

Summary

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

September 27, 2012

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, September 27, 2012 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 Commissioner Kelly.

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 Albert O. Goldberg, Vice Mayor Jim Richardson, Mayor Christopher J. Bell

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager (CM) Ralph Bowers, Police Chief (PC) Terry Isaacs, Assistant Police Chief (APC) David Borst, City Treasurer (CT) Jeannine Racine Michaud, Community Development Director (CDD) Charlie Rector, Recreation Director (RD) Sherry Bechtel, and City Clerk (CC) Diane Gibson Smith.

Mayor Bell introduced Representative H. Marlene O'Toole, Lake County Commissioner Welton Cadwell, Lake County Public Works Director Jim Stivender, Lake County Recreation Director Bobby Bonilla, and newly elected Lake County Commissioner Tim Sullivan.

01. HEARD PRESENTATION BY LAKE COUNTY OFFICIALS REGARDING CR466A AND NORTH WEST LAKE COMMUNITY PARK.

Jim Stivender gave a presentation on CR466A. He stated Lake County would like to phase this project with the first phase being from Fruitland Park Elementary School to US Highway 27/441. So far 13.37 acres of right-of-way has been secured, 16.8 acres are still to be secured, and 10.45 acres are currently under contract. An additional \$7 M is needed for the right-of-way purchases. Some parcels have businesses on them so there will be business damages as well as the cost of the right-of-way. Copies of the up-to-date design are available for review.

Mr. Stivender stated staff at Lake County wants to know that this is Fruitland Park's priority area. They are requesting a commitment letter in the near future.

Commissioner Gunter questioned why Phase 1a goes all the way to the school. Mr. Stivender noted this is mainly due to the needed turning lanes at the intersection with Dixie.

Commissioner Kelly noted the \$5.6 M was a matching grant. She thought it was from the State. Mr. Stivender stated the \$5 M was moved from CR466.

Commissioner Kelly questioned the posts on the corner of Thomas and Urick. Mr. Stivender stated a signal light is being put in as it is warranted.

Lake County Recreation Director Bobby Bonilla stated they have been working on a Parks Master Plan. The Master Plan now includes the proposed North West Lake Community Park (9/11) in Fruitland Park. Lake County staff is proceeding with conceptual plans for

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this park. The conceptual plan will be brought forward soon. Part of the Master Plan includes looking to bank land with some funds. Parks can be easily phased.

02. PUBLIC HEARINGS

a.) Adopted Resolution 2012-042 approving the Final Millage Rate for FY 2012/13. CA Gerken read Resolution 2012-042, by title only, as follows:

A resolution of the city of Fruitland Park, Lake County, Florida, adopting the final levying of ad valorem taxes for the city of Fruitland Park for Fiscal Year 2012-2013; providing for an effective date.

CA Gerken stated the resolution states the millage rate as 4.6442 mills.

Mayor Bell discussed the percentage increase in millage over the current year rolled back rate is 0% with the final millage set at 4.6442 mills.

Mayor Bell announced even though there is no increase in the ad valorem tax revenues, the City of Fruitland Park has still seen an increase in personal services and operating costs, and a reduction in property values.

Mayor Bell requested public comment regarding the proposed increase. There were no comments.

Mayor Bell again announced even though there is no increase in the ad valorem tax revenues, the City of Fruitland Park has still seen an increase in personal services and operating costs, and a reduction in property values.

Mayor Bell announced the City of Fruitland Park is the taxing authority, the current year rolled-back rate is 4.6442, and the percentage increase over the rolled-back rate is 0% for the final millage of 4.6442 mills.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Resolution 2012-042.

Commissioner Gunter stated, as noted at the last meeting, 4.6 is the statewide average millage. Fruitland Park is right in line with the State. In Lake County, we are ranked 11th out of 14 cities.

Vice Mayor Richardson stated while this is a 0% increase in ad valorem, it is a 7.3% increase in the millage rate. This will mainly affect those with the Save Our Homes benefit.

Mayor Bell stated the best we can do is to average it out across the board.

The roll call vote was as follows:

Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye

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Commissioner Gunter	Aye
Vice Mayor Richardson	Nay

The motion passed with four ayes and one nay.

b) Adopted Resolution 2012-043 approving the final budget for the Fiscal Year 2012/2013. CA Gerken read Resolution 2012-043, by title only, as follows:

A resolution of the city of Fruitland Park, Lake County, Florida, adopting the final budget for Fiscal Year 2012-2013; providing for an effective date.

Mayor Bell requested public comment.

Public Comments

- 1) Rick Ranize stated he attended the Budget Workshops where Vice Mayor Richardson questioned the \$100,000 placed in the budget by CM Bowers. CM Bowers has not answered Vice Mayor Richardson. CM Bowers does state the \$100,000 will not be spent if it is not received. Mr. Ranize noted CM Bowers has stated he works for the entire Commission so he considers he does not need to answer Vice Mayor Richardson. Mr. Ranize stated he considers that insubordination. Mr. Ranize asked what will be cut from the budget if \$100,000 needs to be cut.

CM Bowers stated he is not prepared to answer. It would need to be cut from capital projects to be determined at a later time. Those cuts are not his call. This would be presented to be decided upon. CM Bowers stated he does not operate independent of this board, but does operate under majority vote.

- 2) Ken Preston , owner of Ace Hardware, questioned the propane tax. He noted he meant to be here early in the process to discuss this. He stated the tax is a big hit. The propane tax is a 10% tax on sales, not on profit.

Mayor Bell stated the Commission did discuss this at the workshop. Mayor Bell questioned where the next closest bulk filling station is located.

Michael Howard stated there are 3 in Leesburg and 2 in Lady Lake.

Mike Slater stated most of his business comes from Lady Lake.

Mayor Bell questioned the amount of income we receive from this tax. CT Michaud stated approximately \$8,600.

CM Bowers stated there is a concept called market resistance. He stated he believes they would do more business if we forego that \$8,500 and take the funds out of reserves. The decision was to take this from reserves

Commissioner Goldberg moved and Commissioner Gunter seconded to adopt Resolution 2012-043 and remove the line item for the propane tax.

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Vice Mayor Richardson stated he still has a problem with the \$100,000. Vice Mayor Richardson stated we are entitled to know where that money came from. That money was just invented. Was originally for Fruitland Estates impact fees, but they prepaid the impact fees. Vice Mayor Richardson stated he doesn't understand why the Commission is not being allowed to know where the money is coming from. He stated he would prefer to make qualified decisions instead of WAGS. That is exactly what this is. There is no reason to invent income to balance the budget.

The roll call vote was as follows:

Vice Mayor Richardson	Nay
Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye

The motion passed with four ayes and one nay.

c) Adopted Ordinance 2012-027 annexing in approximately 16 acres on Lake Ella Road.
CA Gerken read Ordinance 2012-027, by title only, as follows:

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 procedure set forth in Section 171.044, Florida Statutes, by including within the city approximately +/- 16 acres of property generally located at 02622 and 02626 Lake Ella Road; rezoning the property from Lake County "A" (Agricultural) 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 (alt keys 1504520, 3360184).

CA Gerken noted the wording regarding the non-conforming use has been "lawyered."

Mayor Bell requested public comments. There were none.

Vice Mayor Richardson moved and Commissioner Kelly seconded the motion to adopt Ordinance 2012-027.

The roll call vote was as follows:

Commissioner Gunter	Aye
Vice Mayor Richardson	Aye
Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye

The motion carried unanimously.

d) Tabled Ordinance 2012-030 until October 11, 2012. CA Gerken stated this is still being worked on so will need to be tabled until the next meeting. The moratorium runs

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out on Sunday. This will allow the business owners who were present at the last meeting to go ahead and transfer their ownership as the buyer is aware of possible regulations.

CDD Rector stated Mr. Fagle is present and has been made aware of the moratorium expiring allowing him to possibly sell his business.

Commissioner Goldberg suggested checking with the other cities to see if they are addressing the armed guard portion.

Commissioner Kelly moved and Commissioner Goldberg seconded to table Ordinance 2012-030 until the October 11, 2012 meeting. The motion carried with all Commissioners voting aye.

e) Pulled Ordinance 2011-014 regarding cross connections. CA Gerken stated the request is to pull this ordinance and bring back once a new Public Works Director is in place. CDD Rector discussed the reasons he would like this pulled.

Vice Mayor Richardson questioned how things will be tracked. CDD Rector stated that was part of the problem with the proposed ordinance.

Commissioner Kelly moved and Commissioner Gunter seconded to pull Ordinance 2011-014. The motion carried with all Commissioners voting aye.

03. CONSENT AGENDA. Mayor Bell presented the consent agenda for consideration.

Vice Mayor Richardson requested the summary minutes be pulled. He questioned who decided to have summary minutes as well as action minutes. Vice Mayor Richardson noted at the August 6th meeting, the decision was made to go to action minutes.

Mayor Bell and several Commissioners noted, at the last meeting, the decision was made to continue doing both action and summary minutes for a few months.

Commissioner Gunter moved and Commissioner Kelly seconded to accept both the action and the summary minutes for September 13, 2012. The motion carried with a voice vote of 4 ayes. Vice Mayor Richardson voted nay.

04. HEARD CITY TREASURER'S REPORT FOR THE PERIOD THROUGH AUGUST 31, 2012. CT Michaud reported revenues are still exceeding expenses. All of the expected ad valorem payments have been received for the year. The only department over in expenses is Other General Government and Parks & Maintenance. Both are expected to end up the year okay. The General Fund contingency fund should end the year with \$26,000.

05. CITY ATTORNEY'S REPORT -

a) CA Gerken stated Lake County approved an agreement with Pine Ridge Dairy for right-of-way purchase which is a big portion of the western phase of the CR466a project. This should close soon.

b) Wicks litigation - CA Gerken stated we have a trial date for 2/2013. Witness lists are being exchanged. A formal offer to settle was made and allowed to expire about a year

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ago. Our attorneys advise us to renew that offer. After discussion, the consensus was to go ahead and renew that offer.

06. CITY MANAGER'S REPORT

- a) CM Bowers announced Victoria Ave sidewalk is complete.
- b) CM Bowers stated we received the CDBG closeout except for audit. Mayor Bell suggested inviting Fred Fox to a future meeting.
- c) CM Bowers stated we received a public records request invoice from our Labor Attorney. Almost the entire invoice is for Vice Mayor Richardson's record request.

CA Gerken stated there is no requirement that the City charge anyone for any record requests. Florida Statutes do allow a city to charge the requestor for excessive costs associated with records requests. We can ask our labor attorney to request to reduce this. In the future, we can when give estimates ask the requestor to sign. CA Gerken suggested to not charge the requestor.

Vice Mayor Richardson reviewed several questions regarding the invoice such as why there were four calls and how FMLA comes into play.

Mayor Bell suggested the Commission have the City Manager request the bill to be lowered.

CM Bowers stated he will ask the labor attorney to reconsider the amount and then pay the bill.

CM Bowers stated we need to consider a consistent policy on whether to charge or not.

CA Gerken stated, as a courtesy to the City, he will talk to the labor attorney regarding these charges.

- d) CM Bowers stated we need to discuss where the next CDBG activity will take place.

07. INTRODUCTION OF ORDINANCE

- a) Approved first reading of Ordinance 2012-031 increasing the water rates by the CPI.
CA Gerken read Ordinance 2012-031, by title only, as follows:

An ordinance of the City Commission of the city of Fruitland Park, Florida, amending Chapter 50, Section 50.30(a), (b), (d), and Chapter 99, Section 99.60(b) (d) and (g) of the Code of Ordinances to provide for an increase in water rates; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in the Code of Ordinances; providing for an effective date.

CA Gerken stated this has a CPI increase to the water rates that is 2.9% and no increase in sewer rates.

Commissioner Kelly moved and Commissioner Goldberg seconded to approve Ordinance 2012-031.

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Commissioner Gunter stated he will complain about this increase due to the increase proposed by City of Leesburg for utilities.

Mayor Bell stated, in the past when we did not go with the CPI, we have had to do bigger increases to catch up.

The roll call vote was as follows:

Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Nay

The motion carried with 4 ayes and one nay by Vice Mayor Richardson.

06. NEW BUSINESS

a) Adopted Resolution 2012-044 amending the budget by \$1,000 for the emergency repair of Fire Department Vehicle E-56. CA Gerken read Resolution 2012-044, by title only, as follows:

A resolution of the City Commission of the city of Fruitland Park, Florida, amending the budget by \$1,000 for the emergency repair of Fire Department vehicle E-56, providing for the amendment of the 2011-2012 budget; providing for an effective date.

Vice Mayor Richardson moved and Commissioner Goldberg seconded to adopt Resolution 2012-044. The roll call vote was as follows:

Vice Mayor Richardson	Aye
Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye

The motion carried unanimously.

b) Adopted Resolution 2012-045 appointing Diane L. Gibson Smith as City Clerk for the period from 10/1/12 through 9/30/13. CA Gerken read Resolution 2012-045, by title only, as follows:

A resolution of the City Commission of the city of Fruitland Park, Florida, appointing a City Clerk, providing for the term of office; providing for an effective date.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Resolution 2012-045. The roll call vote was as follows:

Commissioner Gunter	Aye
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Vice Mayor Richardson	Nay
Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye

The motion carried with 4 ayes and one nay by Vice Mayor Richardson.

c) Adopted Resolution 2012-046 appointing Scott A. Gerken as City Attorney for the period from 10/1/12 through 9/30/13. CA Gerken read Resolution 2012-046, by title only, as follows:

A resolution of the City Commission of the city of Fruitland Park, Florida, appointing a City Attorney, providing for the term of office; providing for an effective date.

Commissioner Goldberg moved and Commissioner Gunter seconded to adopt Resolution 2012-046. The roll call vote was as follows:

Commissioner Kelly	Nay
Commissioner Gunter	Aye
Vice Mayor Richardson	Aye
Mayor Bell	Aye
Commissioner Goldberg	Aye

The motion carried with 4 ayes and one nay by Commissioner Kelly

d) Adopted Resolution 2012-047 appointing Jeannine Racine Michaud as City Treasurer for the period from 10/1/12 through 9/30/13.

A resolution of the City Commission of the city of Fruitland Park, Florida, appointing a City Treasurer, providing for the term of office; providing for an effective date.

Vice Mayor Richardson moved and Commissioner Goldberg seconded to adopt Resolution 2012-047. The roll call vote was as follows:

Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Aye
Mayor Bell	Aye

The motion carried unanimously.

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e) Approved reappointment of Judy Mishoe and Dwight Stoffel to Code Enforcement Board and John Schaller and Dan Dicus to the Planning Board.

Commissioner Goldberg moved and Commissioner Kelly seconded to reappoint Judy Mishoe and Dwight Stoffel to the Code Enforcement Board. The motion carried with all Commissioners voting aye.

Commissioner Kelly moved and Commissioner Goldberg seconded to reappoint John Schaller and Dan Dicus to the Planning Board. The motion carried with all Commissioners voting aye.

07. CITIZENS' COMMENTS -

Mike Howard, candidate, stated he believes the Commission should take consideration of the partial widening of CR466a. Mr. Howard stated someone brought to his attention that there is very little etiquette when it comes to signage. He noted he believes one place in the city that is quite sacred – the City cemetery should be off limit to political signs. He asked everyone to take it upon themselves to remove those signs.

08. COMMISSIONERS' COMMENTS

a) Vice Mayor Richardson – stated we talked about doing a meet and greet for candidates. He has reserved the Casino for 10/18 at 7:00 p.m. He noted it would be nice to have each candidate come and speak for three minutes and then have a question time.

Mayor Bell stated, if you are putting out the invitation, anyone who feels like doing it should just show up.

Vice Mayor Richardson stated at the last meeting, things got out of hand regarding the golf carts. He noted we did not vote to decide which roads the golf carts will drive on. This needs to be brought back for discussion. He stated he received a call from a citizen complaining about a person drinking in an unregistered golf cart.

He stated he received a call from a senior yesterday about candidate who attended the Senior Social hosted by the City. He noted the City Manager asked the candidate to get up and speak which the candidate did not do. Vice Mayor Richardson stated campaigning is not supposed to happen in City buildings. CC Gibson Smith stated this was cleared by Jerry Foster of Emogene Stegall's office in advance.

Vice Mayor Richardson questioned if everyone received the audio of the Commissioner Kelly complaint. He would like to hear Ms. Kelly's thoughts. Vice Mayor Richardson stated the Code of Ethics was put in place without a way to bring items forward.

b) Commissioner Gunter – stated he was here Monday night on a board to interview 6 firemen for 3 Lieutenant positions. He noted all 6 were well qualified. He stated he is satisfied with the training being done in the Fire department.

c) Commissioner Kelly – stated she did listen to the complaint tape. She stated she wrote her a letter of apology. She then heard the complainant said she did not want anything else done. She was happy with what was done. PC Isaacs explained the full story.

d) Commissioner Goldberg - none

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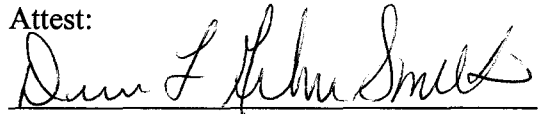
09. MAYOR BELL'S COMMENTS. Mayor Bell stated it was nice of the County Commissioner Welton Cadwell to stop by – he has shown great interest in Fruitland Park. Lake County is being very aggressive with the parks trying to get the Master Plan done. The park being looked at here will be at the Baugh property with the big building. This will be not only a recreation boost, but also an economic boost to Fruitland Park. There is a lot of pressure for these funds. We are fighting forces within the County who want to move the funds south. CM Bowers basically took the reins on splitting off the first phase of CR466a. He deserves the credit.

10. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn the regular meeting. The meeting adjourned at 9:14 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk