

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

May 26, 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, May 26, 2011 beginning at 7:00 p.m.

Mayor Bell noted the passing of Judge Boylston. He served as City Attorney for a number of years. Commissioner Gunter suggested the City send a condolence card to the family. CM Bowers stated a card will be sent around for signatures.

INVOCATION AND PLEDGE OF ALLEGIANCE. CM Ralph Bowers delivered the invocation followed by the Pledge of Allegiance led by Commissioner Richardson.

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, and Mayor Christopher J. Bell. The Commission excused Vice Mayor Goldberg as he was out of town.

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

Mayor Bell stated he would like to move the new business items involving CDD Rector to the front of the agenda so CDD Rector can attend a function for his grandson.

1. APPROVED FIRST READING OF ORDINANCE 2011-005 REGARDING AN INTERNET CAFÉ MORATORIUM (THIS HAD BEEN TABLED FROM THE MAY 12TH MEETING). Acting City Attorney Katrina Thomas 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 stated this ordinance was requested by our Building Department. CDD Rector stated he had received requests for opening more Internet Cafes especially since the City of Leesburg recently put a moratorium in place. CDD Rector stated our current LDRs do not address Internet Cafes. We

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currently have four in town. There are problems with security, signage, and parking, etc. CDD Rector suggested we need to put some regulations in place.

Commissioner Kelly questioned the length of time. ACA Thomas stated the moratorium can be extended for additional time if needed. CDD Rector stated this topic is not high on the priority list so additional time may be needed.

Commissioner Gunter questioned the type of regulations the State was suggesting. ACA Thomas stated the State was looking at where they can be located, the distance from schools or churches, etc. This legislation did not pass this year but will probably come back at the next session.

Commissioner Kelly questioned in what zoning an Internet Café can be located. CDD Rector stated currently they can be located in any commercial or industrial zoning.

Commissioner Richardson stated Melissa DeMarco began speaking about this topic 6 to 8 months ago. He noted his problem is if we are holding any applications. CDD Rector noted we do not have any current applications. Commissioner Richardson stated he has no problem then.

Commissioner Gunter stated he spoke with someone who frequents them. The person suggested taxing them more but not shut them down.

Commissioner Kelly questioned how these places work. CDD Rector stated people pay for a certain amount of internet time and they receive tickets. They then look at sweepstakes sites to see if their tickets win any money. The people can then purchase more tickets or just use the internet time for other things. There are a limited number of sweepstakes sites.

Commissioner Kelly moved and Commissioner Gunter seconded to approve the first reading of Ordinance 2011-005. The motion carried unanimously with Mayor Bell, Commissioner Kelly, Commissioner Gunter, and Commissioner Richardson all voting aye.

2. APPROVED SMART FUELS DEVELOPERS AGREEMENT AND SITE PLAN.

Commissioner Richardson disclosed he was somewhat involved in the discussions as communication had broken down between the City and Smart Fuels. He was a liaison and mediator until the two parties began talking again. CM Bowers noted Commissioner Richardson discussed this with the City Attorney who informed him it was okay for him to vote.

ACA Thomas swore in CDD Rector. CDD Rector stated the issues have all been resolved and agreed upon. The complications that arose from water line, south loop, and landscaping have all been resolved. CDD Rector stated the south loop water line will be installed by Smart Fuels. The SR500 highway project moved the line under the highway project sooner. Smart Fuels will pay \$20,000 on that line. Landscaping requirements initially were too restrictive. The agreement is to keep landscaping on American Lane and not on the other abutting properties.

CM Bowers stated the water line across the highway was originally going to be financed. The timeline has accelerated so the line can be installed as part of the SR500 highway project. The City is only charging Smart Fuels for the upgrade that clearly affects them. Smart Fuels will be offered financing on the \$20,000.

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Mayor Bell questioned if there was sufficient water flow to put out a fire? CDD Rector stated yes, unless everything catches fire. There is plenty of foam and the foam nozzle is there. A temporary CO will be given after the loop line is done. Smart Fuels will have limited production under the temporary CO. The final CO will be given when the highway line is installed.

CDD Rector stated consultant fees have been tallied and verified. Smart Fuels has paid the \$6,000 for the developer's agreement. Our system showed no prepayment of any consultant fees. After review, CDD Rector found nearly \$4050 fees which had not been applied to the project properly. Now they only owe approximately \$7135. If we back out the fees for the under highway line engineering, then as of May 4, 2011 \$4,768.53 is still owed. Tommy Smart agrees to this figure. CDD Rector suggested removing the \$2362.50 engineering fee for the under highway line.

CDD Rector noted the City is still willing to work with Smart Fuels on any grants that may be available to help in the creation of jobs, etc.

Mayor Bell questioned if there was any water storage on site. CDD Rector stated no. There is more foam available at Smart Fuels than the Orlando Regional Airport.

Commissioner Gunter moved and Commissioner Richardson seconded to remove the engineering for the under highway line (\$2,362.50) from the amount owed by Smart Fuels as of May 4, 2011. The motion carried unanimously with all the Commissioners voting aye.

Commissioner Richardson moved and Commissioner Kelly seconded to approve the Smart Fuels, LLC revised site plan. The motion carried unanimously with all the Commissioners voting aye.

Commissioner Richardson moved and Commissioner Gunter seconded to have the Mayor sign the Smart Fuels, LLC developer's agreement with the addition of Exhibit A. The motion carried unanimously with all the Commissioners voting aye.

3. DISCUSSION ON WINGSPREAD/GLEN GATE. Mayor Bell stated staff recommends allowing the gate to be replaced with a fence. The developer from Maronda Homes (The Glen) stated they are very supportive of closing the gate. CDD Rector will ask Maronda Homes about paying part of the cost to replace the gate.

Mayor Bell suggested both homeowners' associations be contacted to see how they feel about the gate being removed. CDD Rector stated the developer from Maronda Homes noted The Glen's Homeowner's Association is very "hap-hazard" and probably non-existent. Wingspread's is well organized.

Commissioner Richardson stated Wingspread's Homeowner's Association does not have the money to pay to replace the gate with a fence at this time.

Mayor Bell questioned if dirt could be placed in front of the gate to bring notice to it being closed.

Rick Ranize, representing Pat Dennison of Pat Sales, stated Pat Sales is willing to install a sign on both sides saying gate is closed and there is no access.

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ACA Thomas suggested having staff notify both homeowners' associations, EMS, Post Office, etc. before final action at the next meeting.

Commissioner Richardson stated the berm is personal property and should not be included in this issue. The commissioners agreed.

Commissioner Richardson questioned if the road should be closed or vacated. ACA Thomas stated that would not be necessary.

Commissioner Gunter moved and Commissioner Kelly seconded to authorize staff to notify the emergency people of the intention to close the gate and notify the homeowners' associations we are contemplating having the gate closed and the final decision will be made at the June 9th meeting. The motion carried unanimously with all the Commissioners voting aye.

4. PRESENTATIONS:

A. Don Van Beck on the Veterans Memorial – not present

B. Initiatives in Police/Fire Departments –

Police Chief Isaacs reported the following:

- I. Quality of life issues. Have a volunteer program – 4 people (clerk work , etc.) Others are offering support. Auxiliary program (Crime Watch) looking for volunteers, etc. Also Mrs. Martin is working on putting together a contact list for people who are homebound and she will be checking on them to ensure they are okay. Victim Advocate Program – ministers in the area are available for help. Cuddles for Kids – animals given to kids involved in accidents.
- II. POLICE DEPARTMENT ISSUES – Have a reporting supervisor on the streets at all times. Officers now have assigned shifts – brings down overtime, allows for vacations, reduces stress, etc. Using more marked cars to make us more visible. Put together a policy against smoking or tobacco use in vehicles or in sight of public. K-9 Esko has been retired. A reserve K-9 and handler have been hired. The new administrative assistant is a sworn officer and can fill in when we have someone on light duty. A mission statement has been put together and will be displayed.

Commissioner Kelly questioned if volunteer's backgrounds are checked. Chief Isaacs stated yes, they fill out the application and then the backgrounds are checked.

Gary Ashcraft, a concerned citizen, questioned what is going on with code enforcement. Chief Isaacs stated all complaints are being checked out and so far there are no outstanding compliance issues. Mayor Bell noted he has seen several cleanups.

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Commissioner Gunter questioned accreditation. Accreditation means you run the department like all other cities who are accredited. Accreditation costs approximately \$500 a year. Negative side is it takes a small army to continue the accreditation. Public does perceive accreditation as important.

Mayor Bell stated public perception is important, but we are not in a financial condition to do this accreditation all at one time. Perhaps we could do a little at a time. Mayor Bell questioned if the Sheriff's office is willing to do an audit every year. Chief Isaacs stated yes.

III. FIRE DEPARTMENT ISSUES – Assistant Chief Borst reported he has retired from Sumter County Fire. He noted he is currently dealing with personnel issues in regards to compliance and response time issues. The big fire truck will not be used outside of the City. Pump testing is scheduled for July.

Assistant Chief Borst stated he has an explorer who gives a lot to the fire department. He is planning on attending fire school and could use financial help. CM Bowers suggesting giving firm consideration of giving a scholarship to Tyler.

Mayor Bell stated the scholarship was begun a couple of years ago. We want a local person and want them to come back to the City - this has only happened once. Mayor Bell suggesting we give this to Tyler Ramsey. He needs to send a letter of intent by July. Mayor Bell suggested we open a fund for him with the scholarship money and invite local businesses to support it as well.

Commissioner Gunter moved and Commissioner Kelly seconded to open a fund with the scholarship money for Tyler Ramsey and invite local businesses to support it as well. The motion carried with all the Commissioners voting aye.

5. APPROVED CONSENT AGENDA.

Mayor Bell presented the consent agenda for approval.

Commissioner Gunter moved and Commissioner Kelly seconded to approve the Consent Agenda. The motion carried unanimously with all Commission Members voting aye. The minutes of the April 29, 2011 regular Commission meeting and May 12, 2011 meeting were approved.

6. CITY ATTORNEY'S REPORT - None

7. CITY MANAGER'S REPORT

- A. CT Racine Michaud presented the financial report for period ending March 31, 2011. She noted the collection of ad valorem taxes are on track. Revenue funds - Court Fines, Building Permits A & B – will need to be adjusted. Legal fees, Law Enforcement - Communications, Electric Department, CDD engineering fees, CUP, Water overtime, sewer engineering fees, and sewer miscellaneous fees are all over budget and may require amendments. Contingency funds are still in place. CM Bowers stated he hopes to have mid-year review hope to have by next meeting.

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Commissioner Kelly moved and Commissioner Gunter seconded to accept the City Treasurer report as presented. The motion carried unanimously with all the Commissioners voting aye.

- B. CM Bowers noted a mandatory pre-bid meeting was held for the CDBG project today. This was very successful.

8. UNFINISHED BUSINESS - none

9. NEW BUSINESS

- A. Approval of surplus items for GovDeals. CM Bowers presented the list for approval.

Mayor Bell questioned if there would minimum bids set for any items. PWD Bostic stated yes for some.

Commissioner Kelly moved and Commissioner Gunter seconded to approve the list of surplus items for GovDeals. The motion carried unanimously with all the Commissioners voting aye.

- B. Adopted Resolution 2011-011 amending the budget for an insurance claim for a damaged road sign. ACA Thomas read Resolution 2011-011, 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 a \$3,364 insurance claim payment to repair a damaged road sign; providing for the amendment of the 2010-2011 budget; providing for an effective date.

Commissioner Kelly moved and Commissioner Gunter seconded to adopt Resolution 2011-011. The motion carried unanimously with all the Commissioners voting aye.

10. CITIZEN'S COMMENTS

- A. Rick Ranize, a citizen, stated he supports Police Chief Isaacs on the accreditation. He would like to see the accreditation put into the budget plan for the next 5 years. Mr. Ranize also thanked PWD Bostic for trying to take care of the problem on Valley Road. He noted this needs to be engineered. He reported on the history of the problem and the current issues. Mr. Ranize also stated he would like to have the podium moved so all could see around it.

11. COMMISSIONERS' COMMENTS

- A. Commissioner Gunter – None
- B. Commissioner Kelly – None

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- C. Commissioner Richardson – asked if prices have been received for stamping the asphalts. PWD Bostic stated the pricing he received was about \$35,000 for 11 crossings. Additional cost information will be brought back to the next meeting.

Commissioner Richardson questioned if Berckman Street was going to be striped. PWD Bostic stated he is getting prices

Commissioner Richardson commented on PWD Bostic's memo from May 11th regarding batteries. Commissioner Richardson stated he did not see the 5 gallon buckets of old batteries when he visited Public Works. The batteries he was referring to were automotive batteries. Commissioner Richardson stated the part of the memo on the buckets of batteries was fabricated. He never authorized the dumping to be done.

Commissioner Richardson questioned if anymore was known on the traffic light on Spring Lake Road when FDOT does the expansion. We may even want to spend the money as part of the hardship funding. CM Bowers stated he will need to reopen the discussion.

Commissioner Richardson questioned if the electric system purchase was being worked on. CM Bowers stated no, he is currently working on budgeting.

12. MAYOR BELL'S COMMENTS. Mayor Bell stated he is being sued as Mayor for giving an easement on a property in foreclosure. Mayor Bell stated he likes the smoking policy in the Police Department and would also like looking at in Public Works. Mayor Bell stated he would like Chief Isaacs look at Tavares golf cart ordinance and bring back thoughts at the next meeting. Mayor Bell stated he is meeting with Lake County Parks and Recreation on June 6th.

Commissioner Richardson stated he attended a Transportation Alternative Funding Task Force and has a document to be sent out to the other Commissioners. He noted even if we collect everything, there is still a \$62 billion shortfall in covering the costs of the roads.

13. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 9:25 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk