

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
September 13, 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 13, 2012 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Commissioner John Gunter delivered the invocation followed by the Pledge of Allegiance led by Commissioner 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 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, City Treasurer (CT) Jeannine Racine Michaud, Community Development Director (CDD) Charlie Rector, Recreation Director (RD) Sherry Bechtel, and City Clerk (CC) Diane Gibson Smith.

01. Public Hearing

Mayor Bell discussed the percentage increase in the tentative millage over the rolled-back rate which will be necessary to fund the budget. He stated the percentage increase in the millage over the current year rolled back rate is 0% with the tentative millage set at 4.6442 mills.

Mayor Bell further discussed the specific purposes for which the ad valorem tax revenues are being increased by 0%. He stated 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 comments regarding the proposed increase. There were none.

Mayor Bell explained the reasons for using the rolled-back rate. Mayor Bell again stated that even though there is no increase in the ad valorem tax, personal services have increased, operating costs have increased, and we have seen 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 tentative millage of 4.6442 mills.

- a) Adopted Resolution 2012-037 adopting the tentative millage rate of 4.6442 mills for the 2012/2013 Fiscal Year. CA Gerken read by title only:

**A RESOLUTION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY,
FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM
TAXES FOR THE CITY OF FRUITLAND PARK FOR FISCAL YEAR 2011-
2012; PROVIDING FOR AN EFFECTIVE DATE.**

CA Gerken noted the millage being requested is 4.6442 mills.

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Commissioner Kelly moved and Commissioner Gunter seconded to adopt Resolution 2012-037.

Commissioner Gunter stated there are 411 cities that send in tax and millage rate reports to Florida League of Cities; Fruitland Park is number 205. A millage of 4.60 is the statewide average, so Fruitland Park is right in the middle. Commissioner Gunter noted Mascotte is number 4 and Howey-in-the-Hills is number 32.

Vice Mayor Richardson stated people who have the Save Our Homes Benefits will see taxes go up. The people with newer homes have had values drop and will see taxes go down.

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 a vote of 4 to 1.

- b) Adopted Resolution 2012-038 adopting the tentative budget of \$5,374,615.46 for the 2012/2013 Fiscal Year. CA Gerken read by title only:

**A RESOLUTION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY,
FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR
2012-2013; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Kelly moved and Commissioner Goldberg seconded the motion to adopt Resolution 2012-038.

Mayor Bell opened the floor for discussion

Commissioner Gunter requested the budget amount. CA Gerken read the amount as \$5,374,615.46.

Commissioner Gunter questioned how much less this budget is than last year's. CT Michaud stated it is approximately \$200,000.

Vice Mayor Richardson noted his only concern is the \$100,000 being transferred from Utility. The label has been changed and the City Manager has said the money is coming because there is some other project which he won't disclose. Vice Mayor Richardson noted he can't vote for something that has \$100,000 in revenue that doesn't have a chance of coming in. He stated he knows the other revenues are predicted – we know we are going to get the ad valorem. We don't know what this one is and he would like to know before he votes.

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Mayor Bell stated the budget workshops were a couple of weeks back and he would have liked to have seen where everyone had come in and gotten their questions asked before now.

Vice Mayor Richardson stated he asked at the budget workshops. Mayor Bell stated it was noted that if the revenue doesn't come in, then it wouldn't be spent.

Vice Mayor Richardson stated he did not feel it was unreasonable to ask what is the project.

CA Gerken noted this is a Public Hearing.

Mayor Bell opened the floor for public comment. There was none.

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 carried with a vote of 4 to 1.

04. Proclamation

- a) Mayor Bell read a proclamation showing continued support for the Lake Community Action Agency, Inc. by reading the proclamation in its entirety.

05. Approved moving forward with the acceptance of credit card and debit cards.

CT Michaud presented information regarding credit card/debit card acceptance. She noted she recommends using 2 different companies – one for walk-ins and one for on-line payments. (Copy of the presentation is attached.)

- a) In-house collection – can be set up quickly. Requires clerks to sign onto a secure website. Service fee is charged to customer and shows up as a separate charge on their statement. System does not interact with MUNIS so will require the clerks to update MUNIS.
- b) On-line/telephone payments – sliding scale service charge. Do provide an upload for MUNIS to apply the payment. Payments would be accepted until 8:00 a.m. the day after the due date.
- c) MUNIS also has a module that can be used, but this is very expensive.

CT Michaud recommended using in-house collection with Civi-Tek and on-line/telephone payments with another company.

Mayor Bell stated he was not sure how many people would use the on-line. He noted he is okay as long as the fees are well advertised. CT Michaud noted the fees need to be accepted before the charge is made.

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Vice Mayor Richardson moved to approve the City Treasurer's recommendation as long as the set-up fee for the on-line/telephone payment service is free. Commissioner Gunter seconded the motion. The motion carried with all Commissioners voting aye.

06. Consent Agenda

Mayor Bell presented the Consent Agenda for approval.

- a) Minutes of the August 6, 2012 CRA meeting
- b) Minutes of the August 6, 2012 regular meeting (action and regular versions)
- c) Minutes of the August 6, 2012 Budget workshop
- d) Minutes of the August 7, 2012 Budget workshop

Commissioner Gunter moved and Commissioner Kelly seconded to approve the Consent Agenda as presented. The motion carried with all Commissioners voting aye.

Mayor Bell stated he feels we give up historic value in the minutes when we go to action minutes. He noted he did not see a lot of difference. He questioned each Commissioner on whether they would like to continue with action or regular minutes.

Commissioner Gunter – continue with both for a couple more months.

Commissioner Kelly – prefer regular minutes; leaves too much out.

Vice Mayor Richardson – if don't put in intent then minutes are biased. Action minutes are not biased.

Commissioner Goldberg – either way is okay.

07. Heard City Treasurer's reports for period ending July 31, 2012.

CT Michaud reviewed the July 31st report. She noted revenues still exceed expenditures. She stated the Utility Department is probably going to maintain its \$72,000 retained earnings this year as revenue is over expenditures.

Mayor Bell asked if we try to get people to donate to the charity account. CT Michaud noted when we ask, more people tend to request help.

08. City Attorney's Report

- a) Accepted settlement of \$1025.20 for Joel Chandler lawsuit. CA Gerken reviewed the details of the lawsuit. He noted the settlement is for attorney's fees. The heart of the lawsuit is that we asked for a records request in email format and would not accept a verbal request. Verbal requests are acceptable. CA Gerken stated he recommends paying the settlement.

Vice Mayor Richardson requested a memo go out directly to all employees to send any record request to the City Clerk's office. CM Bowers stated he would write the memo.

Commissioner Kelly moved and Vice Mayor Richardson seconded to accept the settlement amount of \$1025.20. The motion carried with all Commissioners voting aye.

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- b) CA Gerken distributed and reviewed a memo on the clarification of donations, etc. by candidates. He noted the law is very clear that you can make contributions, etc. as long as not made in return for their support (i.e. buying votes).
- c) Commissioner Gunter questioned if CA Gerken knew anything about Halie Weber and her quest to get cities and counties to support her spay and neuter program. CA Gerken stated he was surprised that she had not been to Fruitland Park. Other cities have done proclamations supporting her. CC Gibson Smith will draft a letter for the Mayor to sign supporting her program.

09. City Manager's Report

- a) North Valley Road Stormwater Project update –CM Bowers stated he received information today at 3:30 so will postpone this until the next agenda.
- b) Miscellaneous
 - 1) Vice Mayor Richardson stated CM Bowers wrote a memo about blogs in the paper regarding the article about John Gunter's family. Vice Mayor Richardson stated he was not sure about the comment regarding the police cars – CM Bowers stated he made a mistake as that was what was told to him.
 - 2) CM Bowers stated the Police Chief had a complaint about a City Commissioner. The Police Chief investigated it and reviewed it with appropriate authorities, and determined there was no criminal wrongdoing.

Vice Mayor Richardson stated there was no criminal activity but it violates our recently adopted Code of Ethics.

Commissioner Kelly explained about what she had spoken to the person.

PC Isaacs reviewed the incident as told to him by the complainant. He noted he recorded the conversation. PC Isaacs stated contact information was received through public records from Building and Zoning. He also noted all the information Commissioner Kelly requested could have been retrieved through public records.

After a slightly heated discussion between the City Manager and Vice Mayor Richardson, Vice Mayor Richardson requested to bring the item back to the next meeting.

10. Introduction/first reading of Ordinances

- a) Approved first reading of Ordinance 2012-027 annexing in approximately 16 acres on Lake Ella Road. CA 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

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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 swore in CDD Rector. CDD Rector stated Mr. and Mrs. Vathroder requested to annex 2 parcels on Lake Ella Road. He reviewed the conditions being requested by the applicants. They include leaving as homestead and allowing horses and a business as long as it stays in the immediate family. If mobile homes are destroyed, they cannot be replaced. Planning and Zoning Board approved bringing this forward with the conditions.

CA Gerken noted this is a non-compliant use that continues as long as it stays within the family.

Vice Mayor Richardson left the room at 8:16 p.m. and returned at 8:18 p.m.

Commissioner Gunter stated, at one time, the county was going to realign Eagle's Nest Road and questioned if this was in the proposal. CDD Rector stated they are aware of this but that was not included here.

Vice Mayor Richardson moved and Commissioner Goldberg seconded to approve the first reading of 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.

- b) DENIED Ordinance 2012-28 and requested looking at using CPI for water rate increase and to back again for fist reading. CA Gerken read Ordinance 2012-028, 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 (G) (1) AND CHAPTER 99, SECTION 99.60(B)(a), (b),(d), (g), and (l) OF THE CODE OF ORDINANCES TO PROVIDE FOR AN INCREASE IN WATER AND WASTEWATER RATES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell requested a motion.

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Commissioner Gunter stated in the past, a cost of living increase had been done.

CA Gerken noted the Code does state that it will be reviewed yearly and then come in front of the Commission if so desired.

Commissioner Goldberg moved and Commissioner Kelly seconded to approve first reading of Ordinance 2012-028. The roll call vote was as follows:

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

The ordinance was denied with a vote of 2 ayes and 3 nays.

Mayor Bell questioned what the actual CPI was for 2011. CT Michaud stated she believed it would add less than \$1 onto the rate.

Commissioner Gunter suggested bringing this back to the next meeting.

Commissioner Kelly moved to amend the ordinance by removing the sewer base rate increase of \$1. Mayor Bell requested a second. There was none. The motion died for lack of a second.

Commissioner Gunter moved to drop the \$1 on the wastewater and add the CPI on the water. After discussion, Commissioner Gunter withdrew his motion.

Mayor Bell noted we will bring this back on the next agenda with the CPI inserted.

- c) Denied first reading of Ordinance 2012-029 increasing the Police and Fire Service Fees by \$1 each. CA Gerken read Ordinance 2012-029, by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA, INCREASING THE POLICE AND FIRE
SERVICE FEES IN CONJUNCTION WITH THE CITY'S ANNUAL REVIEW
OF THE SAME; PROVIDING FOR CODIFICATION; PROVIDING FOR
SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

CA Gerken noted this ordinance proposes a \$1 increase per month in each of the Police Fee and the Fire Fee.

Commissioner Gunter reviewed an article on the Fire Fee which ran recently in the newspaper. He noted this seems to be a trend. At the Florida League of Cities Conference, Commissioner Gunter stated he was informed this should not be placed on the utility bills.

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CA Gerken reported on the differences between our user fee (which is an optional fee) and the assessment that other cities are doing. Our fee was placed on the utility bill since it is a user fee.

Commissioner Gunter moved and Commissioner Kelly seconded to take this amount from reserves instead of increasing the fees. The motion carried with all Commissioners voting aye.

- d) Approved first reading of Ordinance 2012-030 creating Chapters 116 and 117 in the Code of Ordinances and amending Chapter 154 of the LDRs. CA Gerken read Ordinance 2012-030, by title only, as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING THE CITY OF FRUITLAND PARK CODE OF ORDINANCES TO CREATE CHAPTER 116, ENTITLED "ADULT ARCADE AMUSEMENT CENTERS, INTERNET CAFES, AND SWEEPSTAKES REDEMPTION CAFES"; CREATING CHAPTER 117 ENTITLED "ELECTRONIC GAME PROMOTIONS"; AMENDING CHAPTER 154 OF THE LAND DEVELOPMENT REGULATIONS REGARDING PERMITTED USES IN C-1 AND C-2 ZONING DISTRICTS AND SPECIAL EXCEPTION USES IN C-2 AND INDUSTRIAL ZONING DISTRICTS; AMENDING SECTION 155.030 OF THE CITY OF FRUITLAND PARK LAND DEVELOPMENT REGULATIONS TO CREATE 155.030(b)(26) REGARDING SPECIAL EXCEPTION USES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

CDD Rector stated this will allow internet cafes but all will follow the same rules. This ordinance will also generate certain revenue to allow monitoring and controlling of situations. This will change the zoning and only allow in zoning classification of C-1, C-2, and Industrial. CDD Rector reviewed the proposed fees. He noted we are not reinventing the wheel as this is tried and true. Existing cafes will be allowed to exist but will be subject to the same fees and requirements except for the parking requirements. Total city-wide number allowed is 10 establishments.

Mayor Bell questioned if the maximum size is regulated. CDD Rector stated that is not included.

Mayor Bell stated if one met all the provisions, then they would be able to come in. CDD Rector stated yes, without Commission involvement.

Mayor Bell stated he would like to see a square footage allowed and if over that size, then would need to bring back to the Commission.

CDD Rector reviewed the parking requirements and noted there are limited locations currently within the City where these establishments could go.

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Commissioner Kelly suggested limiting the number of establishments to five instead of ten.

Vice Mayor Richardson stated he is all for regulating them and limiting where they go, but believes the fees are a bit high. He noted these fees make it look like the primary reason is to keep them out. Vice Mayor Richardson noted even an armed guard at night is required if there are over five machines.

CDD Rector stated he suggests removing the armed guard at night.

Vice Mayor Richardson questioned if there were any crime statistics on these places. He doesn't want to regulate them out of town.

Mayor Bell noted the biggest fear was they were popping up everywhere. He stated he is worried about what these might morph into. Mayor Bell suggests a square foot limit that we automatically allow.

Commissioner Gunter stated he does not agree with that. He noted the only place a "mega" location could emerge is out on the Pine Ridge Dairy property. Commissioner Gunter stated he knows someone who goes in often and earns cash.

CA Gerken stated there were only two concerns at first: proliferation and basic issues such as parking, etc. The ordinance was drafted by Greg Beliveau of LPG Urban Planners. The ordinance can be revised.

Vice Mayor Richardson left the room at 8:54 p.m. and returned at 8:55 p.m.

Richard Fagle, president and owner of an establishment on Miller St, stated he agrees there is a need to control them, but disagrees with the charges that are being proposed. Mr. Fagle stated he feels he should be grandfathered in as his game room came in before this ordinance. Mr. Fagle stated he has someone who wants to buy his location, but he has been stopped by the moratorium. This is an injustice to any business as he can't transfer his license to this person. Mr. Fagle stated he doesn't believe the big guys will be here. He opened for an investment in 2009 and he doesn't feel he should be stopped from selling. Mr. Fagle noted he has not made a lot of money, has had no crime, etc. People do get paid in cash. He stated in his game room, you buy a phone card and you put money on that card, when you leave that night the money on the card converts to long distance time. He stated he can pay only \$400 per day in cash to a winner.

Vice Mayor Richardson stated it also includes "insertion of a coin."

Commissioner Gunter stated we need to have the ordinance tweaked.

Mrs. Shirley Fagle stated she appreciated being able to speak. She added they want to retire. This has been a decent business for their family, they have helped the community and the Police Department. She stated the business is awesome for giving seniors a way to spend time with others.

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CA Gerken noted the moratorium ends at the end of the month so the intent is to have things in place before that.

Vice Mayor Richardson suggested having the City Attorney write the ordinance instead of tweaking these 16 pages.

Mayor Bell noted guidance needs to be given on the charges.

CDD Rector stated there are many things that could be thrown out. No complaints have been received on these establishments except for typical business. The only complaint is the overflow of cars.

Mayor Bell stated the fees need to be addressed. The following were reviewed:

Number of establishments: Change to 5

Application fee: suggested \$500 – Change according to requirements

Annual Operational Fee (per year): \$2,000 proposed – Suggest perhaps charging \$25 per piece per year

Commissioner Gunter questioned if the percentage payouts are set by the State or changed by the business. Mrs. Fagle stated these are finite games with pre-set payouts.

Mayor Bell suggested to just charge by the number of pieces of equipment instead of a flat fee. Perhaps charge \$25 per piece of equipment per year. Consensus was to charge this amount.

CDD Rector stated this ordinance is not a way to regulate these establishments out of business.

Business Tax Receipt - \$60 per year

Fire Inspection Fee – no change

Background check – Mr. Fagle stated this is done by the leasing company for the equipment. Consensus was to not do these.

Remove the bond or trust requirement. CA Gerken suggested striking this.

Certification from testing laboratory that the games have a skill level and are legitimate games – Mrs. Fagle stated this is done by the gaming company and they receive a copy of the certification. Consensus was to give a copy of this to the City.

Security cameras and video loop CD – 30 day. Mrs. Fagle stated they have them for the safety of their employees.

Vice Mayor Richardson moved and Commissioner Goldberg seconded to approve the first reading of Ordinance 2012-030 as amended.

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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.

11. New Business

- a) Adopted Resolution 2012-029 amending the budget by \$63,252 for the purchase of 2 police vehicles and radios. CA Gerken read Resolution 2012-29, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2011-2012 FISCAL YEAR TO INCREASE PUBLIC SAFETY IMPACT FEE FUND BY \$63,252 FOR THE PURCHASE OF TWO POLICE CARS AND RADIOS, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

CT Michaud stated this is putting the funds back into the Capital Improvement Projects funds and taking them out of Public Safety Impact Fees.

Commissioner Kelly moved and Commissioner Gunter seconded to adopt Resolution 2012-029.

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.

- b) Adopted Resolution 2012-030 amending the budget by \$31,606 for the Pierce Pumper. CA Gerken read Resolution 2012-030, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2011-2012 FISCAL YEAR TO INCREASE PUBLIC SAFETY IMPACT FEE FUND BY \$31606 FOR THE PIERCE PUMPER, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

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Commissioner Gunter moved and Commissioner Goldberg seconded to adopt Resolution 2012-030.

The roll call vote was as follows:

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

The motion carried unanimously.

- c) Adopted Resolution 2012-031 amending the budget by \$4075 for overages in various Parks and Recreation funds. CA Gerken read Resolution 2012-031, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2011-2012 FISCAL YEAR TO INCREASE VARIOUS PARKS & RECREATION FUNDS TO COVER OVERAGES OF \$4075, 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 2012-031.

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.

- d) Adopted Resolution 2012-032 approving a Special Exception Use Permit for a Daycare Operation located at 207. E. Berckman Street. CA Gerken read Resolution 2012-032, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE PERMIT FOR A DAYCARE OPERATION ON PROPERTY OWNED BY YVONNE COCHRAN, TRUSTEE, AND GENERALLY LOCATED AT 207 E. BERCKMAN STREET; SPECIFICALLY ALLOWING FOR A DAYCARE FACILITY FOR THE CARE OF UP TO 50 CHILDREN;

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PROVIDING FOR CONDITIONS; PROVIDING FOR RECORDATION;
PROVIDING FOR AN EFFECTIVE DATE.

CDD Rector stated Mr. Ruser is purchasing the house to move his daycare operation. He is requesting up to a maximum of 50 children but will be required to meet all the State requirements. He is also requesting a variance from the privacy fencing and signage setback requirements.

Vice Mayor Richardson noted a chain link fence is climbable and wondered if there were any other options.

CA Gerken swore in applicant Marty Ruser.

Mr. Ruser stated the State requires a 4 ft high chain link fence. They presently have this type of fence.

Vice Mayor Richardson left the room at 9:50 p.m. and returned at 9:52 p.m.

Commissioner Goldberg moved and Commissioner Gunter seconded to adopt Resolution 2012-032.

The roll call vote was as follows:

Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Not in room.

The motion carried with a vote of 4 ayes. Vice Mayor Richardson was out of the room during the vote.

- e) Adopted Resolution 2012-033 amending the budget by \$40,000 for Law Enforcement Drug Forfeiture Expense Fund. CA Gerken read Resolution 2012-033, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2011-
2012 FISCAL YEAR TO TRANSFER \$40,000 FROM THE DRUG
FORFEITURE ACCOUNT TO THE LAW ENFORCEMENT DRUG
FORFEITURE EXPENSE FUND TO COVER A BUDGET OVERRUN,
PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET;
PROVIDING FOR AN EFFECTIVE DATE.

CT Michaud noted this is an administrative amendment.

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Vice Mayor Richardson moved and Commissioner Goldberg seconded to adopt Resolution 2012-033.

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.

- f) Adopted Resolution 2012-034 amending the budget by \$1615 in the Library. CA Gerken read Resolution 2012-034, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE LIBRARY BY \$1615 TO COVER OVERRUNS AND ASSIST WITH PURCHASES, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

CM Bowers, with agreement from CT Michaud, stated this is crossing from wages to operational expenses which is why it is being brought to the Commission.

Vice Mayor Richardson moved and Commissioner Goldberg seconded to adopt Resolution 2012-034.

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.

- g) Adopted Resolution 2012-035 amending the budget by \$14,302 to cover overruns in Recreation due to extended softball season. CA Gerken read Resolution 2012-035, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR RECREATION BY \$14,302 TO COVER OVERRUNS DUE TO AN EXTENDED SOFTBALL SEASON, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

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Commissioner Gunter moved and Commissioner Kelly seconded to adopt Resolution 2012-035.

The roll call vote was as follows:

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

The motion carried unanimously.

- h) Adopted Resolution 2012-036 amending the budget by \$1500 to cover overruns in Recreation for pool chemicals and the concession stand. CA Gerken read Resolution 2012-036, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR RECREATION BY \$1500 TO COVER OVERRUNS FOR POOL CHEMICALS AND CONCESSION STAND, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Richardson moved and Commissioner Kelly seconded to adopt Resolution 2012-036.

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.

- i) Approved use of forfeiture funds to paint and stripe the 2008 Chevy Blazer (former Chief's vehicle) for use by the PD as a K-9 unit.

Vice Mayor Richardson questioned if this needed to be approved. CA Gerken noted a broad authority had been given for the use of forfeiture funds, but our auditor has requested this be approved.

Commissioner Goldberg moved Vice Mayor Richardson and seconded to approve usage of the funds. The motion carried with all Commissioners voting aye.

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- j) Approved awarding of bid to Bay to Bay Construction for Victoria Avenue sidewalk - \$6,300. CDD Rector stated we received one bid.

Commissioner Gunter moved Commissioner Kelly and seconded to award the bid to Bay to Bay Construction. The motion carried with all Commissioners voting aye.

- k) Adopted Resolution 2012-040 amending the budget by \$6,300 for the cost of the sidewalk on the east side of Victoria Avenue. CA Gerken read Resolution 2012-040, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET BY \$6,300 FOR THE SIDEWALK EAST OF VICTORIA AVENUE, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Richardson moved and Commissioner Kelly seconded to adopt Resolution 2012-040.

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.

- l) Approved commercial lot split for L & R Properties Fruitland Park, LLC (Larry Phillips). CDD Rector stated this is for Larry Phillips. He is requesting the south lot of his property be split for possible future use as another auto dealership. We did receive a cross maintenance agreement for the use of the same retention area.

Vice Mayor Richardson moved and Commissioner Gunter seconded to approve the commercial lot split for L & R Properties Fruitland Park, LLC. The motion carried with all Commissioners voting aye.

11. Citizens' comments

- a) Michael Howard, concerned citizen and candidate, thanked CT Michaud for making the budget so easy to read. He also stated this week his family was a victim of crime with over a \$10,000 loss. Mr. Howard praised the Police Department for their work on this although it has not been solved yet.

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12. Commissioners' comments

- a) Vice Mayor Richardson – stated he has talked to many people recently and one name keeps coming up in the Fire Department – David Borst. Vice Mayor Richardson stated he runs the Fire Department very efficiently, like a real Fire Department. Same thing for our Police Department. We would not get the response times from the County if we got rid of our Police and Fire Department. We have many dedicated individuals who probably lose money by being a Fireman here as we do not pay them much money.

Vice Mayor Richardson asked if we are doing any paving this fiscal year.

CDD Rector stated this has been discussed. There is no time to pave but perhaps fill potholes, etc.

CM Bowers noted if not all the Capital Projects funds are used this year, we will bring projects forward in the first two quarters of next year. Will discuss how best to regroup and move forward. CM Bowers stated this will be brought back soon.

Vice Mayor Richardson questioned if a continuing contract could be done from a piggy-backed contract. CA Gerken stated yes.

Vice Mayor Richardson noted we have issues with the drainage in the Valley and we have \$25,000 budget this year and \$25,000 budgeted next year. He questioned if that means we have \$50,000 budgeted for the project.

CM Bowers stated the project will require more funds.

CT Michaud stated the expected Stormwater reserves for year end 2012 are \$111,000 without spending anything this year.

Vice Mayor Richardson also questioned Sunset Way for Mr. Dodd. He stated this is a 40-year old problem.

Commissioner Gunter noted there is not enough right-of-way out there.

CM Bowers stated the engineers estimate was \$200,000.

Vice Mayor Richardson said he would like Commissioner Kelly to listen to the complaint and then bring it back.

Commissioner Kelly stated she has been investigated about this.

Vice Mayor Richardson stated the Code of Ethics has now been put in place.

Commissioner Kelly stated she was getting information for her brother.

Vice Mayor Richardson stated Assistant Chief Borst was given the cell numbers as a contact number, if a citizen walked in off the street would the number given out.

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CDD Rector stated yes as it is public record.

Commissioner Kelly stated it is the homeowners' daughter-in-law, not the homeowner who is her neighbor.

Vice Mayor Richardson stated he attended the Board of County Commission (BOCC) meeting last Tuesday. He questioned Mayor Bell if CM Bowers was asked to go and represent him.

Mayor Bell stated yes, he asked CM Bowers to represent the City.

Vice Mayor Richardson stated he did not know. He noted CM Bowers stated he was there on behalf of Mayor Bell. Vice Mayor Richardson stated the golf ordinance did pass. Mr. Ranize got up and spoke about the dangers of Dixie Avenue. Our consensus was Dixie Avenue was to be included. The bad part was CM Bowers told the BOCC that this was a political candidate running against Mayor Bell and he made it political. Commissioner Jimmy Connor was upset as this was not about politics, but the golf cart ordinance. Vice Mayor Richardson stated Mr. Ranize noted it was not politically motivated. Vice Mayor Richardson played a portion of the audio. Vice Mayor Richardson stated Mr. Ranize was on there from a safety standpoint simply as a retired Sheriff's deputy. Vice Mayor Richardson stated he felt this was totally inappropriate.

- b) Commissioner Gunter – stated he is the liaison on the Fire Department and wished the issue with the Brush Truck had been brought up to him before the budget workshops.

Assistant Chief Borst stated the water tank on the Brush Truck makes the brakes wear out quickly. There are safety issues as the truck was not fixed properly. The water tank has no baffles in it.

Commissioner Gunter requested Assistant Chief Borst to get quotes and bring back for consideration.

- c) Commissioner Kelly – stated she has not heard the tape from the complaint about her, but she does want to hear it. Commissioner Kelly noted we had come to a consensus regarding the roads in the City for the golf carts. We decided we would ask for all and then decide about driving the golf carts on Dixie later.

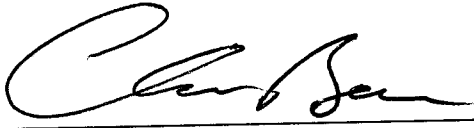
- d) Commissioner Goldberg - none

13. Mayor Bell's comments – stated this Commission voted unanimously regarding the golf cart map. This item was placed on the County's Consent Agenda and was pulled off the consent agenda due to a candidate. There were two items on the agenda that affected Fruitland Park. Mr. Bowers was not asked to attend due to golf cart issue, but for the North Lake Community Park. Mayor Bell noted this is a vital park for the City. The County Commission did vote to proceed and work with us on an interlocal agreement for this park. Luckily CM Bowers was there to keep the golf cart ordinance on track and he is thankful CM Bowers was there.

Vice Mayor Richardson stated CM Bowers spoke first, before Mr. Ranize, regarding the golf cart ordinance and then got up and left prior to the next issue.

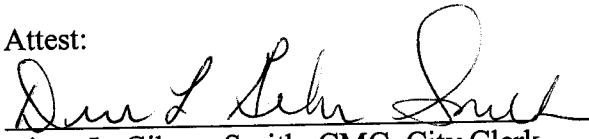
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14. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn the regular meeting. The meeting adjourned at 10:38 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk