

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES
NOVEMBER 12, 2009**

MEETING STATISTICS. A regular meeting of the Fruitland Park City Commission was conducted in the Commission Chambers of City Hall, 506 West Berckman Street, Fruitland Park, Florida on Thursday, November, 2009 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. City Manager Bowers delivered the invocation followed by the Pledge of Allegiance led by Vice Mayor Kelly.

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

ELECTED OFFICIALS PRESENT. Commissioner Albert O. Goldberg, Commissioner John L. Gunter, Jr., Vice Mayor Sharon Kelly, Mayor Christopher J. Bell. Commissioner Darrel E. Martin requested to be excused. The Commission excused Commissioner Martin.

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

01. PRESENTATION

- a. Public Safety Director Mark Isom presented Fire Chief Tommy Gamble with a plaque recognizing his years of service to the City. Mayor Bell presented Fire Chief Gamble with the title to a 1941 Fire Truck. PSD Isom read a letter from Fire Chaplain George Mulford who was unable to attend. Fire Chief Gamble stated he will be restoring the truck. He thanked the Commission, Mark Isom, and the firefighters for making the department as great as it is.
- b. Proclamation of Darrel E. Martin Day - this was moved to later in the meeting.
- c. SRF Loan Report - Moved to the end of the meeting.

02. APPROVED CONSENT AGENDA.

Mayor Bell presented the Consent Agenda for approval.

Commissioner Kelly moved and Commissioner Goldberg seconded to approve the minutes of the regular Commission Meeting. The motion carried unanimously with all Commission Members voting aye. The minutes of the October 8, 2009 Commission meeting were approved.

03. AGENDA UPDATE - CA Gerken suggested tabling the Ordinance 2009-011 (ATS ordinance) to December 10, 2009. Commissioner Kelly moved and Commissioner Goldberg seconded to table the ordinance to December 10, 2009. The motion carried unanimously with all Commissioners voting aye. CA Gerken added an update on the City Hall Block property purchases.

04. SWEARING IN THE COMMISSIONERS. CC Gibson Smith swore in Commissioner Sharon Kelly and Commissioner Al Goldberg.

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05. SELECTION OF VICE MAYOR . Commissioner Goldberg moved to appoint John Gunter as Vice Mayor. Commissioner Kelly seconded the motion. The motion carried unanimously with all Commissioners voting aye.
06. CITY TREASURER'S REPORT FOR PERIOD ENDING SEPTEMBER 30, 2009. CT Palmer stated this is a preliminary report as the fiscal year has not been closed and audit adjustments have not been made. The City has collected \$862,000 – 98% of ad valorem taxes.
07. PUBLIC HEARINGS
- a. Ordinance 2009-011 – Tabled to December 10, 2009.
08. INTRODUCTION OF ORDINANCES
- a. Approved first reading of Ordinance 2008-018 annexing approximately 68.67 +/- acres of property generally located north of CR 466-A and east of Timbertop Lane; rezoning the property from Lake County Agriculture to Planned Unit Development - Mixed Use; and approving a Master Development Agreement. Ca Gerken read Ordinance 2008-18 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 68.67± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF COUNTY ROAD 466A AND EAST OF TIMBERTOP LANE; REZONING THE PROPERTY FROM LAKE COUNTY "A" (AGRICULTURE) TO PLANNED UNIT DEVELOPMENT-MIXED USE WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken swore in Peggy Newman, Peter Brandt (LPG), and Mr. Huffstetler (developer). CDD Newman presented the information on the property.

Commissioner Kelly questioned if 120 residential units will be put on the 5 acres not included in the lake. Mr. Cooney (attorney) stated the lake is not included in the 10 buildable acres for residential. Nothing is planned for below the flood line.

Mayor Bell questioned how much will be open space. Mr. Huffstetler stated 25% of the total developable area or approximately 17 acres will be open space.

Commissioner Kelly questioned if the master developer's agreement is open for changes as there is nothing included for bus shelters, etc. Mr. Huffstetler stated those will probably be part of the next stage of the plan.

Mayor Bell questioned Timbertop Lane. Attorney Cooney stated that they will improve Timbertop Lane to the extent that it is necessary. Those improvements are included as part of the master developer's agreement.

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CA Gerken stated Timbertop Lane is not a County Road or County Lane and is not maintained by the County.

Mayor Bell stated Section 8 (Trails) has been left blank. CA Gerken stated this will need to be filled in by the next meeting or some generic wording added for this.

Commissioner Kelly stated we definitely want the trails to go out there.

CM Bowers stated the County requested a grading easement along the CR 466A boundary to make it aesthetically appealing. We are in agreement with that. That change is included in the master developer's agreement.

Commissioner Kelly asked if the questions were answered for those in opposition of this project. CDD Newman stated they were answered at the Planning and Zoning hearing.

Commissioner Kelly moved and Commissioner Goldberg seconded to approve the first reading of Ordinance 2008-018. The motion carried with Commissioner Kelly, Mayor Bell, Commissioner Goldberg, and Vice Mayor Gunter all voting aye.

b. Approved first reading of Ordinance 2009-016 amending the LDR Chapter 153 regarding concurrency. CA Gerken read Ordinance 2009-16 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 153 ENTITLED CONCURRENCY MANAGEMENT SYSTEM; ADDING LANGUAGE TO SECTION 153.040, FACILITY SPECIFIC REQUIREMENTS, AND SECTION 153.080, ENTITLED INTERGOVERNMENTAL COORDINATION; PROVIDING FOR CONFLICTS; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Peter Brandt, LPG, stated this ordinance adds language into the LDR to reinforce the language currently in use.

Commissioner Goldberg moved and Vice Mayor Gunter seconded to approve the first reading of Ordinance 2008-018. The motion carried with Mayor Bell, Commissioner Goldberg, Vice Mayor Gunter, and Commissioner Kelly all voting aye.

09. CITY ATTORNEY'S REPORT CA Gerken gave an update on City Hall Block properties. All properties have been appraised. He noted one property owner is very interested in selling. The property located at 601 W Fountain Street includes an old house and the vacant lot next to it. The appraised value was \$107,500 for both. That is the price for which the property owner is willing to sell. The owner would like to see if they could stay in the house for up to one year after the closing at no cost. They would keep the house insured, etc. and then they would like to strip the personal property from the house after that time. The expectation is to bring back a contract at the 12/10 meeting. CA Gerken stated he and CM Bowers are comfortable to offer the appraised value.

Vice Mayor Gunter questioned what the house would be used for and where the funds would come from. CM Bowers stated this property is included as part of the Public Safety Complex project. CT Palmer stated CRA funds would be used.

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Charlie Rector questioned who would maintain it. CA Gerken stated the current property owner would as long as he has possession.

10. CITY MANAGER'S REPORT

a. CM Bowers stated Recreation Director Bechtel found out the ice slide will cost around \$6,000. She suggests donating the \$500 budgeted to the Boy Scouts and have them run Bounce Houses. Mayor Bell suggested looking into renting the giant slide and then give the rest to the Boy Scouts to run it.

b. CM Bowers stated he has a proposed agreement with LPG to do the EAR report which is due 12/1/09. He suggests approving the agreement. Mr. Belliveau explained the process involved for the EAR report. The plan is to try to complete the report in 4 months.

Mayor Bell questioned if there is a limit on the reimbursable expenses. Greg Belliveau stated no, but he estimates approximately \$5,000.

Commissioner Kelly moved and Commissioner Goldberg seconded to approve the LPG agreement with a limit on the reimbursable expenses set at \$5,000 before needing to come back for additional approval. The motion carried with all Commissioners voting aye.

c. CM Bowers reported on the Water Meeting. He stated he spoke up about the water "crisis". Mayor Bell noted he and Vice Mayor Gunter received information from Lake County called Lake County Water Notes. He read some of the items listed.

d. CM Bowers asked Public Works Director John Bostic to speak about an energy savings project. PWD Bostic reported on the energy savings from putting in a piece of equipment on Well #4. He stated the first month we showed a 10% savings, second month a 25% savings, third month a 20% savings for an average of 20% savings. He noted he is looking into doing some other wells and the Library A/C unit in the future.

e. Presentation of SRF audit - City Auditor Chet Ross stated he has completed the DEP SRF audit and it has all been shipped off. He stated there were no findings with respect to qualitative or quantitative accounting issues. There was a timing issue on the first loan on how the money was spent, but that was already known.

11. UNFINISHED BUSINESS

a. ATS contract - this has been moved to the next meeting. CA Gerken stated there are some issues that still remain. The three main issues are: 1.) indemnification against lawsuits - ATS is not willing to do this. ATS states they can go ahead and do the studies if we approve the contract (shovel ready) but not run the cameras until they are approved in Legislature in a form approved by the City. This opens up four issues a.) is this legal to do; b) can we put in FDOT ROW; c) does the compensation to the city make it feasible; and d) will law allow code enforcement board to deal with the appeals; Hope agreement will be signed at the next meeting. 2.) Next main issue is on compensation issue - ATS has shown resistance to an 80/20 split; they prefer a tiered

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system; 3.) Termination option – ATS wanted a five-year lock in for there to be no out of pocket expenses to City.

Commissioner Kelly questioned who sends out the bills. PSD Isom stated we validate the infractions and then ATS bills and collects the funds.

Commissioner Kelly stated the Legislature now wants some of the money.

Vice Mayor Gunter questioned who certifies these people on the installation. PSD Isom stated these cameras must be put on private property and not touch FDOT property at all.

Commissioner Kelly questioned if we own the films or not. PSD Isom stated a CD will be returned for evidence.

Vice Mayor Gunter questioned the length of time for a person to receive a ticket. PSD Isom stated validation is done daily, ATS then sends out the infraction notice.

Mayor Bell stated this contract will come back at the next meeting.

12. NEW BUSINESS

- a. Approved Marlon Dunn contract – Master Lift Station. CM Bowers stated this was bid in March. The contractor is still willing to honor the bid price.

Vice Mayor Gunter moved and Commissioner Goldberg seconded to approved the Master Lift Station Contract with Marlon Dunn. The motion carried with all Commissioners voting aye.

- b. Approved FEMA Flood Map Project agreement. CM Bowers stated FEMA is planning on revamping the Flood Maps at no cost to the City. He recommends approval.

Commissioner Kelly moved and Vice Mayor Gunter seconded to approve the FEMA Flood Map Project agreement. The motion carried 3 to 1 with Commissioner Goldberg being opposed.

- c. Approved Resolution 2009-029 for the mid-year FY 2008/2009 budget adjustments. CA Gerken read Resolution 2009-029 by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2008-2009 FISCAL YEAR; PROVIDING FOR THE AMENDMENT OF THE 2008-2009 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

CT Palmer stated this resolution adjusts the revenues and expenditures for fiscal year 2008/2009. This is being done in place of the mid-year review which was not completed.

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Commissioner Kelly moved and Commissioner Goldberg seconded to approve Resolution 2009-029. The motion carried with Commissioner Goldberg, Vice Mayor Gunter, Commissioner Kelly, and Mayor Bell all voting aye.

- d. Proclaimed Friday, November 13, 2009 as Darrel E. Martin Day. Mayor Bell proclaimed Friday, November 13, 2009 as Darrel E. Martin Day by reading the proclamation in its entirety. The Commission will meet at Commissioner Martin's house at 8:00 a.m. on Friday to present the proclamation to him.

13. CITIZENS' COMMENTS - none

14. COMMISSIONERS' COMMENTS

a. Commissioner Kelly - none

b. Vice Mayor Gunter - none


c. Commissioner Goldberg - none

14. MAYOR BELL'S COMMENTS. Mayor Bell announced a ground breaking ceremony at the new American Legion on November 20, 2009 at 11:00 a.m.

Mayor Bell stated the American Cancer Society has requested to use the Casino to kick off the Relay for Life. He would like to try to accommodate them. If the Casino is already in use, perhaps they use another room.

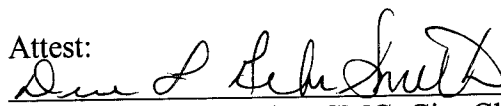
Mayor Bell announced he would be throwing out the first ball for the Leesburg Black Bear game at Pat Thomas field in Leesburg on November 21, 2009.

15. ADJOURNMENT. There being no further business to discuss, Commissioner Goldberg moved to adjourn. The meeting adjourned at 9:06. p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk