

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES  
OCTOBER 8, 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, October 8, 2009 beginning at 7:04 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Walter Martin of the Trinity Assembly of God 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., Vice Mayor Sharon Kelly, Mayor Christopher J. Bell. Commissioner Darrel Martin was excused.

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, City Treasurer (CT) Elizabeth Palmer, and City Clerk (CC) Diane Gibson Smith.

01. APPROVED THE CONSENT AGENDA. Mayor Bell presented the Consent Agenda for approval.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to approve the Consent Agenda as presented. The motion carried unanimously with all Commission Members voting aye.

Approved were: Minutes of the September 24, 2009 LPA meeting and Minutes of the September 24, 2009 City Commission meeting.

02. AGENDA UPDATE – Mayor Bell stated he received notice that ATS wishes to table to contract and the companion Ordinance 2009-011 until the November 12, 2009 City Commission Meeting.

Commissioner Gunter moved and Vice Mayor Kelly seconded to table Ordinance 2009-011 and the corresponding contract until the November 12, 2009 City Commission meeting. The motion carried unanimously with all the commissioners voting aye.

CA Gerken reminded everyone of the Closed Session to take place immediately after the regular meeting.

03. PUBLIC HEARING

a. **ORDINANCE 2009-011 TABLED UNTIL NOVEMBER 12, 2009.**

b. **ADOPTED ORDINANCE 2009-007 REZONING APPROXIMATELY 0.25 ACRES LOCATED AT 115 SOUTH VILLA AVENUE FROM “R-P” (RESIDENTIAL PROFESSIONAL) TO “PFD” (PUBLIC FACILITIES DISTRICT)** CA Gerken read Ordinance 2009-007 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND  
PARK, FLORIDA, REZONING APPROXIMATELY 0.25± ACRES OF PROPERTY

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GENERALLY LOCATED AT 115 SOUTH VILLA AVENUE FROM "R-P" (RESIDENTIAL PROFESSIONAL) TO "PFD" (PUBLIC FACILITIES DISTRICT) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor Kelly moved and Commissioner Gunter seconded to adopt Ordinance 2009-007. The motion carried unanimously with Vice Mayor Kelly, Mayor Bell, Commissioner Goldberg, and Commissioner Gunter all voting aye.

c. **ADOPTED ORDINANCE 2009-06 AMENDING THE COMPREHENSIVE PLAN FOR APPROXIMATELY .25 ACRES FOR NEW LIFE PRESBYTERIAN CHURCH.**

CA Gerken read Ordinance 2009-006 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AMENDING THE LAND USE DESIGNATION FROM CITY OF FRUITLAND PARK "MIXED COMMUNITY" TO "INSTITUTIONAL" ON THE FUTURE LAND USE MAP ELEMENT OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 0.25+/-ACRES OF PROPERTY GENERALLY KNOWN AS THE NEW LIFE PRESBYTERIAN CHURCH OR TREEN PROPERTY AND LOCATED AT 115 S. VILLA AVENUE IN LAKE COUNTY; PROVIDING FOR CONDITIONS AND 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.

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

Commissioner Goldberg moved and Commissioner Gunter seconded to adopt Ordinance 2009-006. The motion carried unanimously with Mayor Bell, Commissioner Goldberg, Commissioner Gunter, and Vice Mayor Kelly all voting aye.

04. CITY ATTORNEY'S REPORT - none

05. CITY MANAGER'S REPORT

a. CM Bowers stated the Florida League of Cities has decreased many fees by 10%.

b. CM Bowers stated he has been working diligently on getting fire safety to Smart Fuels. He noted there is a possibility of support from the County. CM Bowers stated he met with Linda Stewart about this and she was enthusiastic about this business. CM Bowers stated the project will probably be the model standard for the State of Florida for this type of business.

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Commissioner Gunter stated he is more concerned with chemical spills and contamination of wells. PSD Isom and CM Bowers stated Smart Fuels has met EPA standards for possible contamination.

06. NEW BUSINESS

a. **APPROVED BESH MODELING CONTRACT** CM Bowers stated we will be receiving a big model for a small fee. CA Gerken noted item 3 B (Liability clause) needs to be removed; BESH is aware of this change and approves.

Vice Mayor Kelly moved and Commissioner Gunter seconded to approve the BESH contract with item 3 B removed. The motion carried unanimously with all commissioners voting aye.

b. **AUTHORIZED CM BOWERS TO APPROVE AN AMENDMENT TO FRUITLAND PARK, LLC UTILITY AGREEMENT.** – Mr. Randolph J. Rush, attorney representing Fruitland Park LLC, stated the developer doesn't need the capacity and would like to release the capacity back to the City. The City would give the developer credit for the first phase (already paid for) to be used to offset impact fees or pay for capacity if needed within the next 10 years. The off-site improvements will be given to the City free of any liens.

CA Gerken stated the City gets the capacity back and the developer doesn't have to pay the remaining money due. CM Bowers stated we will have our engineer do the testing on the installation and will just need a release for the letter of credit from Fruitland Park LLC.

CA Gerken stated he has an amendment that can be brought forward that releases the capacity reservation, releases them from the second payment, and provides giving the off-site infrastructure to the City free of any liens.

Vice Mayor Kelly questioned if a plat is in place and if the developer still owns the property. CDD Newman stated there is no plat in place. Mr. Rush stated the developer still owns the property. There is nothing planned on the horizon for the property.

Commissioner Gunter moved and Vice Mayor Kelly seconded to authorize the City Manager to execute an amendment to the utility agreement. The motion carried unanimously with all commissioners voting aye.

c. **ADOPTED RESOLUTION 2009-028 AUTHORIZING A BUDGET AMENDMENT TO APPROPRIATE \$1800 DONATION FROM WAL-MART TO POLICE AND FIRE DEPARTMENT SUPPLIES** CA Gerken read Resolution 2009-028 by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2009-2010 FISCAL YEAR TO APPROPRIATE AN \$1800 DONATION FROM WAL-MART TO THE LAW ENFORCEMENT SUPPLIES AND FIRE DEPARTMENT SUPPLIES, PROVIDING FOR THE AMENDMENT OF THE 2009-2010 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to adopt Resolution 2009-028. The motion carried unanimously with Commissioner Goldberg, Commissioner Gunter, Vice Mayor Kelly, and Mayor Bell all voting aye.

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d. **APPROVED CANCELLING THE CITY COMMISSION MEETINGS FOR NOVEMBER 26, 2009 AND DECEMBER 24, 2009.** The Commission approved canceling these two meetings due to the holidays.

07. CITIZENS' COMMENTS

a. Lowell Mishoe questioned if new subdivisions were required to install reuse water lines. CA Gerken stated they are required to put in the lines.

08. COMMISSIONERS' COMMENTS

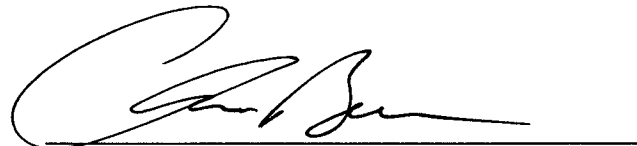
a. Vice Mayor Kelly – questioned if anyone was attending the meeting October 13<sup>th</sup> on the Public Records and Ethics Law. No one is attending. Vice Mayor Kelly questioned who would be attending the November Florida League of Cities Conference in Orlando. CM Bowers stated he will be attending and will talk to Vice Mayor Kelly about this. Vice Mayor Kelly stated Wednesday she and City Manager Bowers went for a bus ride on the Lake Express. They went all around Mt. Dora and talked about building shelters. Vice Mayor Kelly stated transfer stations should be buildings not shelters.

b. Commissioner Gunter - none

c. Commissioner Goldberg - none

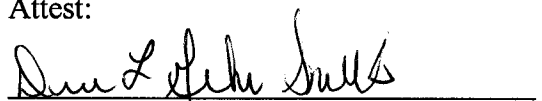
09. MAYOR BELL'S COMMENTS. Mayor Bell thanked everyone for their kind thoughts during this difficult time.

10. ADJOURNMENT. There being no further business to discuss, Commissioner Goldberg moved to adjourn the regular meeting. The regular meeting adjourned at 7:45 p.m. and the Commission went into a Closed Session. The Closed Session opened at 7:50 p.m. The Closed Session adjourned at 8:15 p.m.



Christopher J. Bell, Mayor

Attest:

  
Diane L. Gibson Smith, CMC, City Clerk