

**FRUITLAND PARK CITY COMMISSION MINUTES
OCTOBER 26, 2006**

MEETING STATISTICS. A regular meeting of the Fruitland Park City Commission was conducted in the Commission Chambers of City Hall, 506 W. Berckman Street, on Thursday, October 26, 2006 beginning at 7:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor John Stricklen of the Countryside Baptist Church delivered the invocation and Commissioner Sharon Kelly led the Pledge of Allegiance.

ELECTED OFFICIALS PRESENT. Commissioner Albert O. Goldberg, Commissioner Sharon A. Kelly, Commissioner Darrel E. Martin and Mayor Christopher J. Bell.

ELECTED OFFICIALS ABSENT. Commissioner John L. Gunter, Jr., was absent and excused from attending the meeting.

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager Ralph O. Bowers, City Clerk Linda S. Rodrick, City Attorney Scott A. Gerken, Public Safety Director J. M. Isom, Sr., Community Development Director Peggy Sue Clark, Public Works Director John Bostic, III, Recreation Director Gregg Tye, former City Attorney Gary J. Cooney, and Bill Koch of the Daily Commercial.

1. APPROVED/MINUTES OF SEPTEMBER 14, 2006 REGULAR MEETING. Mayor Bell presented the minutes of the September 14, 2006 regular meeting for approval.

Commissioner Martin stated there is a correction on Page 191, second paragraph. The reconvened time is wrong. It was noted the time should be 8:58 p.m.

Also, there is a typographical error in Item 22. "Charges" has an extra "g" in it.

Whereupon, Commissioner Kelly moved and Commissioners Goldberg and Martin seconded to accept the minutes with the corrections. The motion carried unanimously with all Commissioners voting aye.

2. APPROVED/MINUTES OF SEPTEMBER 28, 2006 REGULAR MEETING. Mayor Bell presented the minutes of the September 28, 2006 regular meeting for approval.

Commissioner Kelly stated she had one correction on Page 194, tenth paragraph. The award Captain Parish received was the District Award of Merit.

Whereupon, Commissioner Martin moved and Commissioner Kelly seconded to accept the minutes with the changes. The motion carried unanimously with all Commissioners voting aye.

3. AGENDA UPDATE. Several items were added under the City Manager's Report.

City Attorney Gerken stated Breeze Lane needed to be re-advertised due to an error in acreage. Also the Developer's Agreement needs to be cleaned-up. This item should be postponed until the next meeting.

City Attorney Gerken stated Item 6 (f) is an ordinance pertaining annexing Pine Ridge Dairy.

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Mayor Bell stated the ordinance had been advertised prior to him setting the agenda therefore he had to place it on the agenda.

City Attorney Gerken stated if you table it to a date certain then it will not have to be re-advertised. He stated it may require two public hearings since we will also adopt a Developer's Agreement, pursuant to Chapter 163 of the Florida Statutes.

Commissioner Martin moved to table the ordinance to the next meeting (November 9, 2006) because the agreement is not complete. Commissioner Goldberg seconded the motion. The motion carried on a three to one vote with Mayor Bell, Commissioners Goldberg and Martin voting aye. Commissioner Kelly voted nay stating there were a number of people in the audience who want to speak about the annexation request.

City Attorney Gerken stated problems with the O'Kelley development will be dealt with prior to the second reading of the ordinance.

4. ADOPTED ON FINAL READING/ORDINANCE 2006-021 AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL RELATING TO TRAVEL EXPENSE AND MILEAGE REIMBURSEMENT. City Attorney Gerken read Ordinance 2006-021 by title only:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK PERTAINING TO THE CITY OF FRUITLAND PARK PERSONNEL POLICIES AND PROCEDURES MANUAL; AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL RELATING TO TRAVEL EXPENSE AND MILEAGE REIMBURSEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Whereupon, Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2006-021. The motion carried unanimously upon roll call with Commissioners Kelly, Martin, Mayor Bell and Commissioner Goldberg voting aye.

5. ADOPTED ON FIRST READING/ORDINANCE 2006-022 AMENDING CHAPTER 153 OF THE LAND DEVELOPMENT REGULATIONS RELATING TO TRANSPORTATION CONCURRENCY AND THE PROPORTIONATE FAIR SHARE PROGRAM. City Attorney Gerken read Ordinance 2006-022 by title only:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; AMENDING CHAPTER 153, SECTION 153.050 OF THE CITY OF FRUITLAND PARK LAND DEVELOPMENT REGULATIONS RELATING TO CONCURRENCY REVIEW PROCEDURES; RENUMBERING SECTION 153.050 AS 153.050(A); ADDING SECTION 153.050(B) RELATING TO TRANSPORTATION CONCURRENCY AND THE PROPORTIONATE FAIR SHARE PROGRAM; PROVIDING FOR CONFLICT WITH EXISTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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City Attorney Gerken stated the City must adopt the ordinance by December 1st. He stated the model ordinance was used and changed to fit into the Fruitland Park Code.

City Manager Bowers stated he didn't find a great deal to object to in the ordinance.

City Attorney Gerken agreed and recommended approval of the ordinance.

City Manager Bowers also recommended approval of the ordinance.

Whereas, Commissioner Goldberg moved and Commissioner Martin seconded to adopt Ordinance 2006-022. The motion carried unanimously upon roll call with Commissioner Martin, Mayor Bell, Commissioners Goldberg and Kelly voting aye.

Commissioner Kelly stated this is an example of people paying for past mistakes.

6. ADOPTED ON FIRST READING/ORDINANCE 2006-023 REZONING APPROXIMATELY 2.11 +/- ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF VALLEY ROAD AND SOUTH OF MILLER BOULEVARD FROM "R-3" (MULTI-FAMILY HIGH DENSITY RESIDENTIAL) TO "C-1" (NEIGHBORHOOD COMMERCIAL) – NORA J. HILL OWNER. City Attorney Gerken read Ordinance 2006-023 by title only:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING APPROXIMATELY 2.11 +/- ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF VALLEY ROAD AND SOUTH OF MILLER BOULEVARD FROM "R-3" (MULTI-FAMILY HIGH DENSITY RESIDENTIAL) TO "C-1" (NEIGHBORHOOD COMMERCIAL) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Clark's testimony was sworn into the record.

Attorney Gary Cooney, representing Nora Hill, stated this is a small parcel of property that they are requesting the City rezone to C-1. A Developer's Agreement will be provided that limits what they can do on the property. The zoning is the same as the property to the west. They are asking for professional uses. He stated there was a request regarding the parking area. The property slopes from the front to the back and the parking is in the back. The owner was asked to protect the neighbors and not allow the lights to shine in their yards. The owner has agreed to do this. He stated the wording of the ordinance is similar to the ordinance pertaining to the Summers' ordinance. The Developer's Agreement will be ready for the next meeting.

CDD Clark stated 34 notices were mailed to surrounding property owners. Seven were returned unopened. Two people called opposing the rezoning.

When asked the concerns of those opposing CDD Clark stated the impact on the neighbors. Mr. Sumner lives adjacent to the property and was concerned about the lighting.

Attorney Cooney stated they will shield the lighting from the residential area.

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Mayor Bell asked if Mr. Sumner was satisfied after discussion at the Planning & Zoning meeting.

CDD Clark stated yes.

There were comments regarding a recreation area in the Valley Subdivision. City Attorney Gerken explained the situation and stated the City stayed out of the private covenant issue.

Whereupon, Commission Kelly moved and Commissioner Martin seconded to adopt Ordinance 2006-023. The motion carried unanimously upon roll call with Mayor Bell, Commissioners Goldberg, Kelly and Martin voting aye.

7. ADOPTED ON FIRST READING/ORDINANCE 2006-024 AMENDING THE COMPREHENSIVE PLAN ASSIGNING A FUTURE LAND USE DESIGNATION OF "COMMERCIAL" TO APPROXIMATELY 2.11 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF VALLEY ROAD AND SOUTH OF MILLER BOULEVARD OWNED BY NORA J. HILL. City Attorney Gerken read Ordinance 2006-024 by title only:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT ASSIGNING A FUTURE LAND USE DESIGNATION OF "COMMERCIAL" ON THE FUTURE LAND USE MAP ELEMENT OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 2.11 +/- ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF VALLEY ROAD AND SOUTH OF MILLER BOULEVARD; PROVIDING FOR CONTINGENCIES; DIRECTING THE CITY CLERK TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Whereupon Commissioner Goldberg moved and Commissioner Martin seconded to accept Ordinance 2006-024. The motion carried unanimously upon roll call with Commissioners Goldberg, Kelly, Martin and Mayor Bell voting aye.

The Sign-In Sheet for the Comprehensive Plan Amendment is attached for the record.

8. ADOPTED ON FIRST READING/ORDINANCE 2006-025 ANNEXING APPROXIMATELY 18.78 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF LEWIS ROAD ON THE WEST SIDE OF CR468, REZONING THE PROPERTY FROM COUNTY "RP" (RESIDENTIAL-PROFESSIONAL) TO "R3-A" (MULTI-FAMILY HIGH DENSITY RESIDENTIAL) – 468 LLC OWNERS. City Attorney Gerken read Ordinance 2006-025 by title only:

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 ANNEXATION PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, BY INCLUDING WITHIN THE CITY APPROXIMATELY 18.78 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF LEWIS ROAD ON THE WEST SIDE OF CR 468; REZONING THE PROPERTY FROM COUNTY "RP"

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(RESIDENTIAL PROFESSIONAL) TO “R3-A” (MULTI-FAMILY HIGH DENSITY RESIDENTIAL) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

It was clarified that this is the O’Kelley property on 468.

City Attorney Gerken stated the owner has changed from Anita Valdez to 468, LLC so the ordinance will need to be changed. Also, the Developer’s Agreement needs to be completed.

Attorney Cooney, representing the owner, stated they are seeking R3-A zoning which allows for seven units to the acre. He stated the property is residential in the County and they allow seven units to the acre so they are not asking for more density than the County allows. He stated they want to develop in the City and they want sewer service. He stated Mr. O’Kelley wants to be a part of the City.

CDD Clark stated the zoning allows four units per acre without sewer and seven units per acre with sewer. She stated 17 notices were mailed to surrounding property owners. Three were returned unopened. Mr. James Thomas and Dr. Weber are opposed to the annexation. Mr. Thomas owns five acres and Dr. Weber owns 40 acres adjacent to the property.

There was brief discussion regarding the properties in the area and their zoning.

Commissioner Kelly stated they were looking at commercial in the area.

Mr. Rector stated the first time O’Kelley came to the City he wanted 15 units per acre and commercial. Commercial was the problem. Then he asked for 10 units per acre and now the application has been dropped to 7 units per acre with no commercial.

Attorney Cooney stated they will meet the Code and keep the densities down.

CDD Clark stated there are no buffer requirements between residential properties.

Mayor Bell stated the development fits with the City’s plans for the area.

Whereupon, Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2006-025 with the corrections (owner’s name). The motion carried unanimously upon roll call with Commissioners Kelly, Martin, Mayor Bell and Commissioner Goldberg voting aye.

9. REPORT ON PURCHASE OF BAUGH PROPERTY. City Attorney Gerken stated the closing on the Baugh property is scheduled for Monday at 11:00 a.m. The delay was due to the purchase of the additional acreage.

10. REPORT ON SCHOOL CONCURRENCY. City Attorney Gerken stated Leesburg wasn’t going to sign the interlocal for school concurrency but has approved it and passed a resolution expressing their concerns. He stated a list was provided today regarding the status of passage of the interlocal agreement. He stated eight entities have signed/approved the agreement. Four cities have it

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scheduled for consideration in November. Howey has tabled the agreement. Minneola has not adopted it but has requested a workshop with the School Board. Fruitland Park has a question mark next to it.

He stated School Board Attorney Steve Johnson has said there will be no chance to make changes to the agreement because every city would want to make changes and the agreement would never get signed. He stated the notion is that the School Board will control growth. The School Board says it is not their intent and they will work with the cities and the county. He stated some cities are passing a resolution along with the interlocal. He stated the more the City holds out the more political pressure we will get. He stated he could ask Attorney Steve Johnson to attend the next meeting.

Commissioner Kelly stated she does not want to talk to the attorney she wants an elected Board member.

Mr. Rector stated you don't need to allow the School Board to control growth. Their track record is horrendous. You, the Commission, is elected and you need to represent the residents of Fruitland Park.

City Attorney Gerken stated by law we have to pass the interlocal by 2008. The second issue is to adopt school concurrency via a Comprehensive Plan Amendment. Cities can address the issues with concurrency. There is an opt out provision, if we qualify.

Mayor Bell asked what happens if we adopt the interlocal and allow development to come into the City. What is the penalty?

City Attorney Gerken stated an amendment to the Comprehensive Plan has to be in place by 2008. We need to look at developments in the pipeline and determine who is subject to school concurrency. We need to look at whether or not the developments are vested. This can be addressed in development agreements. If developments in the pipeline are moving forward then they are not hit by school concurrency, i.e. the ones considered tonight.

Mr. Rector stated that money collected in our district should be spent in our district.

City Manager Bowers stated he has been pressing developments in the pipeline because they are going to be subject to concurrency. If the exemption exist we can use it. He has been pushing CDD Clark and the Commission because of the small window of opportunity.

CDD Clark stated the impact fees are going to be raised the first of the year. The County Impact Fee Coordinator has been told to get employees lined up for the fee increase and there will be no pre-payment.

Commissioner Kelly stated the impact fees collected should be placed in a trust account until we are ready to use them in our area.

City Attorney Gerken stated no, you can't do that. They are County fees.

Commissioner Kelly stated we need funding for schools but the funding needs to stay here.

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City Attorney Gerken stated that under proportionate share land donated should benefit the development.

Mayor Bell stated he would like the School Board to be invited to the December 14th meeting for discussion of school concurrency.

Mr. Rector suggested writing letters to the other cities who haven't signed the interlocal agreement.

City Manager Bowers stated DCA has overstepped their authority by not having Oversight Committee review. A letter is being sent to Tallahassee.

Commissioner Kelly stated since this is a Pilot Program can they get away with it?

City Manager Bowers stated DOT and DCA have not had the opportunity to discuss the definition part of school concurrency.

City Attorney Gerken stated the reason we are dealing with the School Board and County now is the Pilot Program.

City Manager Bowers stated if you can stand the heat, don't approve the interlocal.

City Attorney Gerken suggested asking Scott Strong, School Board Member, and the School Board Attorney to attend the commission meeting.

City Manager Bowers stated there is strong feelings in the State that DCA is exceeding their authority.

City Attorney Gerken stated he will invite the School Board to attend the December 14th meeting.

Mayor Bell asked if other cities are aware of the Florida League of Cities (FLC) meeting. He would like an abbreviated version and what took place at the FLC meeting forwarded to them by the City Manager.

11. APPROVED/CITY MANAGER TO CONTRACT AREA UTILITY COMPANIES REGARDING PURCHASING OF ACCOUNTS IN CITY LIMITS. City Manager Bowers stated we are getting requests for sewer from people in the City who are served by another utility. He would like to negotiate with the utility companies operating in the City to buy those accounts.

Commissioner Kelly asked if the City had the sewer capacity.

City Manager Bowers stated yes, the capacity is in our plans.

It was the consensus of the Commission for the City Manager and City Attorney to work together and contact the utility companies.

12. DISCUSSION OF SIDEWALK BIDS. City Manager Bowers stated he had provided the Commission with a list of sidewalk to put out for bid. If Commission members have other projects they would like to see bid to let him know.

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13. APPROVED/REQUEST FOR STATEMENT OF QUALIFICATIONS FOR ENGINEERING SERVICES. City Manager Bowers stated he has provided a Request for Statement of Qualifications for Engineering Services that he has previously used. He stated we need more than one engineering company available to the City. A lot of engineering firms are one-man operations. It would help the City to have several firms on board and specific projects could be given to them.

It was the consensus of the Commission to proceed in this manner and advertise for the Qualifications.

14. REPORT ON PHILLIPS INSTALLATION. City Manager Bowers stated Phillips should be fully operational. He stated John Bostic is shaking his head, yes, that they are.

Commissioner Kelly asked why did they have the wrong meter.

City Manager Bowers stated they bought it without asking the City and it is not a touch-read meter.

He stated the gravity lines are connected to the lift station. We have the electric lines and breakers installed. The system is 3-phase and our electrician will need to check the rotation and make sure that they won't be running backwards.

He stated there is a problem with water service and we are working on it.

15. REPORT ON GPU PROJECT. City Manager Bowers stated we have 83 GPUs installed, with power run to 8 units. When the Phillips station is energized today, we will have 9 ready for live testing and subsequent operation.

He stated seven of the installed units are in the State Park and they want to upgrade all of the electric services before they have us connect electricity to the GPUs. He stated they have to request a check from Tallahassee and it will take about six weeks to get it. He stated he is going to write a check for them and ask for reimbursement later.

He stated we are going back and correcting installations that originally were improperly located. Phillips connection will be the first serious user. Operational testing of GPUs in the surrounding area will be done. He anticipates a reasonable initial load within a couple of weeks. We will import some active cultures from other plants.

Commissioner Kelly asked when will be start billing.

City Manager Bowers stated today.

16. APPROVED/PREPARE AGREEMENT TO WORK WITH THE TOWN OF LADY LAKE ON THE PD&E STUDY FOR THE FRUITLAND PARK/LADY LAKE TRAIL. City Manager Bowers stated he and Gregg Tye met with City Manager Bill Vance of Lady Lake, an FDOT representation, and the Lake/Sumter MPO regarding the PD&E Study for the Fruitland Park/Lady Lake Trail.

At the meeting it was revealed that Lake County has expressed an unwillingness to assume responsibility for administering the PD&E Study for the trail, even though they asked for the funding. He stated the FDOT representative was visibly disturbed by the County's position, since they had appropriated \$200,000 for the study. He stated Bill Vance asked if it would be possible to have one

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city take the lead on the project, administratively, with the other being a full partner. The FDOT representative finally agreed to this possibility. He stated he told Bill Vance that Fruitland Park didn't have the staff available but he would recommend establishing an interlocal partnership with them to handle the administration.

If the Commission is comfortable with this arrangement for a full partnership he is asking for authorization to proceed with an agreement.

It was the consensus of the Commission for the City Manager to proceed in this manner and have an agreement drafted for approval.

17. TO BE PLACED ON NEXT AGENDA/TRANSPORT VAN FOR THE POLICE DEPARTMENT. City Manager Bowers stated he has provided a copy of a memorandum from Chief Isom regarding purchasing a transport van for the Police Department to transport prisoners to the County Jail. He stated he just wanted the Commission to be aware of the request and it can be discussed in two weeks, at the next meeting.

The cost of the vehicle is \$3,500. There were 63 arrests last month. The budget would have to be amended and some minor work done on the vehicle.

Chief Isom stated the engine is smaller and will not use more gas than a patrol car.

Mayor Bell asked if someone other than a police officer could drive the van.

Chief Isom stated it has to be a police officer or corrections officer. He stated we can only hold a person five hours in the Police Department. He stated Hometown Auto will donate the decals. The City will have to buy the radio and lights. The vehicle has 87,000 miles on it. It has been well taken care of.

City Manager Bowers asked why did the agency get rid of it.

Chief Isom stated because they replace their vehicles every five years.

Mayor Bell asked where will you get the money to purchase it.

Chief Isom stated the cost of the vehicle will have to come from the contingency account. He can buy the equipment from the forfeiture account.

Mr. Rector stated you don't need a van – you'll have the extra cost of insurance, etc.

Mayor Bell stated we will place the item on the next agenda for further discussion.

18. APPROVED/FRUITLAND PARK RESIDENT SCHOLARSHIP GUIDELINES. Mayor Bell stated we have been provided with guidelines for the Fruitland Park Resident Scholarship. He stated it is recommended that Lake Sumter decide who gets the scholarship because it takes away the politics. He asked if there were any changes to the guidelines.

It was the consensus of the Commission that the guidelines provided were acceptable.

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19. POSTPONED/MEETING TO CANVASS THE RESULTS OF THE REFERENDUM ON THE BALLOT. The Code provides that a special meeting be held the day after the election to canvass the returns.

City Attorney Gerken stated since we have no candidates, only a referendum, he felt the City could canvass the results at the regular meeting to be held on November 9th.

It was the consensus of the Commission to canvass the returns on November 9th.

20. CANCELLED/NOVEMBER 23 AND DECEMBER 28 REGULAR COMMISSION MEETINGS. Consideration was given to cancel the November 23rd and December 28th regular meetings due to the holidays.

Whereupon, Commissioner Goldberg moved and Commissioner Kelly seconded to cancel the November 23rd and December 28th meetings. The motion carried unanimously with all Commissioners voting aye.

21. CITIZEN'S COMMENTS REGARDING WASTE DISPOSAL CARTS. Mr. Rector asked if the City was going to carts and when would they be available.

He was advised the carts are in the proposed contract and the contract would be effective in January.

22. COMMENTS BY ATTORNEY LESLIE CAMPIONE REGARDING SCHOOL CONCURRENCY AND GATED COMMUNITIES. Attorney Leslie Campione stated she appreciates the comments made earlier in the meeting regarding School Concurrency. She is Umatilla's attorney and they plan to schedule a meeting with the School Board to discuss concurrency. She stated we need to join forces and hopefully get something accomplished.

Ms. Campione stated she would like to talk about gated communities. She is specifically talking about Myrtle Lake Breezes. This is a 32 lot subdivision with no connectivity. She would like to discuss gated communities in the future with the City. She requested the City consider allowing gated communities. She would like to be a part of the process when the Commission discusses gated communities. She would like to bring a proposal back to the Commission for Myrtle Lake Breezes.

23. COMMISSIONER KELLY'S REPORT ON THE LAKE-SUMTER METROPOLITAN PLANNING ORGANIZATION (MPO). Commissioner Kelly stated there was not a lot accomplished at the MPO meeting.

City Manager Bowers stated he saw Elaine Renick the incoming County Commissioner at the MPO meeting and realized that he knows her.

Commissioner Kelly stated the next meeting of the MPO is the last time she will get to vote because of the rotation. She stated she would like to request the MPO come up with guidelines as to when another city can get a vote; i.e. population or other criteria. She asked for approval of the Commission to make this request. It was the consensus of the Commission for Commissioner Kelly to pursue this request.

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24. COMMISSIONER MARTIN'S COMMENTS REGARDING OVERCHARGED PERMIT FEES BEING DONATED TO THE RECREATION DEPARTMENT AND STATUS OF FISHING PIER.

Commissioner Martin asked if the developers who were overcharged for permits had been contacted regarding donating the fees to the Recreation Department.

City Manager Bowers stated the audit has not been completed. As soon as that is done we will contact them.

Commissioner Martin stated the roof is not over the pier nor the lighting installed. Also, has the City checked on having the lake stocked with fish.

City Manager Bowers stated we will look at stocking it after it is completed. He stated solar powered circulators are available and they don't cost anything to operate after they are installed.

25. COMMISSIONER GOLDBERG'S COMMENTS. Commissioner Goldberg had no additional comments this evening.

26. MAYOR BELL'S COMMENTS REGARDING BOARD VACANCIES, GATED COMMUNITIES, AND DONATION FROM PRAYER GROUP.

Mayor Bell stated we have advertised board vacancies in the Fall Newsletter and on the water bills. Appointment will come up on a future agenda.

Mayor Bell stated the Commission needs to discuss gated communities. He stated he thought City Attorney Gerken had stated he had a model ordinance the City could review.

City Attorney Gerken stated he does have a model ordinance. It addresses vacating streets and privatizing roadways. It requires the HMO to assess people in the subdivision for maintenance of the common areas.

Mayor Bell stated we were previously told that gated communities splinters the community and takes away from the hometown feeling.

City Attorney Gerken stated you can put something in the LDRs such as where you don't want gated communities. Gated communities are market-driven and you probably won't have a lot of them. It is a privilege.

Commissioner Kelly stated they need to be approved individually. The City shouldn't totally restrict them from being in the City. Some people feel secure with gates.

Mayor Bell stated this is an issue facing us. Gated communities may fit in however for now he is opposed to breaking up the community.

Commissioner Kelly stated some elderly people feel safer in a gated community.

Mayor Bell stated we will look at the ordinance at the next meeting.

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Mayor Bell stated the Prayer Group that has been using the Community Room has sent a thank you note and cash donation in the amount of \$60 to help defray the cost of utilities. After brief discussion it was the consensus of the Commission to place the donation in the Utility Charity Account.

27. ADJOURNMENT. There being no further business to discuss, Commissioner Goldberg moved to adjourn. The meeting adjourned at 9:00 p.m.

Christopher J. Bell, Mayor

Attest:

Linda S. Rodrick, CMC, City Clerk