

## FRUITLAND PARK CITY COMMISSION MEETING MINUTES

April 26, 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, April 26, 2012 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Mulford of the Grace Bible Baptist 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 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, and City Clerk (CC) Diane Gibson Smith.

01. Pastor Mulford announced the Grace Bible Baptist Church will be holding its 17<sup>th</sup> annual Safety Day service on Sunday May 6, 2012 beginning at 10:30 a.m. The speaker will be Brian Stewart from Georgia.

02. PRESENTATION: Chief Isaacs presented Chief's Recognition Awards to Stetson Pasternak and Jadell Ferguson for helping in the solving of 14 burglaries which occurred on one day earlier this year. The juveniles were able to describe a tattoo on the suspect's arm which led to his arrest. Tylan Robinson was unable to attend and will be presented his award separately.

### 03. PROCLAMATIONS

- a. Mayor Bell proclaimed North American Occupational Safety and Health Week as May 6 - 12, 2012 by reading the proclamation in its entirety.
- b. Mayor Bell proclaimed National Public Works Week as May 20 - 26, 2012 by reading a proclamation in its entirety.
- c. Mayor Bell proclaimed May 2012 as Motorcycle Safety Awareness Month by reading a proclamation in its entirety.

### 04. APPROVED THE CONSENT AGENDA AS PRESENTED.

Mayor Bell presented the Consent Agenda for approval.

Commissioner Gunter moved and Commissioner Kelly seconded to approve Consent Agenda as presented. The motion carried with all members voting aye. The minutes from the March 8, 2012 Commission Meeting and the March 22, 2012 Commission Meeting were approved.

### 05. HEARD CITY TREASURER REPORT FOR PERIOD ENDING MARCH 31, 2012

CT Michaud stated all departments are very close to 50% in their budgets. Most overages are due to annual payments. The mid-year review will be scheduled soon.

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Commissioner Gunter requested to discuss the subject of unclaimed checks under \$10. CT Michaud stated she is requesting to put any unclaimed checks under \$10 into the charitable account. Unclaimed checks over \$10 need to be sent to the State.

Commissioner Gunter moved and Vice Mayor Richardson seconded to put unclaimed checks under \$10 into the charitable account. The motion carried with all the Commissioners voting aye.

Commissioner Gunter questioned how long we had to wait to declare a check as unclaimed and send it to the State. CT Michaud stated the checks needed to be one year old.

The mid-year review and CIP workshop date was discussed. The date was set for May 5, 2012 beginning at 9:00 a.m.

### 06. CITY ATTORNEY'S REPORT

- a. CA Gerken talked about the amendment to the City Manager contract which is to clarify city vehicle usage and the car allowance. CM Bowers stated he was comfortable with just striking the word alternatively from the contract.

Vice Mayor Richardson stated he was not comfortable with doing that. Vice Mayor Richardson stated the Commission did vote to give \$350 a month plus the use of the vehicle, but the contract was done and signed March 9<sup>th</sup>. If the contract was not correct, then it should not have been signed. On page 7, there is terminology that null and voids discussions from before the contract was signed.

Commissioner Kelly stated part of the reason was the low salary we were paying for someone with CM Bowers' experience level.

Mayor Bell stated it would be easier to just strike the word alternatively. CA Gerken agreed. He noted his assistant had wanted to clarify the use of the vehicle.

Commissioner Kelly moved to strike the word alternatively from the contract and Commissioner Gunter seconded the motion.

Vice Mayor Richardson continued discussing his disagreement with the change. He stated CM Bowers taking the auto allowance and having the use of a car is giving him a \$4,200 a year raise.

Commissioner Gunter asked if CM Bowers has been receiving this for the past six years. Vice Mayor Richardson stated yes. Commissioner Gunter noted that it is not a raise.

The motion passed with a vote of four ayes and one nay vote by Vice Mayor Richardson.

- b. CA Gerken gave an update on the age for driving golf carts. CA Gerken stated the age does not have to be limited to 14 or up. The age can be set higher. This would require amending the ordinance and changing the age to a more restrictive age.

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Chief Isaacs stated many people approached him at Fruitland Park Days with concern about the age. He noted we can add on anything such as increasing the age and/or adding seatbelts to our ordinance.

Commissioner Gunter suggested having a restricted license or being at least 18 years of age. After discussion, the consensus was to go with this suggestion.

Chief Isaacs stated seatbelts would be a special addition to a golf cart which may be a possible problem. He understands a wreck in a golf cart is similar to having a wreck on a motorcycle.

Mayor Bell suggested making seatbelts highly recommended but not mandatory.

CA Gerken stated other issues to be addressed at some point include people who have lost their driver's license. Chief Isaacs noted golf carts are not considered motorized vehicles and thus do not require a driver's license.

Chief Isaacs reviewed a map of roads where golf carts could cross and travel. Signs need to be at the entrances to the City and crossing areas. Several County roads will only be able to be crossed. We may get the signs made by Lake County Sign Shop. Some places, such as Griffin State Park, will not be allowed to have golf cart entrances into the City. Mr. Stivender has stated all roads are open for discussion.

- c. CA Gerken stated a notice for trial for the Wicks Lawsuit has been filed. Mediation will be scheduled for this summer and then a trial date will be set.
- d. CA Gerken stated K-9 Justice needs to be retired and released to Officer Yeary. Chief Isaacs stated he has the paperwork ready to do this as soon as he has the approval.

Vice Mayor Richardson moved and Commissioner Goldberg seconded to release K-9 Justice to Chad Yeary. The motion carried unanimously with all the Commissioners voting aye.

- e. CA Gerken stated he has received a draft of the inquiry by Dotty Green. The report will be distributed soon.

### 07. CITY MANAGER'S REPORT

- a. CM Bowers stated the planner for the School Board contacted the City Clerk regarding ROW that was supposed to be vacated back in 1964. Since some of the property that was supposed to be provided to the City is not available, the Commission decided it would like to have trail space along the east boundary. CA Gerken will work with the School Board regarding this.
- b. CM Bowers stated the Go Cart Racetrack on Micro Racetrack Road has requested to use the City's bleachers. They will give a \$150 donation to the Recreation Department.

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

- c. CM Bowers stated the Covenant Church at the corner of Urick and CR468 is requesting permission for overnight camping during Leesburg Bike Fest.

Vice Mayor Richardson moved and Commissioner Gunter seconded to permit the overnight camping. The motion carried unanimously with all the Commissioners voting aye.

- d. CM Bowers stated we would like to demo the three homes on Fountain Street. We can go out to bid and use the piggy back number for the estimate. Will bring back a series of CRA fund recommendations for approval.

Mayor Bell stated there are still two houses needed to accomplish the goal – we especially need the house behind the Casino.

Vice Mayor Richardson suggested a realtor's opinion of value which would cost only about \$50 per house.

CT Michaud noted we have about \$350,000 in CRA funds available for use.

CA Gerken stated he would suggest a formal appraisal before purchasing. A realtor's opinion of value would be okay for budgeting purposes.

Vice Mayor Richardson will take care of getting a realtor's opinion of value for each property.

Vice Mayor Richardson moved and Commissioner Goldberg seconded to go out to bid for the demolition of the properties. The motion carried with all the Commissioners voting aye.

06. PUBLIC HEARINGS - none

07. INTRODUCTION/FIRST READING OF ORDINANCE

- a. Tabled Ordinance 2012-022 022 amending LDR Chapter 160 by adding sections for cure plan submittal and approval. CA Gerken read Ordinance 2012-022 by title only, as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING THE CITY OF FRUITLAND PARK LAND DEVELOPMENT REGULATIONS CHAPTER 160 ENTITLED 'SITE DEVELOPMENT PLAN APPROVAL' ADDING SECTION 160.200, ENTITLED "CURE PLAN SUBMITTAL REQUIREMENTS"; ADDING SECTION 160.201, ENTITLED "CURE PLAN APPROVAL PROCEDURES"; ESTABLISHING A PROCESS WHEREBY NON-CONFORMITIES CREATED VIA THE PROCESS OF EMINENT DOMAIN RIGHT-OF-WAY ACQUISITIONS CAN BE RECOGNIZED AS CONFORMING PROPERTIES OF RECORD; PROVIDING FOR

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CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

CA Gerken stated this has been discussed for the past couple of years regarding eminent domain proceedings. Lake County has requested this be passed now due to the widening of CR466A. This allows the property owner to continue use of lots that no longer fit the rules after having ROW removed for the widening. This also benefits the County by removing the payment of damages for loss of use of the property. This is also called a grandfathering ordinance.

Commissioner Kelly noted she does not like the term and meaning of eminent domain.

CA Gerken stated while we are not encouraging eminent domain, the widening of CR466A could not happen without it.

CM Bowers stated eminent domain can be proposed by the authority and this is designed to reduce the cost of properties needed for public improvement. CM Bowers stated this is simply a way to diminish the use of the property but not pay for the value.

CA Gerken stated the request came from County Attorney's office.

Commissioner Kelly noted this was discussed years ago.

CA Gerken stated the plan is not to not pay for the damages, but to avoid the damages in the first place.

Commissioner Gunter questioned if this goes with the property or the owner. CA Gerken noted it goes with the owner at the time of the condemnation. This is something that could stay with the property.

CDD Rector stated this ordinance is needed but he doesn't like how the ordinance is addressing the issues. Only the landowner should be allowed to come in to make the request – not either/or the landowner or the County. CDD Rector gave an example of a property at the corner of Rose and Miller.

Commissioner Kelly left the room at 8:55 p.m. and returned at 8:58 p.m.

CA Gerken stated even if the County submitted the petition, the landowner could come in. The problem with only the landowner applying is the landowner could hold everyone "hostage". CA Gerken suggested having the County come and explain the value of this ordinance. This will be scheduled.

CDD Rector noted the County would have to pay the additional damages if this ordinance was not in place. Also, this ordinance doesn't clarify who pays for site plans. This process will be quite involved and require some fees be set. CDD Rector noted things really need to be spelled out better.

Vice Mayor Richardson moved and Commissioner Goldberg seconded to table this ordinance. The motion carried unanimously with all the Commissioners voting aye.

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08. NEW BUSINESS - none

09. CITIZENS' COMMENTS - none

10. COMMISSIONERS' COMMENTS

a. Vice Mayor Richardson - none


b. Commissioner Gunter - stated Fruitland Park Day was a success. He noted we still need to do some adjustments on Friday night. Mayor Bell suggested perhaps moving everything to Saturday. Commissioner Gunter also stated he was disappointed that all the awards given at last night's Awards Banquet went to the Triangle area. Commissioner Gunter also commented on the Veterans memorial. He noted they are still soliciting for donations.

c. Commissioner Kelly - question Vice Mayor Richardson if anything was going on with the former impact fee committee. Vice Mayor Richardson stated they will be meeting again starting May 17<sup>th</sup>. He noted he does not expect any fees to be reinstated until there is more construction. Commissioner Kelly noted this is probably why CR466A is not getting done. Commissioner Kelly stated she attended the MPO meeting yesterday, but not much was accomplished. She noted she doesn't want to discuss CR466A until we do some investigation.

d. Commissioner Goldberg - none

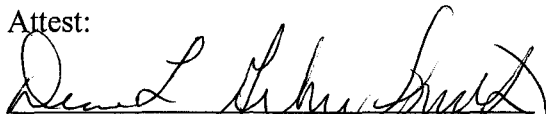
11. MAYOR BELL'S COMMENTS. Mayor Bell reported on the new single stream recycling program by Waste Management. He noted this makes things much easier. Information will be going out to residents soon. Mayor Bell stated he and CM Bowers talked to County Commissioner Welton Cadwell and County Manager Darrin Gray. They are very interested in partnering in the Northwest Community Park. The County Board of Commissioner June Meeting will include that park. CM Bowers noted they are also agreeable with the 466A light being constructed now. Mayor Bell reported the upcoming dates.

12. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 9:20 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk