

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES**  
**AUGUST 25, 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, August 25, 2011 beginning at 7:05 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Police Chief Isaacs 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, Mayor Christopher J. Bell. Vice Mayor Albert O. Goldberg requested to be excused due to problems with flights.

MUNICIPAL OFFICIALS/OTHERS PRESENT. Police Chief (IPC) Terry Isaacs, APC David Borst, Public Works Director (PWD) John Bostic III, City Treasurer (CT) Jeannine Racine Michaud, Community Development Director (CDD) Charlie Rector, Library Director (LD) JoAnn Glendinning, Recreation Director (RD) Sherry Bechtel, and City Clerk (CC) Diane Gibson Smith.

01. PRESENTATIONS

- a. Lifeguard Jenna Glendinning received a Life Saving Commendation for her quick actions in saving a child at the pool. Mayor Bell presented a certificate.
- b. Assistant Police Chief David Borst Deputy Fire Chief Michael Bodner with a Letter of Commendation for his role in saving a life while off duty.

02. APPROVED THE CONSENT AGENDA AS PRESENTED.

Commissioner Richardson questioned the validity of a vote being taken when a Commissioner is out of the room. CA Gerken stated if you are not present during the vote, you do not have to vote. If you are present during the vote, you must vote unless there is a conflict.

Commissioner Kelly moved and Commissioner Gunter seconded to approve the Consent Agenda as present. The motion carried with all the Commissioners voting aye.

03. HEARD CITY TREASURER'S REPORT FOR PERIOD ENDING JUNE 30, 2011.

CT Racine Michaud reviewed the expenses and revenues through the month of June 2011. Several revenues were over-estimated and are running low. Several positive things are sewer impact fees will be improved once the City's matching CDBG funds and the funds for the over income limit people are moved over.

Commissioner Gunter questioned the Law Enforcement fuel budget. Police Chief Isaacs noted they are doing everything they can to stay within budget until the end of September.

04. CITY ATTORNEY'S REPORT - None

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05. CITY MANAGER'S REPORT -

- a. CM Bowers stated the executive summaries of Water and Sewer Master Plans have been distributed. BESH will be here to discuss the plan and the economic impact. Indications show economic activity will occur in the west end in near future. The water plan does not really address that location. Master planning for water and wastewater will need to be done on the Dairy property once more is known of development plans.
- b. CM Bowers stated RD Bechtel would like to set dates for several events. The following dates were set:

Fruitland Park Day - March 30, 31, 2012

Hometown Christmas - December 13, 2011

Clean-up Day - March 10, 2012

Christmas Party - December 10, 2011

Employee Picnic - May 5, 2012

06. UNFINISHED BUSINESS -

- a. Approved continuing the interlocal agreement with Lake County for Library Services.

Commissioner Kelly moved and Commissioner Gunter seconded to approve the interlocal agreement with Lake County for Library Services. The motion carried with all the Commissioners voting aye.

07. INTRODUCTIONS TO ORDINANCES.

- a. Approved first reading of Ordinance 2011-007 amending the Code of Ordinances relating to the regulation of weapons and firearms. CA Gerken read Ordinance 2011-007, by title only, as follows:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF FRUITLAND PARK, RELATING TO THE REGULATION OF WEAPONS AND FIREARMS; SPECIFICALLY DELETING SECTION 95-29 AND AMENDING SECTIONS 132.03, AND 95.26 OF THE CODE OF ORDINANCES RELATING TO THE REGULATION OF FIREARMS; PROVIDING FOR CONFLICT WITH EXISTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

CA Gerken stated the Legislature aggressively pre-empted the local regulation of firearms. The State has laws in place anyway.

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Commissioner Kelly moved and Commissioner Gunter seconded to approve the first reading of Ordinance 2011-007. The motion carried with Commissioner Kelly, Commissioner Gunter, Commissioner Richardson, and Mayor Bell all voting aye.

- b. Approved first reading of Ordinance 2011-008 increasing the Stormwater Fee to \$2.00. CA Gerken read Ordinance 2011-008, by title only, as follows:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 99, SECTION 99.120 STORMWATER UTILITY FEE OF THE CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Kelly moved and Commissioner Gunter seconded to approve the first reading of Ordinance 2011-008. The motion carried with, Mayor Bell, Commissioner Kelly and Commissioner Gunter voting aye. Commissioner Richardson voted nay.

- c. Approved first reading of Ordinance 2011-009 increasing various water fees and wastewater fees. CA Gerken read Ordinance 2011-009, by title only, as follows:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 50, SECTION 50.30(A), (B), (D), AND (G) (1) AND CHAPTER 99, SECTION 99.60(B)(a), (b),(d), (g), and (l) OF THE CODE OF ORDINANCES TO PROVIDE FOR AN INCREASE IN WATER AND WASTEWATER RATES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Richardson moved and Commissioner Kelly seconded to approve the first reading of Ordinance 2011-009. The motion carried with Mayor Bell, Commissioner Kelly, and Commissioner Gunter voting aye. Commissioner Richardson voted nay.

- d. Approved first reading of Ordinance 2011-010 amending the Fire Service Fee. CA Gerken read Ordinance 2011-010, by title only, as follows:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, INCREASING THE FIRE SERVICE FEE IN CONJUNCTION WITH THE CITY'S ANNUAL REVIEW OF THE SAME; AMENDING SECTION 99.130(B) TO REFLECT SUCH INCREASE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Commissioner Kelly moved and Commissioner Gunter seconded to approve the first reading of Ordinance 2011-010. The motion carried with Commissioner Gunter, Mayor Bell, and Commissioner Kelly voting aye. Commissioner Richardson voted nay.

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- e. Approved first reading of Ordinance 2011-011 amending the Annual Fire Fee. CA Gerken read Ordinance 2011-011, by title only, as follows:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES RELATING TO ANIMAL CONTROL SERVICE FEES, BURN PERMIT FEES, AND ANNUAL FIRE INSPECTION FEES; AMENDING CHAPTER 99, SECTION 99.110 (B) MISCELLANEOUS FEES OF THE CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Gunter moved and Commissioner Richardson seconded to approve the first reading of Ordinance 2011-011. The motion carried with Commissioner Kelly, Commissioner Gunter, Commissioner Richardson, and Mayor Bell, all voting aye.

08. PUBLIC HEARINGS - none

09. NEW BUSINESS

- a. Adopted Resolution 2011-016 approving an interlocal agreement with Lake County relating to the annexation of enclaves. CA Gerken read Resolution 2011-016, by title only, as follows:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH LAKE COUNTY, FLORIDA RELATED TO THE ANNEXATION OF ENCLAVES; PROVIDING FOR AN EFFECTIVE DATE.**

CA Gerken stated the stipulation of beginning process for an interlocal service boundary agreement between Lake County and the City has been added.

Commissioner Gunter moved and Commissioner Kelly seconded to approve Resolution 2011-016. The motion carried with Commissioner Kelly, Commissioner Gunter, Commissioner Richardson, and Mayor Bell all voting aye.

- b. Approved an agreement with Maryann Kristovich for NPDES services for FY2011/2012.

Commissioner Richardson moved and Commissioner Kelly seconded to approve the agreement with Maryann Kristovich for NPDES services for FY2011/2012. The motion carried with all Commissioners voting aye.

- c. Adopted Resolution 2011 -018 amending the FY 2010/2011 budget for the Legal fund. CA Gerken read Resolution 2011-018, by title only, as follows:

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**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2010-2011 FISCAL YEAR TO APPROPRIATE \$16,040 TO COVER THE OVERAGE IN THE LEGAL FEES; PROVIDING FOR THE AMENDMENT OF THE 2010-2011 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.**

CA Gerken stated with the tight budgets, some changes are being made. He will check with CM Bowers before beginning any new projects. Also, if the projects are large, then approval will be sought from the Commission prior to starting.

Commissioner Richardson moved and Commissioner Gunter seconded to adopt Resolution 2011-018. The motion carried with Commissioner Richardson, Mayor Bell, Commissioner Kelly, and Commissioner Gunter all voting aye.

- d. Adopted Resolution 2011-019 amending the 2010/2011 budget for a \$1000 WalMart donation to the Police Department. CA Gerken read Resolution 2011-019, 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 \$1,000 DONATION FROM WALMART TO THE POLICE DEPARTMENT; PROVIDING FOR THE AMENDMENT OF THE 2010-2011 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Richardson moved and Commissioner Gunter seconded to adopt Resolution 2011-019. The motion carried with Commissioner Gunter, Commissioner Richardson, Mayor Bell, and Commissioner Kelly all voting aye.

- e. Adopted Resolution 2011-020 amending the 2010/2012 Budget for the Over Income Limit Homes in the CDBG Project area. CA Gerken read Resolution 2011-020, 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 \$91,917 FROM CRA FUNDS TO THE UTILITY FUND TO COVER IMPACT FEES FOR THE OVER INCOME LIMIT HOMES IN THE CDBG PROJECT AREA; PROVIDING FOR THE AMENDMENT OF THE 2010-2011 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Bell noted this amount has already been approved by the CRA Board.

Commissioner Richardson moved and Commissioner Kelly seconded to adopt Resolution 2011-020. The motion carried with Commissioner Kelly, Commissioner Gunter, Commissioner Richardson, and Mayor Bell all voting aye.

10. CITIZENS' COMMENTS - none

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11. COMMISSIONERS' COMMENTS

- a. Commissioner Richardson – stated he saw the Lake County Commission on TV and saw Ted Wicks (Wicks Consulting) was at the podium. He asked if everyone has a Library Card. Commissioner Richardson noted DAB was low bidder on US Highway 27/441 project. Commissioner Richardson questioned where we are in the budget process. Mayor Bell stated the next step is the first public hearing to vote on the tentative budget on September 8.

CM Bowers stated BESH has given us a proposal for the US Highway 27/441 project. CM Bowers would like permission to negotiate pricing to put this in the engineering scale set for federal projects.

Commissioner Richardson stated he had a problem with this and questioned why BESH would be doing contract administration on this project.

CA Gerken stated he believes DOT may require a local engineer at least for consultation. CM Bowers will review and bring back at the next meeting.

Commissioner Richardson questioned since we are at an impasse at millage, where are we and what is the number.

Mayor Bell stated the tentative millage and tentative budget will be brought back at 4.777 at the September 8<sup>th</sup> meeting. CA Gerken noted that the unanimous or majority vote is only required at the final vote or prior to levying the millage.

- b. Commissioner Gunter - none
- c. Commissioner Kelly – attended an MPO meeting. All the funds for Gardenia Trail have been taken and put towards Weikiva. Any ROW we get for this project should be put into Lake County's name.

There is a meeting for CR466A ROW at the Casino on September 13, 2011 from 5 – 7 p.m. at Casino.

CM Bowers noted the problem has been where they wanted the trail to go towards the north. Lake County wanted us to maintain all this and this was simply done to accommodate Lady Lake – this is an extra mile of trail.

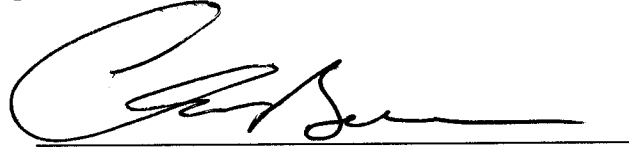
Mayor Bell stated Lake County School Board might want to connect the elementary school to Carver. Going north is a different story. He noted we will need to begin to ask for this property and bank it. Creativity will be needed for going through town.

Commissioner Kelly noted we need to get something in writing when people develop areas. Currently there is no funding to build the trail as grant funding was lost.

12. MAYOR BELL'S COMMENTS. Mayor Bell reviewed the upcoming events.

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13. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 8:24 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk