

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES
JANUARY 26, 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 26, 2012 beginning at 6:31 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 Goldberg.

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, Assistant Police Chief (APC) David Borst, Public, City Treasurer (CT) Jeannine Racine Michaud, Community Development Director (CDD) Charlie Rector, and City Clerk (CC) Diane Gibson Smith.

01. PRESENTATION

- a. Mike McDaniel of Hickory Avenue spoke about the idea of having a block of Christmas Decorations along Hickory Avenue at least from Mary Sue to Cooke Street. He noted that many in the neighborhood have shown interest in this project. The City of Leesburg may be able to drop service so a sign could be placed at the beginning. The minimum clearance of a sign is 12 feet. Mr. McDaniel also suggested collecting donations to give to a local charity. This is preliminary and the idea will be brought back once more is decided. This may require having the street become one-way during the season.

Mayor Bell stated he thought this would be a good thing. He would like to see all the neighbors in agreement and logistics are worked out. This will be brought back in April.

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 unanimously with all the Commissioners voting aye. The minutes of the January 12, 2012 LPA and January 12, 2012 Commission meeting were approved.

03. CITY ATTORNEY'S REPORT

CA Gerken stated we received a Memorandum of Understanding to remove the Capital Facilities Education Element from our Comprehensive Plan. The County and the School Board have agreed to allow this although school concurrency will be continued. CA Gerken stated he recommends approval.

Greg Beliveau, LPG Urban and Regional Planners, explained why this is coming forward.

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Vice Mayor Richardson moved and Commissioner Goldberg seconded to approve the Memorandum of Understanding. The motion carried unanimously with all the Commissioners voting aye.

04. CITY MANAGER'S REPORT

- a. CM Bowers gave an update on BESH and the FDOT project. He stated FDOT has allowed us to piggy back our engineering onto their engineering contract. If they include in their main contract, we may not have to repay the money under the hardship loan. If too much is asked regarding this, FDOT may remember this and then include it in the hardship loan. We do not have the money budgeted to pay for this directly.

Vice Mayor Richardson questioned if everyone was okay with that. He noted he has a problem with it. Vice Mayor Richardson stated CM Bowers' memo states this was all discussed a year ago. Vice Mayor Richardson stated this was not discussed a year ago. Vice Mayor Richardson questioned why a contract was brought forward in September if this was discussed before then. The contract was for \$37,000 which we were supposed to be given additional information on. This amount exceeds the approval limit of the City Manager. Vice Mayor Richardson stated he requested to have BESH here at a meeting to answer questions and was told they would not be here unless all the questions were known in advance.

Mayor Bell stated common courtesy would be to provide the questions in advance. He noted each member of the Commission does meet with CM Bowers and ask any questions before hand.

CM Bowers stated he works for the Board. He does not work for one commissioner personally. If a professional is to be brought in front of the Board, it is better to know the questions being asked in advance so the professional has the answers needed.

- b. CM Bowers stated the Community United Methodist Church is requesting to close three streets for its Winterfest the weekend of February 4th.

Commissioner Gunter moved and Vice Mayor Richardson seconded to approve the closure of the streets. The motion carried unanimously with all the Commissioners voting aye.

- c. CM Bowers reported on the CDBG project. All connections will be completed within the next couple of weeks.
- d. CM Bowers stated if he did not request BESH to do this FDOT project under the continuing contract, then he apologizes. It may have been an oversight, but not meant to be done behind anyone's back. He stated he would appreciate a motion for BESH to do the post design services.

Commissioner Kelly moved and Commissioner Gunter seconded to allow BESH to do the post design services. The motion carried unanimously with all the Commissioners voting aye.

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CA Gerken noted no payments have been paid to BESH for this project yet. He noted BESH was trying to do this contract under Dyer Riddle through FDOT.

Commissioner Kelly stated she recalled being told this.

05. UNFINISHED BUSINESS

06. NEW BUSINESS

- a. Approved re- appointments of Cynthia Burch and Michael Sweeney to the Lake County Library Advisory Board. Commissioner Kelly moved and Commissioner Goldberg seconded to approve the re-appointments. The motion carried with all the Commissioners voting aye.
- b. Request for nominations for 2012 Lake County Community Service Awards. Mayor Bell requested any nominations. He noted this is open to the public.

Commissioner Gunter suggested nominating Tommy Gamble under the Public Safety.

Commissioner Kelly suggested nominating Waste Management for all the work and support they give the City. CC Gibson Smith will call to see if they are eligible.

- c. CM Bowers stated he had a good meeting with Bruce Kirby today regarding electric. We will need to find some funds to pay him. This will be brought back at the next meeting (Editor's note: This will be brought back at the February 23rd meeting instead due to time constraints).

07. PUBLIC HEARINGS

- a) Adopted the following Enclave annexation ordinances: CA Gerken read them 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 171.0462(a), 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 171.0462(a), 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,

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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 171.0462(a), FLORIDA STATUTES, BY INCLUDING WITHIN THE CITY 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 171.0462(a), 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 171.0462(a), 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;

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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 171.0462(a), 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 PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken stated regarding the Comcast property listed in Ordinance 2011-018, the City does not have a zoning or land use that matches the use of this property. He proposed to remove the rezoning and leave the current County zoning in place. City zoning and land use can be added when the property will be used.

Commissioner Kelly suggested using the Greenway classification. CA Gerken stated by not giving it a zoning or land use designation, the property will keep its current zoning and land use.

Greg Beliveau stated he had talked about this with Comcast. They stated they had been given a conditional use permit to use the property for a tower in the County. He also recommends bringing the zoning and land use change back when it is sold so it can be zoned the way the new owner needs.

Commissioner Gunter stated he would like it designated as greenbelt. CDD Rector stated even the greenbelt zoning does not fit the current use.

Mayor Bell asked if taxes were paid to the County currently. Mr. Beliveau stated they do not qualify for an agriculture exemption so they do pay taxes.

PUBLIC COMMENTS AND VOTES

Ordinance 2011-015:

Mayor Bell requested public comments. There were none.

Commissioner Kelly moved and Commissioner Gunter seconded to adopt 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.

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Ordinance 2011-016:

Mayor Bell requested public comments. There were none.

Commissioner Goldberg moved and Commissioner Gunter seconded to adopt 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 2011-018:

Mayor Bell requested public comments. There were none.

Commissioner Gunter moved and Commissioner Goldberg seconded to adopt Ordinance 2011-018
with the deletion of the rezoning. 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.

Ordinance 2011-019:

Mayor Bell requested public comments. There were none.

Commissioner Goldberg moved and Vice Mayor Richardson seconded to adopt Ordinance 2011-019.
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 2011-020:

Mayor Bell requested public comments. There were none.

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Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2011-020
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 2011-017:

Mayor Bell requested public comment.

Russ Casson, representing the owner of one of the parcels in Ordinance 2011-017, stated the original Florida Statute stated a vote by the City residents was required. He questioned if this was still applicable under the corrected Florida Statute. CA Gerken stated no, a majority vote by the Commission is all that is needed to pass the ordinance as the City has a current agreement with Lake County. Other types of annexations do require a referendum; this specific procedure is limited to enclaves and requires only the consent of the County.

Mr. Casson questioned why this is not taken back to a first reading since there was a correction. CA Gerken stated the change of the Florida Statute is considered a non-prejudicial change or a scrivener's error.

Mr. Casson stated the Community Development Director took a look at the property and assured them the property would not require much investment to what would be needed within the City. He was given a list of fees and costs – utility type fees, connection, impact, etc. – which total in excess of \$6,000. Mr. Casson questioned if the Commission would consider waiving certain fees. Mayor Bell answered by asking if we do, will the property be brought in voluntarily. Mr. Casson stated that was a likely decision.

Commissioner Kelly reminded Mr. Casson that the City would not require connection to sewer and water at this time. Mr. Casson noted septic tanks and wells do not last forever.

Vice Mayor Richardson noted connection would still be required upon failure even if the property remained in the County.

CDD Rector shared the costs given to Mr. Casson. Mayor Bell noted some fees cannot be waived.

Mayor Bell questioned if we have ever waived any of these fees before. CDD Rector stated not that he is aware

Commissioner Goldberg reminded Mr. Casson that if outside the city and failure occurs, the costs will be required immediately. If within the City, a payment plan is available.

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Mayor Bell asked what return on ad valorem taxes will this property provide. CDD Rector noted approximately \$350 a year.

Mr. Casson also added there will be monthly sewer and water bills.

Vice Mayor Richardson reminded Mr. Casson the property will not be required to hook up right away.

Mr. Casson questioned if there was any consideration of waiving some of the fees.

Commissioner Gunter questioned how many others might this affect. CDD Rector stated four or five other parcels could be affected. He does not recommend waiving any fees as this would open up a problem.

CM Bowers reminded everyone the costs would need to be absorbed by the City and we do not have the money to do that.

Mr. Casson then suggested the meter cost as the meter will not belong to him and is not an out-of-pocket cost, the backflow preventer, or the line charge as he has heard nothing would go on the property.

CDD Rector stated the property owner is responsible for the connection from the road to the building.

Mayor Bell stated the answer is no fees will be waived. Mr. Casson is already being given a good deal.

Mr. Casson questioned if the well could be retained for irrigation. CM Bowers stated yes.

Mr. Casson then mentioned the property has a billboard and the City apparently has a billboard business tax fee. CDD Rector noted the fee has never been collected.

Mr. Casson stated he would like some assurance the property would be grandfathered in and that fee would not be charged. CDD Rector stated he recommends the property be grandfathered until it changes hands. All were in agreement.

Mayor Bell questioned if the property would be brought in voluntarily. Mr. Casson conceded to having the property annexed.

Commissioner Goldberg moved and Commissioner Kelly seconded to adopt Ordinance 2011-017 with a memo of understanding being provided to the property owner regarding no billboard fees until property is sold. 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.

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b) Adopted the following Voluntary annexation ordinances: CA Gerken read them as follows:

- 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

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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.

- 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.

Vice Mayor Richardson left the room at 8:16 p.m. and returned at 8:19 p.m.

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PUBLIC HEARINGS AND VOTES

Ordinance 2011-021

Mayor Bell requested public comments. There were none.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2011-021.
The roll call vote was as follows:

Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Out of Room
Mayor Bell	Aye

The motion carried unanimously.

Ordinance 2011-022

Mayor Bell requested public comments. There were none.

Commissioner Gunter moved and Commissioner Goldberg seconded to adopt Ordinance 2011-022.
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.

Ordinance 2011-023

Mayor Bell requested public comments. There were none.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2011-023.
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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Ordinance 2011-024

Mayor Bell requested public comments. There were none.

Commissioner Goldberg moved and Commissioner Gunter seconded to adopt Ordinance 2011-024. 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 2011-025

Mayor Bell requested public comments. There were none.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2011-025. 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 2011-026

Mayor Bell requested public comments. There were none.

Commissioner Gunter moved and Commissioner Kelly seconded to adopt 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.

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Ordinance 2011-027

Mayor Bell requested public comments. There were none.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt 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) Adopted the following Group annexation ordinances: CA Gerken read them as follows:

- 1.) **ORDINANCE 2011-029:** 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 171.0413(6), 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 COUNTY "HM" (HEAVY INDUSTRIAL DISTRICT) TO "I", INDUSTRIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK AND APPROXIMATELY 4.24 ± ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF US HWY 27/441, NORTH OF AMERICAN LANE AND SOUTH OF GRAYS AIRPORT ROAD, AND REZONING SUCH PROPERTY FROM LAKE COUNTY "MP" (PLANNED INDUSTRIAL DISTRICT) TO "I," INDUSTRIAL 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.

Mike Slater stated he will annex into the City but is requesting to have the 10% utility tax placed on LP gas. CA Gerken stated this is not something that can be waived to an individual property. This would need to be removed entirely.

Mayor Bell stated this will be reviewed before budget time.

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Mr. Slater requested to be contacted when this is reviewed. He also mentioned his building will be okay to bring in as it is. CDD Rector will provide documentation to this.

Commissioner Kelly moved and Commissioner Gunter seconded to adopt Ordinance 2011-029. The roll call vote was as follows:

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

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

- 2.) **ORDINANCE 2011-030:** 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 171.0413(6), FLORIDA STATUTES, BY INCLUDING WITHIN THE CITY APPROXIMATELY 1.16 ± ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST CORNER OF CR 466A AND OLIVER LANE INTERSECTION (1288339), AND REZONING SUCH PROPERTY FROM LAKE COUNTY "A" (AGRICULTURE) TO "C-2," GENERAL COMMERCIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK, APPROXIMATELY 5.46± ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF CR 466A, EAST OF OLIVER LANE AND WEST OF MICRO RACETRACK ROAD, AND REZONING SUCH PROPERTY FROM LAKE COUNTY "A" (AGRICULTURE) TO "C-2", GENERAL COMMERCIAL WITHIN THE CITY LIMITS OF FRUITLAND PARK AND APPROXIMATELY .21 ± ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF CR 466A, JUST EAST OF OLIVER LANE, AND REZONING SUCH PROPERTY FROM LAKE COUNTY "A" (AGRICULTURE) 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.

Mayor Bell requested public comments. There were none.

Commissioner Goldberg moved and Commissioner Kelly seconded to adopt Ordinance 2011-030. The roll call vote was as follows:

Commissioner Gunter	Aye
Vice Mayor Richardson	Aye

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Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye

The motion carried unanimously.

- 3.) **ORDINANCE 2011-031:** 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 171.0413(6), FLORIDA STATUTES, BY INCLUDING WITHIN THE CITY THIRTEEN PARCELS GENERALLY LOCATED WEST OF US HIGHWAY 27/441 AND SOUTH OF LAKE ELLA ROAD MORE PARTICULARLY DESCRIBED HEREIN AND REZONING EACH SUCH PARCEL AS PROVIDED HEREIN; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell requested public comments.

CA Gerken answered the question from the last meeting whether the parcels could be annexed in without Mr. Gamble's property. CA Gerken stated Mr. Gamble's property is needed to annex in the other parcels in this Group.

Mr. Gamble stated he doesn't like being forced into the City. The Commissioners is voted in to represent the citizens of Fruitland Park. He doesn't agree with being forced to come into the City and wonders why. He also noted he has a billboard on his property. Mayor Bell stated he will not be charged the billboard business tax fee.

CDD Rector will provide Mr. Gamble with a letter stating he is grandfathered in regarding his billboard and will not need to pay a business tax fee for the billboard until such time the property is sold and no connection/impact fees until such time as there is failure.

Vice Mayor Richardson questioned if there will be a franchise fee for electric. Mr. Gamble is on Progress Energy so no franchise fee will be paid.

Mr. Beliveau added the ISO rating of the City is a 3 versus that of the County which is a 6. This may allow a savings on insurance.

Commissioner Goldberg moved and Vice Mayor Richardson seconded to adopt Ordinance 2011-031 with the billboard exemption. The roll call vote was as follows:

Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Nay

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Mayor Bell	Aye
Commissioner Goldberg	Aye

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

- 4.) **ORDINANCE 2011-032:** 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 171.0413(6), FLORIDA STATUTES, BY INCLUDING WITHIN THE CITY SIXTEEN PARCELS GENERALLY LOCATED AT THE INTERSECTION OF CUTOFF ROAD AND CR 466A MORE PARTICULARLY DESCRIBED HEREIN AND REZONING EACH SUCH PARCEL AS PROVIDED HEREIN; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell requested public comments.

Bruce Kirby questioned if Fruitland Park will now be monitoring the speed. If so, then, they can park in his front yard.

Commissioner Goldberg moved and Commissioner Gunter seconded to adopt Ordinance 2011-032. 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.

Mayor Bell recessed the meeting at 8:50 p.m. The meeting reconvened at 9:00 p.m.

- d) Adopted Comprehensive Plan Amendments 2012-001 through 2012-002; and 2012-005 through 2012-007. Denied Comprehensive Plan Amendment 2012-004 CA Gerken read the ordinances by title only.

- 1.) **ORDINANCE 2012-001:** 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 "COMMERCIAL" ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY .29± ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF US HWY. 441 AND NORTH OF AMERICAN LANE; PROVIDING FOR

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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 public comments. There were none.

Commissioner Goldberg moved and Commissioner Kelly seconded to adopt Ordinance 2012-001. 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.

- 2.) **ORDINANCE 2012-002:** 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 3.52± ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF US HWY. 441 AND SOUTH OF SPRING LAKE ROAD, (1284708); AMENDING THE FUTURE LAND USE DESIGNATION FROM "URBAN" ON THE FUTURE LAND USE MAP FOR LAKE COUNTY, FLORIDA, TO "COMMERCIAL" ON THE FUTURE LAND USE MAP FOR LAKE COUNTY, FLORIDA FOR APPROXIMATELY .63 ACRES OF PROPERTY GENERALLY LOCATED WEST OF US HWY. 441, SOUTH OF SPRING LAKE ROAD, AND EAST OF FAIR OAKS DRIVE (1284261); 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 public comments. There were none.

Commissioner Gunter moved and Commissioner Goldberg seconded to adopt Ordinance 2012-002. The roll call vote was as follows:

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

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Commissioner Gunter

Aye

The motion carried unanimously.

- 3.) **DENIED ORDINANCE 2012-004:** 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 "SUBURBAN" ON THE FUTURE LAND USE MAP FOR LAKE COUNTY, FLORIDA, TO "COMMERCIAL" ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 7.96± ACRES OF PROPERTY GENERALLY LOCATED WEST OF HAWK LANDING, SOUTH OF MYRTLE LAKE AVE. AND NORTH OF OTTER COURT (1288789); 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.

CA Gerken noted this ordinance can be either tabled or denied as it is for the Comcast property which the Commission decided to not rezone or change the land use at this time.

Mayor Bell requested public comments. There were none.

Vice Mayor Richardson moved and Commissioner Kelly seconded to deny Ordinance 2012-004. 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 2012-004 was denied.

- 4.) **ORDINANCE 2012-005:** 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 "MF LOW" ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY .80± ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF PICCIOLA CUTOFF ROAD, EAST OF KINGFISH ST. AND WEST OF PICCIOLA ROAD(1288932); AMENDING THE FUTURE LAND USE DESIGNATION FROM "URBAN"