

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
JUNE 9, 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, June 9, 2011 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor George Mulford of the Grace Bible Baptist Church delivered the invocation followed by the Pledge of Allegiance led by Vice Mayor Goldberg.

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, City Treasurer (CT) Jeannine Racine Michaud, Community Development Director (CDD) Charlie Rector, and City Clerk (CC) Diane Gibson Smith.

01. APPROVED THE MINUTES OF THE MAY 26, 2011 CITY COMMISSION MEETING.

Mayor Bell presented the Consent Agenda for approval. Commissioner Kelly requested the minutes be corrected. She noted CT Jeannine Racine Michaud's first name was left off on page 59. CC Gibson Smith noted this was done purposely.

Commissioner Kelly moved and Vice Mayor Goldberg seconded to approve the minutes of the May 26, 2011. The motion carried with a vote of 4 ayes and one nay with Commissioner Richardson voting nay.

02. HEARD CITY TREASURER'S REPORT FOR PERIOD ENDING APRIL 30, 2011 CT

Racine Michaud presented the report for period ending April 30, 2011. She noted the revenues needing to be amended are the same as last month. Legal budget, Law Enforcement – communications, CRA – 169%, CUP – 460%, water overtime, and sewer engineering fees will require amendments. CT Racine Michaud distributed historical information showing the decrease in property values. She noted the approximate reduction in ad valorem taxes for next year will be about \$60,000.

Commissioner Richardson questioned when the mid-year review will occur. CM Bowers stated he is currently working on this and hopes to have a meeting before the next City Commission meeting for review.

Mayor Bell stated he is proposing a 6:00 p.m. budget meeting before the next regular Commission meeting on June 23rd.

03. CITY ATTORNEY'S REPORT

CA Gerken provided an update on the status of the cost share agreement with St. Johns. He noted St. Johns stated they think they can provide \$75,000. We may want to match that \$75,000. CA Gerken stated we are waiting for a response to see what can be done with \$150,000. CUP and Consent Order Enforcement are all tied to this project. St.

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Johns does realize they are holding up the project. The good news is the permit itself has not changed. CA Gerken stated he is not sure the \$150,000 will be enough to continue considering the metering project.

Mayor Bell questioned if staff is looking to find a project in the \$150,000 range to do. PWD Bostic stated SMW Geosciences is looking into this.

Commissioner Richardson questioned the cost of having SMWGeosciences help with finding the project. CA Gerken and Mayor Bell both noted this is part of the cost associate with the CUP.

PWD Bostic noted St. Johns is laying off a lot of people including those who do the NPDES program.

04. CITY MANAGER'S REPORT

a. PWD Bostic reported on the following:

1. Center line striping on Berckman has been completed by Lot lines for a cost of \$2,800.
2. Stamping on asphalt – PWD Bostic stated has found a company out of Jacksonville who would do a thermal overlay – 3 locations would cost approximately \$5,300 per crosswalk. A local company gave a price \$3,500 - \$4,000 for actual pavers. Mayor Bell suggested we look at this during budget time.

Commissioner Richardson questioned if the pavers could be done in-house. PWD Bostic stated he did not believe we had anyone in-house who could do this.

CDD Rector questioned why this was even being looked at during this tight budget year.

3. Thermoplastic stop bars have a cost of \$500 for two (being done).
4. GovDeals – received more than would have received through regular auction. PWD Bostic stated he recommends continuing to use GovDeals.

b. Working on the budget and six-month review. Will have the six-month review no later than next meeting. CM Bowers thank CT Racine Michaud for her help in creating spreadsheets.

05. INTRODUCTION OF ORDINANCE

a. Approved first reading of Ordinance 2011-003 approving continuing inclusion in the MSTU. CA Gerken read Ordinance 2011-003, by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONSENTING TO THE INCLUSION OF THE CITY OF FRUITLAND PARK, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING

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FOR THE CITY TO BE INCLUDED WITHIN SAID MSTU FOR A SPECIFIED TERM OF YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Gunter questioned what the taxes are going to be when Sumter County drops. Mayor Bell stated the EMS Board is looking at the level of service. He expects the budget will probably drop an additional 10% below the level that Sumter County provided.

Commissioner Richardson suggested approving the MSTU for one year instead of two so we can see what happens.

Mayor Bell stated the County should come back again when the decision is made.

Commissioner Gunter moved and Commissioner Richardson seconded to approve the first reading of Ordinance 2011-003 changing Section 2 to read one year with an ending date of July 12, 2012. The motion carried unanimously with Mayor Bell, Vice Mayor Goldberg, Commissioner Gunter, Commissioner Kelly, and Commissioner Richardson all voting aye.

06. PUBLIC HEARINGS

a. Adopted Ordinance 2011-005 approving the Internet Café moratorium. CA Gerken read Ordinance 2011-005, by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, IMPOSING A TEMPORARY MORATORIUM FOR 180 DAYS ON THE ISSUANCE OF ANY BUSINESS TAX LICENSE, PERMIT, CONDITIONAL USE APPROVAL, SITE PLAN APPROVAL AND ANY OTHER OFFICIAL ACTION OF THE CITY OF FRUITLAND PARK, FLORIDA HAVING THE EFFECT OF PERMITTING OR ALLOWING THE CONSTRUCTION AND/OR OPERATION OF CERTAIN BUSINESSES WITHIN THE CITY OF FRUITLAND PARK, RELATED TO GAME ROOMS, ARCADES, INTERNET CAFES, SWEEPSTAKES REDEMPTION CENTERS, ESTABLISHMENTS USING SLOT MACHINES OR SLOT MACHINE-LIKE EQUIPMENT AND SIMILAR INDOOR ENTERTAINMENT AND AMUSEMENT ACTIVITIES AS MORE SPECIFICALLY DESCRIBED IN THIS ORDINANCE, EXCLUDING APPROVALS AND PERMITS FOR THE CONTINUANCE OF AN EXISTING BUSINESS; THE TEMPORARY MORATORIUM SHALL APPLY TO ALL REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF FRUITLAND PARK; PROVIDING A PROCEDURE FOR EXTRAORDINARY HARDSHIP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor Goldberg requested increasing the extension time for the moratorium from 90 days to 180 days in Section 4 Paragraph B.

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Commissioner Kelly stated we should send to this to Lake County.

Mayor Bell stated perhaps we should send a letter suggesting Lake County not allow any be put up next to our borders.

CA Gerken stated he would send this to Lake County Attorney's office.

Vice Mayor Goldberg moved and Commissioner Kelly seconded to adopt Ordinance 2011-005 with the change to Section 4 Paragraph B to 180 days for an extension. The motion carried unanimously with Vice Mayor Goldberg, Commissioner Gunter, Commissioner Kelly, Commissioner Richardson, and Mayor Bell all voting aye.

07. UNFINISHED BUSINESS - none

08. NEW BUSINESS

a. Adopted Resolution 2011-012 amending the budget for the City Treasurer interviewing and moving expenses. CA Gerken read Resolution 2011-012, 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 \$3,850 TO COVER INTERVIEW COSTS AND MOVING EXPENSES FOR THE CITY TREASURER; PROVIDING FOR THE AMENDMENT OF THE 2010-2011 BUDGET; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Richardson moved and Vice Mayor Goldberg seconded to adopt Resolution 2011-012. The motion carried unanimously with all the Commissioners voting aye.

b. Adopted Resolution 2011-013 amending the budget for the Spring Soccer program. CA Gerken read Resolution 2011-013, 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 \$1,740 TO COVER SPRING SOCCER PROGRAM COSTS; PROVIDING FOR THE AMENDMENT OF THE 2010-2011 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kelly moved and Commissioner Gunter seconded to adopt Resolution 2011-013. The motion carried with unanimously with all the Commissioners voting aye.

c. Approved closing the gate between The Glen and Wingspread as soon as all the signage is in place. Mayor Bell asked if staff had sent out letters.

Commissioner Richardson noted he understood that no one from Wingspread received any notification. Mayor Bell stated the decision was made to notify the Post Office, Emergency Response Agencies, HOA's, etc.

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CDD Rector stated he believed the letters went out Friday or Monday. No one responded negatively. The Post Office did not care if the gate is closed.

Commissioner Richardson stated Wingspread's HOA is administered by Tom Grizzard Realty and he knows they did not receive any notification.

Chris Beck, resident in Wingspread, stated he doesn't want Wingspread to pay for the removal and doesn't care if the gate is left open or closed. He noted the gate is on The Glen property.

After much discussion on who requested the gate be closed or removed, Mayor Bell suggested we do away with the gate. Commissioner Kelly suggested just leaving the gate open.

CA Gerken stated he doesn't recommend leaving the gate open.

Commissioner Richardson, speaking as a resident, stated Wingspread residents are trying to avoid Pembroke traffic using it as a shortcut to CR468. Many people walk. The berm and the gate are two issues. The berm is on private property. HOA has paid for that part of the fence. Wingspread wants to remove the gate and put up the fence. City would dump dirt to put the fence at the same height. Wingspread HOA wants to wait until the next budget year. Wingspread HOA wants the city to disable the gate.

Commissioner Gunter stated he recalls that Pembroke residents were going to Wal-Mart through there.

CA Gerken stated the other option is to vacate the ROW which Wingspread's HOA could petition to do. Appropriate signage would need to be put up noticing the gate is no longer working.

Mayor Bell stated we can go ahead and lock the gate as long as we have the right signage.

Commissioner Kelly moved and Commissioner Gunter seconded to close the gate when the signage is in place. The motion carried with four ayes. Commissioner Richardson abstained from voting.

d. Discussion of possible Golf Cart ordinance. PD Isaacs stated the key word is golf cart. There are two types: nonregistered - 20 mph, drivers 14 and up; and low speed vehicle - up to 25 mph, registered and licensed. Some cities designate certain roads; while others, such as Lady Lake, go by state law which allows them to cross over highways with permission. Most cities follow the state law. PD Isaacs noted we may be able to get revenue by requiring city permits for the operation of golf carts. Signage is needed. PD Isaacs noted the biggest problems are the high powered Americanized golf carts.

Vice Mayor Goldberg questioned the liability issues if there is an accident and asked if they would need to have insurance. PD Isaacs stated this would need to be covered in the ordinance.

Commissioner Richardson questioned if there was a call for this discussion on golf carts. Mayor Bell stated he has had calls and we are getting geared up for the future Villages expansion.

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Mayor Bell stated perhaps we could list the streets. Mayor Bell suggested PD Isaacs work on an ordinance with CA Gerken.

The consensus was to hold off on working on this ordinance until sometime in the future.

Commissioner Kelly questioned if DOT would accept golf carts as a reason to add signal lights. PD Isaacs stated he did not know the answer to this.

CA Gerken suggested the City designate roads for use first.

Commissioner Gunter noted the golf cart issue came out when someone suggested a mall be placed on the Pine Ridge Dairy property.

CA Gerken noted none of the plans for the CR466A project show a golf cart path in the right of way.

On a side note, Commissioner Richardson stated Lake County Public Works Director Jim Stivender stated he will be setting up a meeting with the neighborhood for the CR466A project.

e. Cancellation of regular meetings for July 28 and August 11, 2011.

Commissioner Richardson moved and Commissioner Gunter seconded to cancel the regular meetings scheduled for July 28 and August 11, 2011. The motion carried unanimously with all the Commissioners voting aye.

Florida League of Cities Annual Conference is scheduled for August 11 – 13, 2011.

f. CDD Rector requested direction on possibly bringing in some commercial parcels on the highway involuntarily. CDD Rector is requesting guidance on whether the Commission is receptive to this idea or not.

CA Gerken noted involuntary annexations bring out upset people. If the property meets the enclave definition, the involuntary annexation can occur – especially if the property is developed. CDD Rector stated he believed some of the properties were not developed.

Commissioner Richardson asked if anyone had spoken to the property owners.

Commissioner Richardson questioned how to justify bringing in the commercial property but not residential property.

CA Gerken stated we can also add in the residential enclaves.

Commissioner Kelly stated we could ask them to contact us if they want to refuse the services. She noted she would like to see a copy of the letter these property owners were sent. She also suggested contacting them again to see if they are interested or not.

Mayor Bell requested each Commissioner state his/her preference.

Commissioner Kelly - do not include them.

Commissioner Gunter – include the Commercial

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Vice Mayor Goldberg – include the Commercial. He would like to see the dollar values of the properties.

Commissioner Richardson – include the Commercial but justify why the residential is not included.

Mayor Bell – include the Commercial.

09. CITIZENS' COMMENTS - None

10. COMMISSIONERS' COMMENTS

a. Vice Mayor Goldberg - thanked the Commission for excusing him from the last meeting. He stated he enjoyed his vacation.

b. Commissioner Gunter - none

c. Commissioner Kelly - none

d. Commissioner Richardson – stated he is concerned about the CDBG project as no local contractors attended the mandatory pre-bid. He noted the project was not listed in the local paper or on DemandStar. He questioned why the local companies were not noticed of the bid.

CA Gerken stated we can possibly extend the bid date and do an additional mandatory pre-bid for any who did not attend the first pre-bid as BESH did not notice the MBWE contractors.

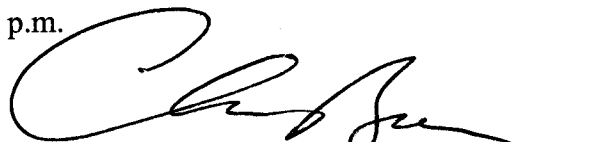
After much discussion, the decision was made to put a bid into the local newspaper and to advertise with online bid companies.

11. MAYOR BELL'S COMMENTS. Mayor Bell announced he attended the Lake County Recreation and Parks meeting. He stated the North Lake Park was discussed. Mayor Bell noted he took some pictures of our parks and he got the “pity” vote at the meeting. The decision was to go ahead and move forward to using the former Baugh property, Cales Park, and the remaining Baugh property which will need to be purchased.

Mayor Bell stated the County district lines are being redrawn so Welton Caldwell may be our new Commissioner.

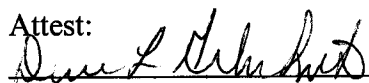
Mayor Bell stated a meeting will be held on June 23rd, starting at 6:00 p.m. to review capital projects for the budget. The regular meeting will follow.

12. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 9:27 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk