

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES**  
**December 10, 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, December 10, 2009 beginning at 7:05 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Barry Hayes of the Freedom Community 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 Albert O. Goldberg, Commissioner Sharon Kelly, Vice Mayor John L. Gunter, Jr., Mayor Christopher J. Bell

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, Public Works Director (PWD) John Bostic, III, and City Clerk (CC) Diane Gibson Smith.

01. APPROVED THE CONSENT AGENDA AS PRESENTED.  
Mayor Bell presented the consent agenda for approval.

Commissioner Goldberg moved and Commissioner Kelly seconded to approve the Consent Agenda. The motion carried unanimously with all Commission Members voting aye. Resolution 2009-031 was approved.

CA Gerken read Resolution 2009-031 by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK ENDORSING EMPLOYER SUPPORT FOR THE NATIONAL GUARD AND RESERVE, IN FURTHERANCE OF OUR COUNTRY'S SERVICE MEMBERS AND THEIR FAMILIES DURING TIME OF NEED; FURTHER INSTRUCTING THE CITY CLERK TO TRANSMIT SAME TO THE CHAIRMAN OF THE NATIONAL COMMITTEE FOR EMPLOYEE SUPPORT OF THE GUARD AND RESERVE; AND PROVIDING FOR AN EFFECTIVE DATE.

02. Agenda Update. Mayor Bell requested the following: moving 11.b. to the top, adding discussion of Baugh property, discussion of Water Supply proposal, discussion of property on 507 W Fountain Street, and a report on Hometown Christmas under the City Manager report, and a report on a County Meeting Mayor Bell attended will be added under his comments.

03. ADOPTED RESOLUTION 2009-032 APPROVING THE REDESIGNATION OF THE LAKE-SUMTER MPO.

TJ Fish, executive director of the Lake Sumter Metropolitan Planning Organization, provided background on the redesignation resolution. He noted the redesignation gives more voting representation to Sumter County by adding an additional rotating vote for Sumter County.

## FRUITLAND PARK CITY COMMISSION MEETING MINUTES

December 10, 2009

Commissioner Kelly questioned the number of votes for Sumter County. Mr. Fish stated Sumter County has fewer votes as they have fewer residents. The voting members will be reviewed after the 2010 Census.

CA Gerken read Resolution 2009-032 by title only as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK SUPPORTING THE REDESIGNATION OF THE LAKE~SUMTER METROPOLITAN PLANNING ORGANIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kelly moved and Vice Mayor Gunter seconded to adopt Resolution 2009-032. The motion carried with Vice Mayor Gunter, Commissioner Kelly, Mayor Bell, and Commissioner Goldberg all voting aye.

04. DENIED REQUEST MADE BY T.J. FISH FOR \$50,000 OF THE CR466A FUNDS BE USED TO COMPLETE THE RELIEVER ROAD STUDY.

Mr. Fish stated consultants have completed a study of the section of the reliever road following Rolling Acres Road and CR 466 in Lady Lake. The consultant has offered to continue the study on this reliever road through Fruitland Park to US Highway 44 for \$50,000. Mr. Fish noted the six-laning of US Highway 441/27 may occur within the next 10 years. The reliever road is one of few County Road projects that is ready to go. The County has stated the only money available to fund the study is out of the funds slated for CR466A.

TJ Fish stated Leesburg and Lady Lake will be impacted so approval will be requested from them as well. Mayor Bell noted all the funding will be coming out of CR466A funds for this regional project – Leesburg and Lady Lake are not being asked for funding. TJ stated that is correct.

CM Bowers noted the reliever road is a regional project and funds should not come out of the CR466A project. He stated he is willing to take this to the County Commission to request money. CM Bowers stated he is not willing to support the use of CR466A funds.

Commissioner Kelly stated she asked TJ Fish to attend and make this request. She wanted it on record that the Fruitland Park Commission is against the use of funds being taken out of the CR466A funds for this reliever road study.

CM Bowers noted TJ Fish appears to have information from the County that has not been shared with Fruitland Park. Mayor Bell stated the Commission was supposed to have a final look at the project before the CR466A plans were 100%.

Mayor Bell stated we would support the study in a proportionate way, but not fund it fully, especially since it is a regional project.

CM Bowers noted Fruitland Park should not pay for a regional project especially when he does not see where Fruitland Park will gain any equity from the project.

TJ Fish stated he will report back to Lake County. He is willing to support Fruitland Park in getting the CR 466A road project completed.

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES**  
**December 10, 2009**

04. PUBLIC HEARINGS

a.) ADOPTED ORDINANCE 2009-011 CREATING CHAPTER 72 "DANGEROUS INTERSECTION SAFETY" AND APPROVED CONTRACT WITH ATS WITH CHANGES

CA Gerken read Ordinance 2009-011 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES TO CREATE CHAPTER 72 ENTITLED "DANGEROUS INTERSECTION SAFETY"; PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT INFRACTIONS; PROVIDING FOR RELATED PROCEDURES AND PROVISIONS; AMENDING CHAPTER 35, "CODE ENFORCEMENT," BY CREATING SECTION 35.11 ENTITLED "ADMINISTRATIVE CHARGES; COLLECTION OF FINES; PENALTY," TO FACILITATE USE OF CODE ENFORCEMENT MECHANISM FOR DANGEROUS INTERSECTION SAFETY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken noted the ordinance has been tabled several times. This gives the City the ability to have red light cameras. CA Gerken noted it may be in the best interest of the City to have the ordinance in place prior to the special legislative session closing. He recommends approving the ordinance as nothing will be implemented until approval to move ahead is given.

Mayor Bell requested any comments or questions from the public. There were none.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2009-011. The motion carried with Commissioner Kelly, Mayor Bell, Commissioner Goldberg, and Vice Mayor Gunter all voting aye.

b.) APPROVED CONTRACT WITH ATS CONTINGENT UPON TERMINATION WORDING BEING AGREED UPON. Mayor Bell stated he had only received the revised contract a short time before the meeting and did not feel comfortable discussing it.

Vice Mayor Gunter agreed, but noted CA Gerken has been involved in all the changes. Vice Mayor Gunter stated he still does not understand the fee structure.

Steve Ritchey, representing ATS, stated they are requesting the contract be approved tonight so the City will be grandfathered. This contract will provide protection from the legislature getting involved with the money. Mr. Ritchey stated the termination provision is still being worked on. CA Gerken agreed.

CA Gerken stated there is no risk to the City to approve the contract tonight due to the way the contract is structured. ATS will be able to do the studies but will not proceed until the City notifies them to go ahead and install the cameras.

## FRUITLAND PARK CITY COMMISSION MEETING MINUTES

December 10, 2009

Commissioner Kelly questioned the fee schedule and if all cameras had to reach a certain level before the fee schedule dropped. CA Gerken stated yes. He further noted the City has the final decision on which cameras to install and when to install.

Mayor Bell questioned how many fines it takes to make a camera profitable. Mr. Ritchey stated that number is not known at this time. Mr. Ritchey stated experience shows a possibility of 50 per light per day.

Vice Mayor Gunter questioned infractions at lights where the cameras had been in place for a while. Mr. Ritchey stated Apopka has the longest experience and while infractions have dropped off, the cameras are still making money.

CA Gerken stated the contract is for five years with the ability to renew. We have requested the ability to terminate at any time. This is the last issue being worked on. This issue is not a deal breaker.

Mayor Bell asked what happens if, after the study, two cameras are profitable and one isn't but the City requests all three be installed. Mr. Ritchey stated discussions will occur.

Commissioner Goldberg questioned how long after the infraction does it take for the photo to be reviewed. Mr. Richey stated the photos are sent within 24 hours and the tapes are kept on file and not deleted.

Mayor Bell questioned the amount of time typically spent on reviewing possible infractions. PSD Isom stated that is an unknown. Mr. Ritchey noted only the violations are sent up for review.

Commissioner Kelly moved and Commissioner Goldberg seconded to approve the ATS contract contingent upon satisfactory agreement on the termination wording and authorizing the City Manager and City Attorney to negotiate that terminology. The motion carried with all the Commissioners voting aye.

c.) ADOPTED 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 2008-018 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

## FRUITLAND PARK CITY COMMISSION MEETING MINUTES

December 10, 2009

CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR AN EFFECTIVE DATE.

CC Gibson Smith noted the signed Master Developer Agreement is needed and an invoice is outstanding. CA Gerken stated the master developer agreement has been received. Attorney for the developer, Gary Cooney, noted the developer believes a check has been sent for the invoice. CA Gerken also noted an attorney's opinion letter is also needed.

Mayor Bell requested comments or questions from the public. There were none.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2008-018 and to sign the Master Developer Agreement once the attorney's opinion letter and invoice payment have been received. The motion carried unanimously with Mayor Bell, Commissioner Goldberg, Vice Mayor Gunter, and Commissioner Kelly all voting aye.

d.) ADOPTED ORDINANCE 2009-016 AMENDING THE LAND DEVELOPMENT CODE CHAPTER 153 ENTITLED CONCURRENCY MANAGEMENT SYSTEM; ADDING LANGUAGE TO SECTION 135.040, FACILITY SPECIFIC REQUIREMENTS, AND SECTION 135.080, ENTITLED INTERGOVERNMENTAL COORDINATION

CA Gerken read Ordinance 2009-016 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;.

CDD Newman stated this ordinance will amend the Land Development Code to match the concurrency management system and intergovernmental school board section.

Mayor Bell requested comments or questions from the public. There were none.

Commissioner Goldberg moved and Vice Mayor Gunter seconded to adopt Ordinance 2009-016. The motion carried unanimously with Commissioner Kelly, Mayor Bell, Commissioner Goldberg, and Vice Mayor Gunter all voting aye.

### 05. INTRODUCTION OF ORDINANCES

A.) APPROVED FIRST READING OF ORDINANCE 2009-017 AMENDING CHAPTER 159 OF THE LDRS TO INCLUDE SECTION 159.120 ENTITLED ALTERNATIVE WATER SUPPLY AND APPROVED PROPOSAL FROM SMW GEOSCIENCES FOR 10-YEAR WATER SUPPLY PLAN FOR \$10,000.

CA Gerken read Ordinance 2009-017 by title only, as follows:

## FRUITLAND PARK CITY COMMISSION MEETING MINUTES

December 10, 2009

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 159 OF THE CITY OF FRUITLAND PARK LAND DEVELOPMENT REGULATIONS ENTITLED "UTILITIES"; ADDING SECTION 159.120 ENTITLED ALTERNATIVE WATER SUPPLY; ESTABLISHING AN ALTERNATIVE WATER SUPPLY PROGRAM AND REGULATIONS, PROCEDURES, AND FEES ASSOCIATED WITH SUCH PROGRAM; PROVIDING FOR DEFINITIONS; ESTABLISHING AUTHORITY AND ENFORCEMENT AND COMPLIANCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

CM Bowers stated a representative from SMW GeoSciences is available to discuss this ordinance.

Jennifer Bolling, professional engineer with SMW GeoSciences, stated this ordinance is a requirement of St. Johns River Water Management District. This will give the City the opportunity to have a dual line water distribution system (reuse and potable) to all new developments as well as other benefits.

Commissioner Kelly moved and Vice Mayor Gunter seconded to approve the first reading of Ordinance 2009-017. The motion carried unanimously with Mayor Bell, Commissioner Goldberg, Vice Mayor Gunter, and Commissioner Kelly voting aye.

CM Bowers stated a 10-year Water Supply Plan is needed for us to update our Comprehensive Plan. Mr. Bowers stated he asked SMW GeoSciences to do the 10-year Water Supply Plan.

Mayor Bell questioned if one had been done in the past. One had been done in the past and will be located prior to the next meeting.

Mayor Bell questioned the length of the plan as 2013 has been given as the date no more water will be available. Ms. Bolling stated the first five years of the plan will show the available water. The Capital Improvement Plan will show that Fruitland Park is going to meet its goals for the first five years. The next five years are a wash because everyone knows the alternative resources have not been developed yet.

Commissioner Kelly suggested rounding the invoice to an even \$10,000

Ms. Bolling stated the proposal is a not to exceed price. She stated she is not sure she is authorized to approve \$10,000.

Commissioner Kelly moved and Vice Mayor Gunter seconded to approve the contract for an even \$10,000. The motion carried with all the commissioners voting aye.

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES**  
**December 10, 2009**

b.) APPROVED FIRST READING OF ORDINANCE 2009-018 CALLING FOR A REFERENDUM TO CONSIDER CHANGING THE CHARTER TO ALLOW FOR APPOINTMENT OF A COMMISSIONER WHENEVER A VACANCY OCCURS DURING THE REGULAR TERM.

Mayor Bell explained the reason for the proposed change to the Charter. This change will allow the Commission to appoint a commissioner to fill a position until the next regular election is held. The appointment will not be for longer than two years.

CA Gerken read Ordinance 2009-018 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR AMENDMENT OF THE CITY CHARTER; AMENDING SECTION 3.05(c) OF THE CHARTER RELATING TO FILLING VACANCIES ON THE CITY COMMISSION; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kelly moved and Vice Mayor Gunter seconded to approve the ordinance with a change being made so the appointment being made expires on the next regular election date. The motion carried unanimously with Commissioner Goldberg, Vice Mayor Gunter, Commissioner Kelly, and Mayor Bell all voting aye.

c.) APPROVED RESOLUTION 2009-030 CALLING FOR A SPECIAL ELECTION AND PROPOSED CHARTER AMENDMENT.

CA Gerken read Resolution 2009-030 by title only, as follows:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, CALLING FOR A SPECIAL ELECTION TO FILL AN UNEXPIRED TERM ON THE COMMISSION; SETTING A SPECIAL ELECTION DATE; NAMING THE VACANCY TO BE FILLED; ESTABLISHING A POLL LOCATION; ESTABLISHING A QUALIFYING PERIOD; ESTABLISHING ELECTION PROCEDURES; PROVIDING FOR A PROPOSED CHARTER AMENDMENT REGARDING FILLING COMMISSION VACANCIES; PROVIDING FOR ELECTION ARRANGEMENTS; PROVIDING FOR AN EFFECTIVE DATE.

CC Gibson Smith noted qualifying can be held for one week from January 4 – 8, 2010 and voting can occur on February 16, 2010.

Mayor Bell noted the qualifying dates are proposed for January 4 through 8, 2010 with the election being held on Tuesday, February 16, 2010 and a special meeting being held on February 17, 2010 at 7:30 p.m. to swear in the new commissioner.

A question regarding what would happen if no candidate earns a majority vote occurred. CA Gerken noted if no candidate earns a majority of votes, then a run-off election will be held no later than the second Tuesday following the election.