aye

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The motion carried unanimously.

- c) Adopted Resolution 2012-007 amending the budget to increase utility contingency by \$3045 to cover deficit. CA Gerken read Resolution 2012-007, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2011-2012 FISCAL YEAR TO USE \$3045 OF THE SALE OF SURPLUS REVENUE FUNDS TO INCREASE THE UTILITY CONTINGENCY, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Goldberg moved and Commissioner Kelly seconded to adopt Resolution 2012-007. The roll call vote was as follows:

Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Aye

The motion carried unanimously.

- d) Adopted Resolution 2012-008 amending the budget to recognize Drug Revenue and Expenses as amended to include the word Forfeiture for clarification. CA Gerken read Resolution 2012-008, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2011-2012 FISCAL YEAR TO RECOGNIZE \$19,751 IN DRUG REVENUE AND TRANSFER TO COVER DRUG EXPENSES, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

The decision was made to amend the title to include the word forfeiture.

Commissioner Kelly moved and Commissioner Gunter seconded to adopt Resolution 2012-008 as amended. The roll call vote was as follows:

Vice Mayor Richardson	Aye
Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye

The motion carried unanimously.

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10. CITIZENS' COMMENTS

- a) CDD Rector stated the bus shelter location has been selected. It will be located east of the bike rack closer to the park at the Library.

11. COMMISSIONERS' COMMENTS

- a) Vice Mayor Richardson – none
- b) Commissioner Gunter – questioned the time to leave for Palatka. CM Bowers stated they would leave by 8 a.m.
- c) Commissioner Kelly – None
- d) Commissioner Goldberg - None

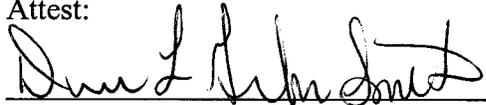
12. MAYOR BELL'S COMMENTS. Mayor Bell reported the upcoming dates. He noted Cliff Stearns changed his date to Feb 25th instead of Feb 11th. Also Clean-up Day is scheduled for March 10th.

12. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 8:33 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk