



<u>Members Present</u>	<u>Staff Present</u>
Christopher J. Bell, Mayor/Commissioner Albert O. Goldberg Sharon A. Kelly Darrel Martin, Vice Mayor	John Bostic, Director of Public Work Ralph O. Bowers, City Manager Scott Gerken, City Attorney Gail Holston, Permit Technician/ Recording Secretary Mark Isom, Public Safety Director/ Chief of Police Tiffany Kapner, LPG Peggy Sue Newman, CDD/Acting City Clerk Elizabeth Palmer, Treasurer
<u>Members Absent</u>	
John L. Gunter, Jr.	

**MINUTES
CITY COMMISSION MEETING
MAY 8, 2008**

01. **CALL TO ORDER:** The meeting was called to order by Mayor Chris Bell at 7:10 p.m. City Manager Ralph Bowers offered the invocation and the pledge of allegiance was led by Commissioner Sharon Kelly.
02. **ROLL CALL:** Peggy Sue Newman, Community Development Director, called the roll. It was noted that Commissioner Gunter is on vacation.
03. **CONSIDERATION OF MINUTES OF PRIOR MEETINGS**
- A. April 24, 2008, LPA Meeting

Motion by Darrell Martin / Seconded by Albert Goldberg to approve the minutes of the Local Planning Agency Meeting minutes of April 24, 2008, as presented.

Action: Motion Approved unanimously

- B. April 24, 2008, Regular City Commission Meeting

Motion by Darrell Martin / Seconded by Albert Goldberg to approve the minutes of Regular City Commission Meeting - April 24, 2008, with the following corrections:

Page 66, ¶ 4, lines 6: whatever purchase that was made for that complex. line 7: SBA would ~~se~~ do to that.

line 8: not ~~loese~~ lose anything

Page 69, ¶ 5, Commissioner Kelly ~~Martin~~ ; ¶8, line 2, had not heard of anything addressing

Page 70, ¶ 13.c) line 1: against 466A to PD&E improvements; line 4: to be a ~~voting~~ an executive member on the MPO

Action: Motion Approved unanimously

04. **AGENDA UPDATE:** None

05. PUBLIC HEARING

A. City Attorney Scott Gerken introduced the ordinance by title.

ORDINANCE 2008-007 FOR TRANSMITTAL : AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163.3187, FLORIDA STATUTES BY ADOPTING A PUBLIC SCHOOL FACILITIES ELEMENT TO THE CITY'S COMPREHENSIVE PLAN, INCLUDING GOALS, OBJECTIVES AND POLICIES; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR FORWARDING OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS PURSUANT TO CHAPTER 163 OF THE FLORIDA STATUTES.

Discussion:

Mayor Bell asked Ms. Kapner if the maps are fixed. In reply, she stated that the School Board does not like to change maps. They will reconsider adjacent concurrency zones. The Mayor requested that future maps be emailed to the City as a color PDF document.

Motion by Albert Goldberg / Seconded by Darrel Martin to approve the transmittal of Ordinance 2008-007 adopting a Public School Facilities Element to the Department of Community Affairs.

Roll Call:

Christopher Bell - Yes
Albert Goldberg - Yes
Sharon Kelly - Yes
Darrel Martin - Yes

Action: Motion Approved 4-0

06. INTRODUCTION AND FIRST READING OF ORDINANCES

A. City Attorney Scott Gerken introduced the ordinance by title.

ORDINANCE 2008-008 ANNEXING APPROXIMATELY 7.70+/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF C.R. 466-A, WEST OF TIMBERTOP LANE; REZONING THE PROPERTY FROM COUNTY "AG" (AGRICULTURE) TO "C-2" (COMMERCIAL GENERAL) WITHIN THE CITY (OWNER STULTZ PROPERTY)

-Ms. Newman introduced the project and advised that the applicant was present to answer Commission questions. The following witnesses were sworn in by Attorney Gerken: 1) Ms. Newman 2) Ms. Kapner and 3) Marvin Smallwood, applicant.
-Mr. Smallwood advised that the adjacent property owners want to split the property on road (466A). Discussion ensued on proposed future plans to create a wider right-of-way along the current right-of-way on Mr. Smallwood's property. He noted his first step is to annex this 7.70 acres into Fruitland Park.
-Ms. Kapner noted that access is not a key factor in the annexation of this property. Impacts are studied and this parcel is a non-substantial impact to the City. It meets the criteria for annexation and the zoning is consistent with future land use. A brief discussion ensued on the ownership of 'Timbertop Lane' and the easements that are currently in place.
-Mr. Gerken disagreed with Ms. Kapner in that the parcel may be landlocked. Discussion ensued on access in which Commissioner Kelly expressed concern regarding annexing any land that might be landlocked.
-Mr. Smallwood feels the only problem would be if a development package was brought before the City. He plans to get access before planning any development. He assured the Commission that Mr. Stultz has given him a verbal right-of-way access along the westerly side of his property extending to 466A.
-Charlie Rector, a long time acquaintance of Mr. Smallwood, requested standing and was sworn in. He noted Mr. Smallwood is purchasing property that is landlocked from Mr. Stultz; he has every right to do so.
-John Northcott, an associate of Mr. Smallwood, requested standing and was sworn in. He spoke to the purchase of the north parcel from Jeff Dixon. Mr. Northcott noted they are before the Commission this evening to be annexed into the City.
-Mr. Bowers noted that all testimony is given under oath. Any access will be addressed later in a site plan.
Discussion of the length of Timbertop Lane ensued and the surrounding zoning was reviewed.

Motion by Albert Goldberg / Seconded by Darrel Martin to approve Ordinance 2008-008 on the first reading, contingent upon Mr. Smallwood producing proof of ownership of the land purchase from Jeff Dixon and proof of the use of 10 feet of land owned by Mr. Stultz along Timbertop Lane giving him access to his land.

Roll Call:

Christopher Bell - Yes
Albert Goldberg - Yes
Sharon Kelly - Yes
Darrel Martin - Yes

Action: Motion Approved 4-0

B. City Attorney Scott Gerken introduced the ordinance by title.

ORDINANCE 2008-009 PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT, AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY "RANCHETTE" TO CITY (GENERAL COMMERCIAL) FOR APPROXIMATELY 7.70+/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF C.R. 466-A, WEST OF TIMBERTOP LANE WITHIN THE CITY (OWNER STULTZ PROPERTY)

Motion by Sharon Kelly / Seconded by Darrel Martin to approve Ordinance 2008-009 on the first reading.

Roll Call:

Christopher Bell - Yes
Albert Goldberg - Yes
Sharon Kelly - Yes
Darrel Martin - Yes

Action: Motion Approved 4-0

07. **CITY ATTORNEY'S REPORT** - NONE

08. **CITY MANAGER'S REPORT**

- A. Adoption of Five Year Schedule of Capital Improvement Projects for 2008-2013: Mr. Bowers advised that the backup material for the Commission was not available in time for the distribution to the Commissioners prior to the meeting; he would like to carry this item forward to the next Commission meeting.
- B. Present status report on Electric Appraisal: The appraisal is in progress and is expected by the end of the month. A letter was sent advising that the City does not want to purchase the natural gas franchise.
- C. Update on Shiloh – Cooke waterline extension: The project is completed and PSI and GPM for fire flow was reviewed. A brief discussion on water flow for fire suppression @ Phillips Pontiac ensued. Mr. Bowers and Chief Isom explained the process of fire flow pressure requirements at Phillips to the Commission and reiterated that Mr. Phillips hired his own engineers and architect to design the systems for that project. It is not the job of the City to check behind them or advise them if the system is not functioning to Mr. Phillip's satisfaction. -Commissioner Kelly expressed concern regarding the negative comments that continue to be made by Mr. Phillips regarding City services. She was assured that many attempts have been made by all Department Heads to appease Mr. Phillips, to no avail. The Commission welcomed any efforts she might make to change Mr. Phillips' negative perception of the City and his total lack of any kind of working relationship with the Staff, and City Commission.

09. **UNFINISHED BUSINESS**

Lift Station @ Tru-Green Chem Lawn site: Mr. Bowers reported that all of the preliminary work has been started and should be completed by the end of the week. The final step is the survey for the lift station to be completed.

10. NEW BUSINESS

- A. First Amended Interlocal Agreement between Lake County and Lake County School Board and Municipalities for School Facilities Planning and Siting: City Attorney Scott Gerken stated we need an agreement in place by June 1, 2008, or we cannot have any more Comprehensive Plan Amendments approved. Mount Dora sent theirs to DCA and it came back with changes. All of the other municipalities are tweaking the 'Mount Dora' model to meet their individual needs. Mr. Gerken advised he has no problem with this methodology.
- Commissioner Kelly has problems with some of the language about who can make decisions.
 - Discussion ensued in which Mr. Gerken noted that the School Board cannot make decisions without input from the individual municipalities. He noted it meets the statutory requirements.

Motion by Darrel Martin / Seconded by Albert Goldberg to approve the First Amended Interlocal Agreement between Lake County and Lake County School Board and Municipalities for School Facilities Planning and Siting, following editing by the City Attorney to meet the needs of the City of Fruitland Park.

Action: Motion Approved 3-1, with Commissioner Kelly dissenting

11. CITIZENS' COMMENTS

Lourdes A. Vazques-Valdes: a resident of The Glen, complained of visitors and residents parking in the road on Daybreak Drive. Director of Public Works, John Bostic, and Chief Isom addressed her concerns, stating that 'No Parking' signs have been ordered and will be installed as soon as they are delivered.

-Ms. Vazques also inquired about the remaining vacant home sites in The Glen owned by Maronda, stating they had heard another builder would be purchasing and building.

-Ms. Newman advised that Maronda was actively building in The Glen and was obligated to build on the remaining home sites as they are sold.

Jorge Fernandez: a resident of The Glen, inquired if the City or the builder, or the homeowners association was responsible for maintenance of the roads in the development. He also inquired about maintenance of County Road 466A.

-Ms. Newman advised that each phase of The Glen has a developers' agreement in place that requires maintenance by the developer for a 2-year period. Following that period, the roads are maintained by the City. She also advised that County Road 466A is maintained by Lake County; however, many complaints by many people have resulted in no repairs to date.

12. COMMISSIONERS' COMMENTS

COMMISSIONER MARTIN: Condolences to the Chief and his family on the loss of his brother. He stated he was privileged to see the wreckers that paid respect to his brother and it was an 'awesome site'.

COMMISSIONER KELLY: Again called attention to speaking to Larry Phillips and stated the man has 'selective memory'. She was particularly upset by the fact that Mr. Phillips was openly slandering City employees and Commissioners at the function she was attending. Commissioner Kelly would like to find some way to declare a 'truce' with Mr. Phillips so future dealings can be civil and professional.

ALBERT GOLDBERG: No Report


13. MAYOR BELL'S COMMENTS: No Report

ADJOURNMENT: 8:55 p.m.



CHRISTOPHER J. BELL
Mayor/Commissioner

ATTEST:



PEGGY SUE NEWMAN, CDD
Acting City Clerk

**CITY OF FRUITLAND PARK
CITY COMMISSION TRANSMITTAL HEARING
May 8, 2008 at 7:00 p.m.**

ORDINANCE 2008-007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163.3187, FLORIDA STATUTES BY ADOPTING A PUBLIC SCHOOL FACILITIES ELEMENT TO THE CITY'S COMPREHENSIVE PLAN, INCLUDING GOALS, OBJECTIVES AND POLICIES; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR FORWARDING OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS PURSUANT TO CHAPTER 163, FLORIDA STATUTES.

NAME

ADDRESS

No one signed in

FS §163.3184(15)(2)(c) Any person providing their name and address will be provided a courtesy informational statement concerning publications of the state land planning agency's notice of intent. It is the responsibility of the person completing this form or providing written comments to accurately, completely, and legibly provide all information needed in order to receive the courtesy informational statement.

FS § 286.0105 "If any person decides to appeal any decision made by the board, agency, or commission, with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." The City of Fruitland Park does not provide a verbatim record.