

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

January 12, 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, January 12, 2012 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. CM Bowers delivered the invocation followed by the Pledge of Allegiance led by Vice Mayor Richardson.

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, Assistant Police Chief (APC) David Borst, Public Works Director (PWD) John Bostic III, City Treasurer (CT) Jeannine Racine Michaud, Community Development Director (CDD) Charlie Rector, Recreation Director (RD) Sherry Bechtel, and City Clerk (CC) Diane Gibson Smith.

01. PRESENTATION

Karen Kersey, Public Involvement Coordinator for the US 27/441 FDOT project, introduced Elie Assi, construction project engineer, and Allen Schrupf, engineer of design. She stated they have a website that is updated weekly (www.cflroads.com). She reviewed the parts of the project and where the project is currently.

Mayor Bell questioned if the project was on schedule. Elie Assi stated the project is about 2 weeks ahead of schedule currently. Rain and holidays may cause some delays.

Mayor Bell asked if traffic accidents are tracked. Mr. Assi stated accidents are tracked. Have had 5 accidents so far, but only minor fender benders.

Commissioner Gunter stated he heard from several businesses that they were having problems with customers not being able to get into their businesses. This was especially true in the southern part of town. There are more turn lanes in the northern part and none in the southern. Commissioner Gunter asked if there was any solution. Mr. Assi stated this is a reconstruction project not just a widening project. In order to widen the road, traffic had to be shifted. The ultimate goal is to maintain traffic. The milling machine cannot pick up and stop at each driveway so businesses will need to bear with them during this process. Mr. Assi noted he was aware of the complaints from Bill Bryan Chrysler Dodge and Ace Hardware.

Mr. Assi stated there is no room for a left turn for Bill Bryan Chrysler Dodge and Ace Hardware. Turn around must be accomplished at the light at Martin Luther King Ave.

Vice Mayor Richardson noted there is a project engineer and a design engineer. He questioned what role the City's engineer of record plays in this. Mr. Assi noted BESH is involved fully in the JPA part of the project.

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Commissioner Gunter noted a crosswalk is to be installed at Palm Street/Cutoff Road and he wondered if it will be signalized. Mr. Schrumpf stated he believes a countdown head will be installed with timing that will allow for conservative walking speed. Mr. Schrumpf will verify this.

Commissioner Gunter questioned if changes can be made still or are things set in stone. He noted a red light at CR466A is still wanted. Mr. Assi stated it can be added if the City wants to pay for it.

Vice Mayor Richardson noted the plans show a proposed light at CR466A and we were told earlier the light will be hung but not operable. Mr. Assi stated no, the proposal is done by others. This will also be looked into.

Rick Ranize asked why FDOT will not put in a light at CR466A. Mr. Schrumpf stated this was a design decision.

Ms. Kersey stated a study was done in 2007 during the design. This would need to be reviewed. Mr. Ranize noted in 2007, the Villages had not built on CR466A.

Rick Ranize also asked why the light is not being moved from CR25A to Spring Lake Road and why there is no left turn off Spring Lake. Mr. Schrumpf noted he believed this was because the numbers did not warrant a turn or a light.

Ms. Kersey stated she will look into what was discussed during the design. Mr. Ranize stated he would like to discuss this more. Ms. Kersey will discuss with Mr. Ranize.

Vice Mayor Richardson left the room at 7:20 p.m. and returned at 7:21 p.m.

A representative from Ace Hardware stated they have asked 3 times for a turning lane to be put in but have been turned down because the distance was too short. Mr. Schrumpf stated this was an access management issue decision made by DOT.

After much discussion between businesses affected by no turning lane and Ms. Kersey, Mayor Bell suggested setting another time to meet with the businesses involved. A time will be set up next week.

02. APPROVED THE CONSENT AGENDA AS PRESENTED.

Mayor Bell presented the consent agenda for approval.

Commissioner Goldberg moved and Commissioner Gunter seconded to approve the consent agenda as presented. The motion carried with all the Commissioners voting aye. The minutes of the December 8, 2011 meeting were approved.

03. HEARD UPDATE FROM CHET ROSS ON THE AUDIT AND THE CITY TREASURER'S REPORT FOR PERIOD ENDING NOVEMBER 30, 2011.

Chet Ross was present and gave an update on the audit. He noted the audit is about one quarter finished and we are currently up about \$60,000 from last year. Risk areas being reviewed include: interfund transfers, collection of miscellaneous receivables, and the CUP cost. Mr. Ross stated he is on track to have his report by mid-February. A report will be scheduled for the February 23rd City Commission meeting. Mr. Ross stated he does

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not recommend taking any more money out of the reserves – especially since there are no unrestricted reserves in the Utility Funds.

CT Michaud presented information on the report for period ending November 2011. She stated the report is very similar to that given in October.

Vice Mayor Richardson questioned if revenues should be brought over to a new fiscal year if outstanding amounts are brought forward from purchase orders. CT Michaud stated a mid-year budget amendment will be done to cover the amount.

04. CITY ATTORNEY'S REPORT - none

05. CITY MANAGER'S REPORT -

a. Utility Planning memo – CM Bowers stated an Utility Planning meeting took place. We are close to covering all the expenses for our utilities. We will be looking into reducing the SRF loan percentage rate to save money, and also will be using similar tactics as used in Spring Lake Cove development to cover new infrastructure. Transfer out of the utility fund will be monitored closely. CM Bowers stated we will also be looking at signing up all the customers who have infrastructure in place but are not currently connected.

Vice Mayor Richardson questioned why infrastructure was in place for customers who were not connected. CM Bowers noted this was being done when he came onboard.

Mayor Bell stated no one has been requested to connect as there were too many problems with the system.

CM Bowers stated the system is now in place to have them connect.

CM Bowers noted we learned the Villages are not running open top water storage but are running ground storage instead. We are beginning to look at this for some development such as on the Bouis property and on the north end of town.

CM Bowers stated we are also going to push to settle the lawsuit this year. Also we will be limiting our spending on infrastructure.

In addition we have currently spent about \$300,000 for the CUP which adds 50% more water. CM Bowers noted he is working on a system to get new development impact fees to pay for this CUP cost.

Commissioner Gunter wondered if a line item for the CUP was going to be added under the restricted fund.

CA Gerken noted there are two issues. One of which is getting the money spent back. He stated some cities are now charging water availability fee in anticipation of CUP expenses.

Vice Mayor Richardson questioned what the CUP cost might have been if we did not request more water. CM Bowers stated about \$100,000. CA Gerken agreed.

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b. Water memos – CM Bowers stated he distributed many memos to update everyone on what is going on. He stated he attended several meetings with Commissioner Gunter with SJRWMD. He noted we signed on the have the Ocklawaha River as the alternative water source, but that will not be available during dry times.

Commissioner Gunter stated the meeting was more about the water in Lake Griffin. He spoke with the new SJRWMD Director about our CUP costs. The new SJRWMD Director told him he will try to streamline the permitting process – he was surprised by how much the permit cost us.

c. CM Bowers stated we have received a complaint of a water odor from William Gamble on Myrtle Breeze. PWD Bostic is working on this water problem.

06. PUBLIC HEARINGS

a. Adopted Ordinance 2011-033 extending the contract for Waste Management. CA Gerken read Ordinance 2011-033, by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AN EXTENSION OF ITS SOLID WASTE COLLECTION FRANCHISE AGREEMENT WITH WASTE MANAGEMENT, INC. OF FLORIDA; ADOPTING RATES FOR THE PROVISION OF WASTE MANAGEMENT SERVICES TO THE RESIDENTS OF THE CITY OF FRUITLAND PARK; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Doug McCoy, Waste Management, stated they are excited to continue work with Fruitland Park. The new recycling project will begin soon.

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

Vice Mayor Richardson stated their crew has always been courteous and helpful. Mr. McCoy stated they received 3,000 compliments from customers in Lake County last year.

Commissioner Gunter questioned the non-profit and yard waste. This will be included with the contract.

Mayor Bell stated he misses Waste Management being in our Fruitland Park Day parade. Mr. McCoy stated they will be in the parade this year as they received a release of liability from our Recreation Department.

Vice Mayor Richardson moved and Commissioner Gunter seconded to adopt Ordinance 2011-033. The roll call vote was as follows:

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

The motion carried unanimously.

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07. UNFINISHED BUSINESS – None

08. NEW BUSINESS

a. Approved the CUP settlement agreement. CA Gerken stated the settlement agreement tracks the history of this while the Technical Staff Review (TSR) includes the specifics to be included in the permit. This is a 10 year permit and we are a little over a year into the time. During the last few months, there has been a dramatic attitude change at SJRWMD. This agreement and TSR will be sent to the District next month. CA Gerken noted SJRWMD also dismissed the enforcement actions. CA Gerken stated he recommends approval.

Commissioner Gunter moved and Commissioner Kelly seconded to approve the CUP settlement agreement. The motion carried with all the Commissioners voting aye.

Vice Mayor Richardson left the room at 8:20 p.m. and returned at 8:23 p.m.

b. Adopted Resolution 2012-001 amending the budget for the 2011-2012 FY to correct the FY2012 CDBG carry over to reflect the actual. CA Gerken read Resolution 2012-001, 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 CORRECT THE FY2012 CDBG CARRY OVER TO REFLECT ACTUALS, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Richardson questioned the deletion on the camera and videotaping. CC Gibson Smith stated this is simply adding in the amount not used during last fiscal year. Nothing is being removed.

Commissioner Goldberg moved and Commissioner Kelly seconded to approve Resolution 2012-001. 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.

c. Adopted Resolution 2012-002 amending the budget for the 2011-2012 FY to apply the change order to the Ciraco contract budget. CA Gerken read Resolution 2012-002, 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

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TO APPLY THE CHANGE ORDER TO THE CIRACO CONTRACT BUDGET, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Richardson questioned the reduction in the video-taping and asphalt reduction.

CM Bowers stated one area was not repaved.

Vice Mayor Richardson questioned why a bid bond was a line item. Bid bonds are normally free. CC Gibson Smith noted the bids were reviewed by our city engineer and she would need to ask him that question.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Resolution 2012-002. The roll call 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 Res 2012-003 amending the budget for the 2011-2012 FY to increase the advertising budget. CA Gerken read Resolution 2012-003, 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 BY \$3000 TO INCREASE THE ADVERTISING BUDGET TO COVER CHARGES FOR THE ANNEXATION ADVERTISING, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kelly questioned if this include the ones that are forthcoming. CC Gibson Smith stated yes.

Commissioner Kelly moved and Commissioner Gunter seconded to adopt Resolution 2012-003. The roll call 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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e. Adopted Res 2012 – 004 amending the budget for the 2011-2012 FY to increase the Law Enforcement Lease Payments to cover the cost of purchasing the 2007 Chevy Impala. CA Gerken read Resolution 2012-004, 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 LAW ENFORCEMENT LEASE PAYMENTS BY \$1350 FROM THE CAPITAL IMPROVEMENT PROJECTS FUND TO COVER THE PURCHASE OF THE 2007 CHEVY IMPALA, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Richardson stated this was a \$4850 buyout. CM Bowers stated yes.

Commissioner Kelly asked if this was a lease payment or buyout. CC Gibson Smith stated this is a buyout.

Vice Mayor Richardson moved and Commissioner Goldberg seconded to adopt Resolution 2012-004. The roll call was as follows:

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

The motion carried with a vote of four ayes and one nay.

f. Approved amendment to the Voluntary Cooperation Operational Assistance Mutual Aid agreement between Lake County Sheriff's office and Municipal Police Departments in Lake County, FL to allow for change in signatories whenever it is deemed necessary. CC Gibson Smith stated the only change is in signatures and the ability to put up to date signatures as needed.

Commissioner Gunter moved and Vice Mayor Richardson seconded to approve the amendment as presented. The motion carried with all Commissioners voting aye.

g. Consideration of request from James Logan for amendment to PUD approved via Ordinance 2007-014 to add RV Park and related amenities as a permitted use. CDD Rector stated Mr. Logan is requesting to add terminology for an RV Park in the Developer's agreement. P & Z Board heard this and is recommending approval.

Mayor Bell questioned how many jobs this may correct. Mr. Logan said many during construction, but four or five jobs long term.

Commissioner Kelly questioned if we have restrictions on RV Parks. CDD Rector stated yes, however this is for an upscale park.

Vice Mayor Richardson moved and Commissioner Goldberg seconded to approve this amendment as presented. The motion carried with all Commissioners voting aye.

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h. Approved appointments of T. Keith Fales and Michael Laming to the Fire Pension Board (Fire Department Appointments replacing Robbie Holiday and Jacob Paynter).

Vice Mayor Richardson moved and Commissioner Goldberg seconded to confirm these appointments. The motion carried unanimously with all the Commissioners voting aye.

Mayor Bell called a short recess at 8:40 p.m. The meeting reconvened at 8:50 p.m.

09. INTRODUCTION OF ORDINANCES

CDD Rector introduced the project. He stated the ordinances will be read in groups and then opened for public comment for the group. Each ordinance will then be voted on individually.

Greg Beliveau, LPG Urban Planners, stated he has received the Memorandum of Understanding from the Lake County School Board authorizing any city that wishes, to remove the school element from their comprehensive plans.

a. INTRODUCTION OF ENCLAVES

CA Gerken reminded everyone that there will a second meeting on all of these ordinances. Currently this meeting is scheduled for two weeks. CA Gerken read each ordinance as follows:

- 1) **ORDINANCE 2011-015:** 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 .29± ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF US HWY 441 AND NORTH OF AMERICAN LANE; REZONING THE PROPERTY FROM LAKE COUNTY "MP" (PLANNED INDUSTRIAL DISTRICT) 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.
- 2) **ORDINANCE 2011-016:** 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 3.52 ± ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF US HWY 441 AND SOUTH OF SPRING LAKE ROAD, AND REZONING SUCH PROPERTY FROM LAKE COUNTY "LM" (LIGHT INDUSTRIAL DISTRICT) TO "I," INDUSTRIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK AND .63± ACRES OF PROPERTY GENERALLY LOCATED WEST OF US HWY 441, SOUTH OF SPRING LAKE ROAD, AND EAST OF FAIR OAKS DRIVE, REZONING SUCH PROPERTY FROM LAKE COUNTY "CFD" (COMMUNITY FACILITY DISTRICT) 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
- 3) **ORDINANCE 2011-017:** 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

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- 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) AND REZONING SUCH PROPERTY FROM LAKE COUNTY CFD TO "I," INDUSTRIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK, AND APPROXIMATELY 1.24 ± ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF US HWY 27/441 AND N. DIXIE AVE. (1740321) AND REZONING SUCH PROPERTY FROM LAKE COUNTY C-2 TO "C-2," COMMERCIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
- 4) **ORDINANCE 2011-018:** 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 7.96 ± ACRES OF PROPERTY GENERALLY LOCATED WEST OF HAWK LANDING, SOUTH OF MYRTLE LAKE AVE. AND NORTH OF OTTER COURT (1288789) AND REZONING SUCH PROPERTY FROM LAKE COUNTY "AG" TO "C-2," COMMERCIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
- 5) **ORDINANCE 2011-019:** 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 .80 ± ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF PICCIOLA CUTOFF ROAD, EAST OF KINGFISH STREET AND WEST OF PICCIOLA ROAD (1288932) AND REZONING SUCH PROPERTY FROM LAKE COUNTY R-1 TO "R-3," MULTI-FAMILY LOW DENSITY WITHIN THE CITY LIMITS OF FRUITLAND PARK, APPROXIMATELY 1.01± ACRES OF PROPERTY GENERALLY LOCATED AT WEST SIDE OF PICCIOLA ROAD AND NORTH OF PICCIOLA CUTOFF ROAD (1289050) AND REZONING SUCH PROPERTY FROM LAKE COUNTY "R-1" (RURAL RESIDENTIAL) TO "R-3", MULTI-FAMILY LOW DENSITY WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROXIMATELY .81 ± ACRES OF PROPERTY GENERALLY LOCATED WEST SIDE OF PICCIOLA ROAD, SOUTH OF WOOD DUCK LANE, AND NORTH OF PICCIOLA CUTOFF ROAD (1288916) AND REZONING SUCH PROPERTY FROM LAKE COUNTY RP TO "R-3," MULTI-FAMILY LOW DENSITY WITHIN THE CITY LIMITS OF FRUITLAND PARK, APPROXIMATELY .69± ACRES OF PROPERTY GENERALLY LOCATED AT THE NW CORNER OF PICCIOLA ROAD AND PICCIOLA CUTOFF ROAD INTERSECTION (1289254) AND REZONING SUCH PROPERTY FROM LAKE COUNTY "RP" TO "R-3" MULTI-FAMILY LOW DENSITY WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
- 6) **ORDINANCE 2011-020:** 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 1.0 ± ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF CR 468, SOUTH OF URICK STREET (1288835) AND REZONING SUCH PROPERTY FROM LAKE COUNTY "AG" TO "R-2," MULTI-FAMILY MEDIUM DENSITY WITHIN THE CITY LIMITS OF FRUITLAND

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PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell requested public comments on any of these ordinances.

Russell Casson, interest in property (Alt Key 1740321) listed in **Ordinance 2011-017**, stated he is not sure why he was lumped with the other property. Mr. Casson also questioned if the meaning of the severability clause in the ordinance was to allow the separation of the properties in the ordinance if one wished to stay in and one wished to stay out. CA Gerken no this refers to if a court decides any provision in the ordinance is improper (Section 4), then the remaining will continue as if that provision was never a part of it.

Mr. Casson asked if a majority vote is required. CA Gerken stated yes.

Mr. Casson stated he is not interested in annexing into Fruitland Park. He already receives the services the City provides. He stated he does not see what services the City will offer that he does not already have. The enclave issue is really an issue that has been created by the City itself. He noted the annexation of enclaves is not a mandate. Mr. Casson suggested passing an ordinance that the property would be annexed in upon sale.

Mr. Casson stated the P & Z Board did vote to annex in the property, but not unanimously. He is urging the Commissioners to vote against this annexation. He noted the P & Z Board stated they were tasked with this project. They stated their votes were advisory in nature only.

Commissioners Discussion

Commissioner Kelly stated she still does not want to force people to come into the City.

CA Gerken stated we can put a Covenant to Annex in place. If the Casson property is removed from this ordinance, the other parcel can still be brought in. Removing the parcel does defeat the intent of bringing all the enclaves into the City.

Commissioner Gunter questioned the Covenant to Annex. CA Gerken stated you see this often with utilities. Certain conditions need to be met before a parcel can be annexed into the city.

Commissioner Gunter stated we have asked others to come in during the past. He stated in 1994 we brought in a number of enclaves in.

CA Gerken stated the reason for bringing in enclaves is to tighten up the borders and clean up discrepancies in costs.

Vice Mayor Richardson stated he usually doesn't want to force someone into the City. He noted he does not remember tasking Planning and Zoning with the job of looking for enclaves. This is not a financial windfall for the City.

Commissioner Gunter questioned if there are any costs to come into the City. The places are grandfathered in until the buildings are altered or changed.

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CC Gibson Smith requested CDD Rector to explain all the costs involved in hooking up to our water and/or sewer. CDD Rector explained the costs involved. He noted if within the city limits, the costs can be spread out over time. Outside the city limits requires payment up front and costs will be billed at 125% of those for in-city limit customers. If water and/or sewer is available within a set distance, all customers (in city limits or not) must hook-up upon failure.

Vice Mayor Richardson questioned if the Commission had the authority to waive the impact fees. CM Bowers stated our SRF loan does not allow that. CA Gerken agreed stated the impact fees are what have been pledge to pay our SRF loan.

Commissioner Goldberg asked why Mr. Casson was so averse to coming in. Mr. Casson stated his main reasons include electric costs and the additional taxes.

Approval of Ordinances for Enclaves

Ordinance 2011-015

Commissioner Gunter moved and Commissioner Kelly seconded to approve the first reading of Ordinance 2011-015. 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.

Ordinance 2011-016

Commissioner Kelly moved and Commissioner Goldberg seconded to approve the first reading of Ordinance 2011-016. 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.

Ordinance 2011-017

Commissioner Gunter moved and Vice Mayor Richardson seconded to approve the first reading of Ordinance 2011-017.

Commissioner Kelly stated she would like to remove the Casson property from this ordinance.

Commissioner Goldberg reminded the property owner this is a onetime pass on all the fees. If your property is removed from the ordinance on this first reading, your property will not

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be included in any further discussions and if the decision is made to annex in later on, fees of approximately \$1000 will be charged.

CA Gerken reminded everyone this is a first reading and perhaps the ordinance should be left as is to begin the process. Changes can be approved at the second reading.

Commissioner Kelly moved to amend the motion and to remove the Casson property from the ordinance. Mayor Bell requested a second. There was none so the motion died for lack of a second.

The roll call vote to approve the first reading of Ordinance 2011-017 as presented was as follows:

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

The motion carried with a vote of four ayes and one nay.

Ordinance 2011-018

Vice Mayor Richardson moved and Commissioner Goldberg seconded to approve the first reading of Ordinance 2011-018. 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.

Ordinance 2011-019

Vice Mayor Richardson moved and Commissioner Goldberg seconded to approve the first reading of Ordinance 2011-019. The roll call vote was as follows:

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

The motion carried unanimously.

Ordinance 2011-020

Vice Mayor Richardson moved and Commissioner Goldberg seconded to approve the first reading of Ordinance 2011-020. The roll call vote was as follows:

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

The motion carried unanimously.

b. INTRODUCTION OF VOLUNTARY ANNEXATIONS

- 1.) **ORDINANCE 2011-021:** 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 4.98± ACRES OF PROPERTY GENERALLY LOCATED AT THE SE CORNER OF CR 466A AND MICRO RACETRACK ROAD; REZONING THE PROPERTY FROM LAKE COUNTY "AG" (AGRICULTURE) TO C2, "COMMERCIAL," WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
- 2.) **ORDINANCE 2011-022:** 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 1.0 ± 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; REZONING THE PROPERTY FROM LAKE COUNTY "LM" (LIGHT MANUFACTURING) TO "C-2," COMMERCIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
- 3.) **ORDINANCE 2011-023:** 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 .64 ± ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF SPRING LAKE ROAD, WEST OF US HWY 27/441 AND EAST OF TOMMY LANE; REZONING THE PROPERTY FROM LAKE COUNTY "AG" (AGRICULTURE) TO "C-2," COMMERCIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
- 4.) **ORDINANCE 2011-024:** 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 .89 ± ACRES OF PROPERTY GENERALLY LOCATED AT THE SW CORNER OF AMERICAN LANE AND WATER OAK DRIVE INTERSECTION; REZONING THE PROPERTY FROM LAKE COUNTY "RMRP" (MOBILE HOME RENTAL PARK DISTRICT) TO "I," INDUSTRIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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- 5.) **ORDINANCE 2011-025:** 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 1.01 ± ACRES OF PROPERTY GENERALLY LOCATED EAST OF US HWY 27/441, SOUTH OF AMERICAN LANE AND WEST OF WATER OAK DRIVE; REZONING THE PROPERTY FROM LAKE COUNTY "RMRP" (MOBILE HOME RENTAL PARK DISTRICT) TO "I," INDUSTRIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

- 6.) **ORDINANCE 2011-026:** 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 1.00 ± ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF CR 468, SOUTH OF MULBERRY STREET AND NORTH OF LOMAX DRIVE; REZONING THE PROPERTY FROM LAKE COUNTY "R-1" (RURAL RESIDENTIAL) TO "R-1," SINGLE-FAMILY LOW DENSITY RESIDENTIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

- 7.) **ORDINANCE 2011-027:** 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 4.96 ± ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF URICK ST. AND LEMON AVE.; REZONING THE PROPERTY FROM LAKE COUNTY "AG" (AGRICULTURE) TO "R-3," MULTI-FAMILY HIGH DENSITY RESIDENTIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell requested public comments on any of these ordinances. There were none.

Commissioners Discussion .

There was none.

Approval of ordinances annexing in voluntarily.

Ordinance 2011-021

Commissioner Kelly moved and Commissioner Goldberg seconded to approve the first reading of Ordinance 2011-021. The roll call vote was as follows:

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

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Mayor Bell	Aye
Commissioner Goldberg	Aye

The motion carried unanimously.

Ordinance 2011-026

Commissioner Kelly moved and Commissioner Goldberg seconded to approve the first reading of Ordinance 2011-026. 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.

Ordinance 2011-027

Commissioner Goldberg moved and Commissioner Gunter seconded to approve the first reading of Ordinance 2011-027. 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.

c. INTRODUCTION OF GROUP ANNEXATIONS Greg Beliveau noted that some parcels in these groups are coming in voluntarily and others are being brought in involuntarily. Purple indicates voluntary annexation and Yellow indicates involuntary annexation.

- 1.) **Approved first reading of Ordinance 2011-029:** CA Gerken read Ordinance 2011-029, 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 2.48 ± ACRES OF PROPERTY GENERALLY LOCATED EAST OF GOSS STREET AND SOUTH OF GRAYS AIRPORT ROAD (1285071), AND REZONING SUCH PROPERTY FROM LAKE COUNTY "C-2" (COMMUNITY COMMERCIAL DISTRICT) TO "C-2," GENERAL COMMERCIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK, APPROXIMATELY 10.15± ACRES OF PROPERTY GENERALLY LOCATED EAST OF US HWY 27/441, SOUTH OF GRAYS AIRPORT ROAD AND NORTH OF AMERICAN LANE, AND REZONING SUCH PROPERTY FROM LAKE