

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES
FEBRUARY 26, 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, February 26, 2009 beginning at 7:03 p.m.

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

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., Commissioner Darrel E. Martin, and Mayor Christopher J. Bell. Vice Mayor Sharon Kelly was excused due to illness.

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager (CM) Ralph O. Bowers, City Treasurer (CT) Elizabeth P. Palmer, Public Safety Director (PSD) J. M. Isom, Sr., Recreation Director (RD) Sherry Bechtel, Community Development Director (CDD) Peggy Sue Newman, Tiffany Kapner of LPG Urban Planners, and City Clerk (CC) Diane Gibson Smith.

01. APPROVED MINUTES OF THE FEBRUARY 12, 2009 REGULAR MEETING.
Mayor Bell presented the minutes of the regular February 12, 2009 Commission Meeting for approval.

Commissioner Gunter moved and Commissioner Goldberg seconded to approve the minutes of the regular Commission Meeting. The motion carried unanimously with all Commission Members voting aye.

02. AGENDA UPDATE. CM Bowers stated he would do a verbal update on the MPO meeting, request authorization to have appraisals done on the Fountain Street properties, request authorization to retain architect(s) for the Public Safety Complex and the Community Center, and give an update on Fruitland Park Day items. CA Gerken stated he would give a brief update on CR 466A.

03. ADOPTED ORDINANCE 2009-001 AMENDING CHAPTER 158 STORMWATER MANAGEMENT BY ADDING SECTION 158.150 ENTITLED NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) STORMWATER ILLICIT DISCHARGE REGULATION. Attorney Scott Gerken read Ordinance 2009- by title only:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING THE FRUITLAND PARK LAND DEVELOPMENT REGULATIONS CHAPTER 158 RELATING TO STORMWATER MANAGEMENT BY ADDING SECTION 158.150 ENTITLED NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) STORMWATER ILLICIT DISCHARGE REGULATION, PROVIDING FOR THE REGULATION OF NON-STORMWATER DISCHARGE INTO THE STORMWATER MANAGEMENT SYSTEM; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES; REQUIRING USE OF BEST MANAGEMENT PRACTICES; PROVIDING FOR NOTIFICATION OF DISCHARGE; PROVIDING FOR

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ENFORCEMENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell questioned if there were any changes since the first reading. There were no changes.

Mayor Bell requested public comments. There were none.

Commissioner Goldberg moved and Commissioner Gunter seconded to adopt Ordinance 2009-001. The motion carried unanimously with Commissioner Goldberg, Commissioner Gunter, Commissioner Martin, and Mayor Bell all voting aye.

04. ADOPTED ORDINANCE 2009-003 REPEALING ORDINANCE 2006-011 AND AMENDING CHAPTER 101 WATER CONSERVATION TO INCLUDE THE ENHANCED WATER CONSERVATION REGULATIONS WHICH GO INTO EFFECT ON MARCH 8, 2009.

CA Gerken read Ordinance 2009-003, by title only, as follows:

AN ORDINANCE OF FRUITLAND PARK FLORIDA AMENDING CHAPTER 101 WATER CONSERVATION OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES, PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING LANDSCAPE IRRIGATION SCHEDULES; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

CA Gerken noted this states the law under St. Johns regulations anyway, but this puts it into the local code. CA Gerken noted golf courses were removed from this as golf courses are permitted separately.

Mayor Bell requested public comments. There were none.

Mayor Bell stated his biggest concern is education on this change. CC Gibson Smith stated this will be noted in the newsletter to be sent early next week. The announcement can also be added to the water bills.

Commissioner Gunter questioned where the fine money goes. Chief Isom noted the fees go into the City's general fund.

Commissioner Martin moved and Commissioner Gunter seconded to adopt Ordinance 2009-003. The motion carried unanimously with Commissioner Gunter, Commissioner Martin, Mayor Bell, and Commissioner Goldberg all voting aye.

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05. ADOPTED ORDINANCE 2008-007 AMENDING THE CITY'S COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163.3187, FLORIDA STATUTES, BY ADOPTING A PUBLIC SCHOOL FACILITIES ELEMENT. CA Gerken read Ordinance 2008-007, by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, 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; ADOPTING AMENDMENTS TO THE INTERGOVERNMENTAL COORDINATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN; 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.

CA Gerken swore in the testimony of Tiffany Kapner of LPG Urban Planning Group.

Ms. Kapner provided the background on the changes made to this ordinance since the first reading. This integrates the suggestions made by DCA. She noted DCA requested changes be made also to the Intergovernmental Coordination Element and the Capital Improvement Element.

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

Mayor Bell stated the transportation costs and desegregation plans are noted in this element. Ms. Kapner stated she is not sure what current desegregation plans mean, but these usually deal with bussing.

Commissioner Gunter moved and Commissioner Martin seconded to adopt Ordinance 2008-007. The motion carried unanimously with Commissioner Martin, Mayor Bell, Commissioner Goldberg, and Commissioner Gunter all voting aye.

Commissioner Gunter questioned how often this element needs to be updated. Ms. Kapner noted this element needs to be updated on a yearly basis. Discussion ensued on the possible problems which may be encountered as changes at DCA are made.

06. INTRODUCED AND APPROVED FIRST READING OF ORDINANCE 2009-004 AMENDING THE CITY'S COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163.3187, FLORIDA STATUTES, BY ADOPTING AMENDMENTS TO THE CAPITAL IMPROVEMENT ELEMENT. CA Gerken read Ordinance 2009-004, by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163.3187, FLORIDA STATUTES BY ADOPTING AMENDMENTS TO THE CAPITAL IMPROVEMENT ELEMENT OF THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE;

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AND PROVIDING FOR FORWARDING OF THIS ORDINANCE TO THE
STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
PURSUANT TO CHAPTER 163 OF THE FLORIDA STATUTES.

Mayor Bell stated the Local Planning Agency reviewed and recommended approval with amendments.

Ms. Kapner stated this will be updated yearly. This element was updated as part of the Public Schools Facility Element. The old document was out of date so this was a much needed update. The LPA added two items to the plan – Public Safety Complex and a Community Center.

Commissioner Gunter moved and Commissioner Goldberg seconded to approve the first reading of Ordinance 2009-004 with the two amendments. The motion carried unanimously with Commissioner Martin, Mayor Bell, Commissioner Goldberg, and Commissioner Gunter all voting aye.

07. CITY TREASURER'S REPORT FOR PERIOD ENDING JANUARY 31, 2009. CT Treasurer Palmer reported that 33% into the fiscal year, there are seven departments slightly over budget which are mainly due to annual encumbrances and capital projects early in the year. Two of the exceptions are the electric department and the fire department. Worker's Compensation annual audit is over budget this year as there was an officer added at mid-year and our experience modification factor was higher.

08. CITY ATTORNEY'S REPORT. CA Gerken stated since the last Commission meeting he and CM Bowers attended a County Commission meeting where the County approved a resolution approving the moving of funds from CR466 to CR466A. The resolution is a pledge, not a legally binding agreement. Immediately after adopting the resolution, the County amended the impact fee program for all of the districts. This amendment added \$5 million Federal Trip funds and \$2.5 million in impact fees this year and any additional funds not needed for CR466 into the CR466A project for right-of-way acquisition. CA Gerken also stated the County Commission was informed the City of Fruitland Park wants to take a lead role in the project similar to the PD&E study done. County staff is leery about doing this.

Mayor Bell questioned a map showing CR466A as being eligible for federal funds. CA Gerken stated the two issues for federalizing the CR466A project are: the PD&E study was not done to federal requirements and the right of way acquisition needed. Regulations on property acquisition are strict when federal funds are used.

09. CITY MANAGER'S REPORT. CM Bowers reported on the following:

- a.) MPO meeting – CM Bowers stated he met with all five County Commissioners and thanked them for their support. County Commission is looking at working with Fruitland Park as a positive improvement to their image.
- b.) Two owners on Fountain Lake properties have contacted CM Bowers. He requests approval to have those properties appraised.

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Commissioner Martin moved and Commissioner Gunter seconded moving forward with the appraisals. The motion carried unanimously with all the Commissioners voting aye.

- c.) Projects discussed at the Capital Projects Workshop – CM Bowers stated he needs to enlist an architect to determine if the Public Safety Complex can be located at the current Casino Building location. A second architect is needed for a needs analysis, space analysis, and conceptual site plan for the Community Center. Grants are available for the Public Safety Building that may be lost if a decision on location is not made quickly. CM Bowers stated he wants approval to advertise for architectural services.

Mayor Bell stated the Commission was in approval at the workshop held on February 19th to put the ball fields on the Baugh property.

Chief Isom stated the property used for the Public Safety Complex needs to be “turn shovel ready”. A minimum of 2.3 acres will be needed for retention for the complex. The grants are for 100% funding for the complex.

Commissioner Martin moved and Commissioner Goldberg seconded to advertise for architectural firms for these projects. The motion carried unanimously with all the Commissioners voting aye.

- d.) TruGreen – Recreation Director Bechtel stated TruGreen is offering to swap services in exchange for putting up a sign. Mayor Bell questioned if an additional field could also be included. RD Bechtel stated she was looking into this. Commissioner Goldberg suggested having the wording “Maintained By” added at the top of the sign.
- e.) Fruitland Park Days – RD Bechtel stated she spoke with Captain Parrish regarding the bounce rides and David Dunn who runs Climb Eagle Rock. Captain Parrish is requesting \$2500 to oversee the bounce rides for Friday night and all day Saturday. This includes the cost of the inflatables. David Dunn is willing to bring out the Climbing Rock Tower, Basketball Water Shot, and the Gyro Scope for \$2500 for Saturday only. The Commission approved the inflatables but requested renegotiating with Mr. Dunn as they would like to have items available for both Friday night and Saturday.

10. UNFINISHED BUSINESS - none

11. NEW BUSINESS

- a.) Traffic signal maintenance agreement – CA Gerken stated this is for money to be paid to the City. Commissioner Gunter moved and Commissioner Goldberg seconded to accept the traffic signal maintenance agreement. The motion carried unanimously with all Commissioners voting aye.
- b.) Rose Avenue street lighting – CC Gibson Smith stated this was discussed at the Capital Projects Workshop. The request was made to see if the road could be changed to College Avenue instead. PWD Bostic did receive the information but is not present. Moving the

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project to College would be the same price as for Rose Avenue and the poles are the same height as those on Berckman Street.

Mayor Bell stated the lights on College would be better for City Hall. Commissioners Goldberg, Gunter, and Martin all agreed.

CM Bowers stated a change order can be done to the previous contract per the City Attorney. A decision can be made at the next meeting on the full contract.

The Commission approved. Commissioner Gunter moved and Commissioner Martin seconded moving forward with the street signs for now. The motion carried unanimously with all Commissioners voting aye.

Citizen Charlie Rector stated perhaps the parade route could be changed for Fruitland Park Days from Rose Avenue to College Avenue.

Commissioner Martin moved to change the parade route. After discussion, the decision was made to not change the parade route at this time. Commissioner Martin rescinded his motion.

12. CITIZENS' COMMENTS - None

13. COMMISSIONERS' COMMENTS

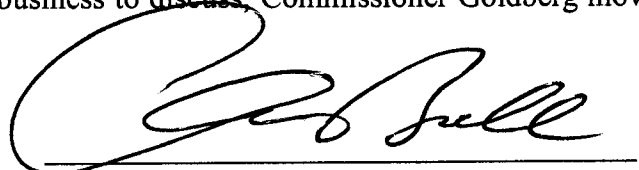
a) Commissioner Gunter – the Casino Building location could be used as a park for vendors during events and for parking if the field behind Veterans field is not available.

b) Commissioner Martin - none

c) Commissioner Goldberg - none

14. MAYOR BELL'S COMMENTS. Mayor Bell announced City Mascot BJ was diagnosed with cancer and had to be put to sleep. He will be greatly missed.

15 ADJOURNMENT. There being no further business to discuss, Commissioner Goldberg moved to adjourn. The meeting adjourned at 8:20 p.m.



Christopher J. Bell, Mayor

Attest:


Diane L. Gibson Smith, CMC, City Clerk