

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

March 22, 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, March 22, 2012 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Chad Driggers of the First Baptist Church of Fruitland Park 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, Assistant Police Chief (APC) David Borst, City Treasurer (CT) Jeannine Racine Michaud, Community Development Director (CDD) Charlie Rector, and City Clerk (CC) Diane Gibson Smith.

01 PROCLAIMED APRIL WATER CONSERVATION MONTH. Mayor Bell proclaimed April 2012 as Water Conservation Month by reading a proclamation in its entirety.

02 POLICE DEPARTMENT REPORT. PC Isaacs stated the Police Department is in good standing with high morale. The Department is receiving praise from many of the other entities with which it works. Officer Sirolli then presented information on highlights from the past year. New programs include cell phone investigations and cyber crime. Grant opportunities, volunteers, and our Chaplain are all important assets in the department. Officer Sirolli shared statistic information she is capturing in her Quick Books program.

03 HEARD CITY TREASURER REPORT FOR PERIOD ENDING FEBRUARY 29, 2012.

CT Michaud presented the financial report for the period ending February 29, 2012 (41.6% of the year). She noted the good news is revenues exceed expenditures except in the Redevelopment Fund. We are waiting on a reimbursement check for Ciraco Underground from the CDBG grant. She stated the fuel is not too bad, but will require mid-year adjustments. CUP may also require a mid-year budget amendment. She stated Other General Government Fund is over due to redevelopment taxes being paid.

Mayor Bell stated about a \$10,000 short-fall is expected in fuel.

PC Isaacs noted the Police Department is paying as much out of the forfeiture account as possible.

04 CITY ATTORNEY'S REPORT - none

05 CITY MANAGER'S REPORT

a. CM Bowers reviewed the Traffic Light at the intersection of Dixie and 441/27. He stated the discussion has been to move the light to CR466a/27 intersection. If this light is moved now, some of cost can be borne by FDOT 441/27 project. The mediums at the intersections will need to be looked at carefully. A right turn only

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onto US441/27 from Dixie will be necessary without a light – this will require a solid medium with a visual barrier.

Mayor Bell stated we believe there is a need at CR466a and there probably will be a need where it is soon depending on the Flea Market traffic. CM Bowers noted we still have the possibility of a light at the end of Cooke Drive and Register Road.

Commissioner Gunter stated preliminary plans when Publix was coming in had a light with traffic going straight through from Cooke to Register Road. He questioned if there will be a turn lane at CR466a for the turn around.

Commissioner Kelly noted, and Commissioner Richardson agreed, that the plan had been to move the Dixie light to Spring Lake Road.

CM Bowers noted Baird Homes actually go down Dixie to Martin Luther King in order to turn into Baird's location.

Mayor Bell stated CR466a is probably the most pressing. The consensus, after discussion, was this is the direction to move in. The discussion was that no funds would be spent at this time.

b. CM Bowers stated he and CA Gerken met with the Lake County Attorney re: CR466a. The Lake County Attorney disclosed they have worked with Pine Ridge Dairy to get paid for ROW. If the Pine Ridge Dairy developer built the CR466a road in front of the property, then would give them impact fee credit for this down the road.

CM Bowers noted it was time to discuss economic development as we have the CUP place. CM Bowers stated the Dairy property needs to develop commercial first and task them with most of the costs of the well and then give them impact fee credits. Consumption increases incrementally over the next 10 years. Want to push for commercial development first – small consumption, just fire protection capacities. If get a bona fide prospect, we will have them do most of the hard engineering related to that project. We will only pay for the hooking into our system

Commissioner Richardson noted he did not see how waiving the impact fees will work since currently the fees are all waived. CM Bowers noted future impact fees will be waived as residential will not be built at the beginning and roads and infrastructures will be built as it goes along. At least the concept is now available.

c. CM Bowers stated he met with attorneys handling the Wicks lawsuit and we are preparing to go to hearing. Looking at defenses that need to provide countervailing arguments on.

06 PUBLIC HEARINGS

a. Adopted Ordinance 2012-020 correcting the scrivener's errors on some of the annexation ordinances. Acting City Attorney Katrina Thomas read Ordinance 2012-020, by title only, as follows:

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AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING SCRIVENER'S ERRORS IN THE LEGAL DESCRIPTIONS ATTACHED TO ORDINANCE 2011-030 AND ORDINANCE 2012-007; CORRECTING THE LEGAL DESCRIPTIONS FOR CERTAIN PROPERTIES ANNEXED PURSUANT TO ORDINANCE 2011-030 AND ASSIGNED FUTURE LAND USE DESIGNATIONS PURSUANT TO ORDINANCE 2012-007; CORRECTING A SCRIVENER'S ERROR ON THE ZONING DESIGNATION FOR A PORTION OF PROPERTY ANNEXED PURSUANT TO ORDINANCE 2011-032; CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION FOR PROPERTY ANNEXED PURSUANT TO ORDINANCE 2011-029; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner Gunter moved and Commissioner Kelly seconded to adopt Ordinance 2012-020. The roll call vote was as follows:

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

The motion carried unanimously.

07 INTRODUCTION/FIRST READING OF ORDINANCE

a. Denied introduction/first reading of Ordinance 2012-021 amending the hours of sale of alcohol within the City. Acting City Attorney Katrina Thomas read ordinance 2012-021, by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 110 OF THE CITY CODE OF ORDINANCES RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 110.02 OF THE CITY CODE OF ORDINANCES ENTITLED HOURS OF SALE; DELETING SECTION 110.03 REGARDING SUNDAY SALES OF ALCOHOL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE FRUITLAND PARK CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Mayor Bell stated he requested this ordinance be brought forward.

ACA Thomas reviewed the revisions being recommended. She noted the changes include removing the exclusion of alcohol sales on Sundays prior to 12 noon and allowing of alcohol sales at all times except from 2 a.m. until 7 a.m. every day.

Mayor Bell stated we received one letter from Pastor Chad Driggers. Pastor Driggers stated his big concern is that once you begin to lower standards in one area, you don't close that door. He noted this is the first step to bringing alcohol to city-sponsored events. He noted family values are built into small cities. He is asking to consider not removing that Sunday section from the code.

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Commissioner Kelly stated she was approached from one of the City's merchants who wants to compete equally with the surrounding cities. Fruitland Park day did not even come into her mind when this was addressed to her.

Pastor Driggers noted when the merchant came into the City, he was aware that alcohol sales were not allowed during certain times.

Commissioner Kelly noted ordinances similar to ours were in place all around us, but those have recently been changed. Changing our times will allow them to have an equal footing with their competitors, not special hours.

Commissioner Kelly noted no merchants were present.

Commissioner Gunter stated the City does not gain any money from the sale of alcohol.

Commissioner Richardson stated he was not aware of an ordinance coming to vote on.

Mayor Bell stated usually you bring an ordinance back when you discuss.

Commissioner Richardson moved and Commissioner Gunter seconded to table Ordinance 2012-021.

Mayor Bell stated if this is tabled, it will be brought back at another time. Let's discuss it now.

Commissioner Kelly suggested merchants need to do whatever to keep business alive. She stated she does not really know how much of a difference this will make.

Pastor Driggers noted Southern Baptists do not drink. His church is the only Baptist Church in the City limits so he may be in the minority.

Commissioner Gunter noted the Southern Baptists might be able to get out there and preach more.

Mayor Bell noted if this is so important, why did no one come.

Vice Mayor Richardson stated he purchased gas from the corner store and was told by the clerk that Sundays were normally quiet until 12 noon. Mostly people come in who are going boating on Sunday.

Vice Mayor Richardson stated he rescinds his motion and Commissioner Gunter stated he rescinds his second.

Vice Mayor Richardson moved to approve the first reading of Ordinance 2012 -021. Mayor Bell called for a second to the motion. Hearing none the motion died for lack of second.

There was no other motion made. This Ordinance will not come forward.

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08 NEW BUSINESS

a. Approved Resolution 2012-011 amending the budget for the \$1000 Bonus. ACA Thomas read Resolution 2012-011, 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 \$38,953 FROM THE GENERAL FUND UNRESTRICTED RESERVE FUND BALANCE TO VARIOUS DEPARTMENT FUNDS TO PROVIDE FOR THE BONUSES APPROVED AT THE MARCH 8, 2012 CITY COMMISSION MEETING, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Richardson moved and Commissioner Gunter seconded to approve Resolution 2011-011. The roll call was as follows:

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

The motion carried unanimously.

b. Approved Resolution 2012-012 amending the budget for the taxes for the \$1000 Bonus. ACA Thomas read Resolution 2012-012, 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 \$2,978 FROM THE GENERAL FUND UNRESTRICTED RESERVE FUND BALANCE TO VARIOUS DEPARTMENT FUNDS TO ADJUST FICA BUDGET FOR THE BONUSES APPROVED AT THE MARCH 8, 2012 CITY COMMISSION MEETING, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Richardson moved and Commissioner Kelly seconded to approve Resolution 2012-012. The roll call was as follows:

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

The motion carried unanimously.

c. Approved Resolution 2012-013 adopting fees, requirements and naming streets for the use of Low-Speed and Golf Carts. ACA Thomas read Resolution 2012-013, by title only, as follows:

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A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING FEES AND REQUIREMENTS RELATING TO THE USE OF LOW-SPEED VEHICLES AND GOLF CARTS WITHIN THE CITY OF FRUITLAND PARK; SPECIFYING THE STREETS ON WHICH GOLF CARTS ARE ALLOWED; PROVIDING GENERAL RULES OF OPERATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell noted he agrees with the annual inspection by the City of Fruitland Park. The dealer will be a one-time inspection for State of Florida standards, then yearly City inspections. PC Isaacs stated the State of Florida has strict standards that must be met. This must be done prior to obtaining the first sticker from the City. Every year from then on, City staff will ensure lights work, proof of insurance, valid ID, etc. prior to issuing a renewal. Discussions are ongoing on how to do the renewals.

Vice Mayor Richardson suggested different color stickers or numbers on the sticker. PC Isaacs stated he is getting quotes.

Commissioner Kelly questioned if there would be expiration dates on the ID cards. PC Isaacs stated that has not been decided yet. The ID card can be made in-house.

Mayor Bell suggested a two-year expiration so most 14 year olds would have their regular driver's licenses after the two years.

Vice Mayor Richardson stated he still has a problem allowing those who have lost their Driver's License because of DUI being able to drive a golf cart within the City. He has been told that those people are not allowed to drive any motorized vehicle. PC Isaacs stated CA Gerken will officially address this however golf carts are the exception to this rule. Florida rule states if you have lost your license, you are not allowed to operate a registered vehicle. Golf carts are not classified as a registered vehicle. They can also drive a farm tractor or a lawn tractor.

Vice Mayor Richardson also questioned county-road locked communities. PC Isaacs stated there is a meeting scheduled Monday regarding the ability to cross county roads. Permission will be needed from the jurisdiction to either drive on or cross over the roads.

Lake County Public Works Director Jim Stivender stated once the boundary has been established, a legal description will be written. Don't want to get caught outside of the boundary. Having a golf cart boundary area does add a maintenance challenge to keeping the roads in the area smooth.

Commissioner Goldberg noted our registration fee is after the inspection. PC Isaacs stated yes. They will also need to show proof of insurance in order to obtain the registration.

Commissioner Goldberg questioned if pre-registration could be requested for the 14 year olds. PC Isaacs noted that will be part of the signed registration form in order to get the sticker.

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ACA Thomas noted this is part of ordinance which has already been adopted. The intent of the registration is to register the vehicle not the drivers.

Frank Re, a golf cart business owner, suggested having the owner sign they will have insurance through the year. PC Isaacs stated that is our intent with the registration form.

Jane Richardson, a citizen, stated she is very concerned with 14 year olds being able to operate golf carts on the streets. PC Isaacs stated CA Gerken stated the age cannot be changed as this is State law. This will be verified.

ACA Thomas stated this would not be changed with this resolution. Further clarification can be requested from CA Gerken on whether the age can be restricted further or not. This would require a change to the ordinance.

Vice Mayor Richardson moved and Commissioner Kelly seconded to approve Resolution 2012-013. 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.

Vice Mayor Richardson noted CA Gerken will give further clarification on the age issue. All were in agreement.

09. CITIZENS' COMMENTS

a. Pastor Chad Driggers stated he doesn't want anyone to think that he believes you are a bad person if you drink.

b. LCPWD Jim Stivender invited everyone to attend a presentation being made on April 24, 2012 to the Lake County Board of County Commission regarding the right of way acquisition process. Will use CR466 and CR466A as examples. The meeting is scheduled to begin at 9:00 a.m. He added that if no one was able to attend he would bring the presentation back to this Commission.

10. COMMISSIONERS' COMMENTS

Mayor Bell reminded the Board Members that this is not a question and answer time. He requested this to be left to comments for the good of the city.

a. Vice Mayor Richardson – stated he recalled several times in the past where it was made a question and answer time for him.

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b. Commissioner Gunter – noted Fruitland Park Clean-Up Day went very well. He was disappointed in the dumpsters and would like to have some input into placement next year.

c. Commissioner Kelly – none

d. Commissioner Goldberg – stated the City is getting cleaner and cleaner. Much less trash is being collected. He requested to be excused from April 12th meeting as he will be out of town.

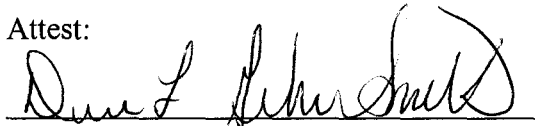
11. MAYOR BELL'S COMMENTS. Mayor Bell stated he would like us to consider checking into a Saturday morning farmer's market. The area near the Casino needs to be larger. He suggested demolishing the houses the City purchased and perhaps check into purchasing the house directly behind the Casino. Mayor Bell also reviewed the upcoming event dates.

12. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 9:03 p.m.



Christopher J. Bell, Mayor

Attest:


Diane L. Gibson Smith, CMC, City Clerk