

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

April 28, 2011

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, April 28, 2011 beginning at 7:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Dennis Langford of the Covenant Life Church of God delivered the invocation followed by the Pledge of Allegiance led by Commissioner Kelly.

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 Jim Richardson, Vice Mayor Albert O. Goldberg Mayor Christopher J. Bell

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

01. PROCLAMATIONS

- a. Mayor Bell proclaimed May 1 – 7, 2011 as National Drinking Water Week.
- b. Mayor Bell proclaimed May 15 – 21, 2011 as National Public Works Week.

02. ACCEPTED THE 2010 COMPREHENSIVE ANNUAL FINANCIAL REPORT PRESENTED BY CITY AUDITOR CHET ROSS

Mr. Ross stated the City funds are tight right now. He noted most of the funds remaining are in restricted infrastructure and restricted redevelopment funds. He noted next year's budget will also be tight.

Commissioner Richardson questioned the amount of money in the reserves. Mr. Ross noted we have about 2.5 months in reserves. Some of that increase is due to the transfer in of funds late in the year. There are no extra amounts in the funds.

CM Bowers stated he is planning on using Mr. Ross for management services under a clause in the contract to review plans for plan the balance for this year prior to bringing forward the 6 months.

Commissioner Kelly moved and Vice Mayor Goldberg seconded to approve the CAFR as presented for distribution. The motion carried unanimously with all the Commissioners voting aye.

03. APPROVED CONSENT AGENDA.

Mayor Bell presented the consent agenda for approval.

Commissioner Kelly moved and Vice Mayor Goldberg seconded to approve the Consent Agenda. The motion carried unanimously with all Commission Members voting aye. The minutes of the April 14, 2011 regular Commission meeting were approved.

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04. CITY ATTORNEY'S REPORT.

- a. CA Gerken gave an update on the Gandy lawsuit. He stated this originally stemmed from a traffic stop and brought a lot of publicity for the City. He stated a full settlement was reached on the condition of approval by the Commission. The Gandy's have agreed to release any and all claims in return for a payment of \$75,000. CA Gerken noted the City's responsibility is \$15,000. The remainder will be paid for through insurance.

Commissioner Richardson moved and Commissioner Gunter seconded to approve the settlement and pay the \$15,000 deductible. The motion carried unanimously with all the Commissioners voting aye.

05. CITY MANAGER'S REPORT

- a. CM Bowers presented the Treasurer's report for period ending February 28, 2011. There were no questions. March closing has begun. He noted some of the unexpected expenditures for the CUP this year are due to the Water District. He added that the census shows we have grown and the Water District does not want to include growth in the CUP.
- b. CM Bowers stated he received a resolution requesting action from the Florida Legislature. CM Bowers stated he is requesting we pass a similar resolution.

CA Gerken noted we have the ability to make people connect, but not the ability to make them stop using a well. The Water District actually has the control over the water. We need to clean up the resolution before adopting.

Mayor Bell suggested we put this on the calendar for later.

Commissioner Richardson stated we should have our CUP in hand first.

- c. CM Bowers stated he was asked about the gate between The Glen and Wingspread.

Mayor Bell stated the gate is in the ROW and questioned who is actually responsible for the gate.

CDD Rector stated the gate is operational through the Glen and the Glen's Home Owner's Association (HOA) is responsible for it. CA Gerken added this is included in the Declarations of Approval for the Glen that noted the association shall maintain and keep in good repair the emergency entrance. The PUD also includes a single sentence referring to the access.

Mayor Bell stated removing the gate would be the best solution. Commissioner Richardson disagreed stating many calls would be received.

Commissioner Gunter suggested letting staff review the situation and make a recommendation at the next meeting to present to the HOA.

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Assistant Chief Borst stated currently some people go over the berm. The fence needs to be extended.

CM Bowers recommended closing the road if Wingspread will pay for that.

CA Gerken stated we would then need to amend the PUD.

The decision was for staff to bring back a recommendation in 2 weeks.

- d. CM Bowers stated we need to address Internet Cafés in our Code Book.

Vice Mayor Goldberg moved and Commissioner Kelly seconded to bring back an ordinance to move forward with a moratorium to stop internet cafés.

06. UNFINISHED BUSINESS - none

07. NEW BUSINESS

- a. Adopted Resolution 2011-008 appointing Jeannine Racine Michaud as the City Treasurer for the remainder of FY 2011. CA Gerken read Resolution 2011-008 by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A CITY TREASURER, PROVIDING FOR THE TERM OF OFFICE; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Goldberg moved and Commissioner Kelly seconded to adopt Resolution 2011-008 appointing Jeannine Racine Michaud for the remainder of FY 2011. The motion carried with Vice Mayor Goldberg, Commissioner Kelly, Commissioner Gunter, Commissioner Richardson, and Mayor Bell all voting aye.

- b. Adopted Resolution 2011-009 amending the budget for \$6,000 in the Fire Department. CA Gerken read Resolution 2011-009 by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2010-2011 FISCAL YEAR TO APPROPRIATE \$6,000 TO CORRECT LIFE/SAFETY ISSUES IN THE FIRE DEPARTMENT; PROVIDING FOR THE AMENDMENT OF THE 2010-2011 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Gunter moved and Commissioner Kelly seconded to adopt Resolution 2011-009. The motion carried with Mayor Bell, Vice Mayor Goldberg, Commissioner Kelly, Commissioner Gunter, and Commissioner Richardson all voting aye.

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c. Tabled Resolution 2011-010 renaming Old Dixie Road.

CDD Rector stated his department received a petition requesting the renaming of Old Dixie Road to White Avenue. The request was made to alleviate problems in mail delivery and emergency services.

After discussion about some other possible names, the decision was made to table the resolution until a more suitable name could be determined.

Vice Mayor Goldberg moved and Commissioner Gunter seconded to table Resolution 2011-010 until a more suitable name is determined. The motion carried unanimously with all the Commissioners voting aye.

08. CITIZEN'S COMMENTS

- a. Elizabeth Palmer, former City Treasurer, stated she will require about 2 days to finish the March financial report.

09. COMMISSIONERS' COMMENTS

- a. Vice Mayor Goldberg – welcomed Jeannine Racine Michaud to Fruitland Park.
- b. Commissioner Gunter – also welcomed Jeannine Racine Michaud.
- c. Commissioner Kelly – stated she recently attended an MPO meeting. She noted one bus shelter has been built in Tavares; the next one will be placed at Lake Tech. Commissioner Kelly stated our MPO costs for next year will go up based on the census figures. She stated TJ Fish (executive director of the MPO) would like a meeting on CR466A with property owners - this probably won't happen. Also a TIP grant is pending for CR466A right-of-way (ROW) purchase. CM Bowers noted he received a call from the Daily Commercial regarding the expansion of CR466A. CM Bowers explained to them The Villages community is still growing which makes this expansion a priority.
- d. Commissioner Richardson – welcomed Jeannine Racine Michaud. He questioned the status of several Public Works items. CM Bowers noted the roof repair at Public Works is nearly complete and the rat infestation is being treated by Terminex. Commissioner Richardson questioned the MSTU ordinance. CC Gibson Smith stated this ordinance was table to come back at a later time once more is known about the ambulance service. Commissioner Richardson noted the Impact Fee Committee has changed to the Capital Facilities Advisory Committee and will be meeting every two weeks until October. They are now charged with looking at all the legal ways to fund fixing roads. Commissioner Richardson stated a portion of CR466A could possibly be completed if only that portion of the ROW was purchased. TJ Fish suggested this.

Mayor Bell noted doing only a portion of CR466A had been suggested in the past. Doing up to the major intersection during the US Highway 441 expansion might be good.

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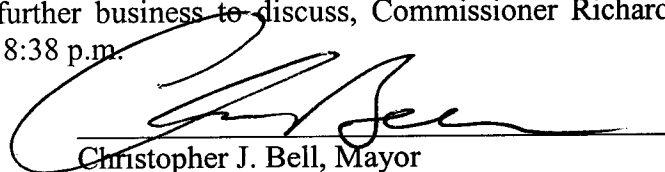
CM Bowers stated, from a strategic standpoint, there is no way to get ROW acquired from the Dairy parcel without funds. The problem is most of the property on the south side is affected and little on the north side is affected. Some people who live in the area will not just donate the ROW. Growth used to pay for the roads, but growth has stopped.

09. MAYOR BELL'S COMMENTS. Mayor Bell welcomed new Treasurer Jeannine Racine Michaud. Mayor Bell stated he would like to revisit the Golf Cart ordinance similar to the one in Tavares. He also reviewed the dates to remember.

CDD Rector stated two land owners along CR466A met with County officials who stated the City needed to cooperate more with ROW acquisition. Lake County officials stated the City cancelled two meetings regarding this. Mayor Bell stated there was a request to meet with the County Manger and Commissioner Jennifer Hill to discuss firefighting, not CR466A, The first meeting as cancelled by Lake County and the second was cancelled due to CM Bowers not being able to attend.


Commissioner Richardson reminded everyone of the request from Jim Stivender to set up a meeting with all the property owners along CR466A. Mr. Stivender was to contact staff to set this up and never did.

10. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 8:38 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk