

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

February 23, 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, February 23, 2012 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. CM Bowers 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 Sharon Kelly, Commissioner Albert O. Goldberg, Vice Mayor Jim Richardson, Mayor Christopher J. Bell. Commissioner John L. Gunter, Jr. had called to state he would arrive late.

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager (CM) Ralph Bowers, Police Chief (PC) Terry Isaacs, Assistant Police Chief (APC) David Borst, Public Works Director (PWD) John Bostic III, 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. APPROVED THE CONSENT AGENDA AS PRESENTED.
Mayor Bell presented the consent agenda for approval.

Commissioner Kelly moved and Commissioner Goldberg seconded to approve the consent agenda as presented. The motion carried with all the Commissioners voting aye. The minutes of the February 9, 2012 City Commission meeting were approved.

Mayor Bell adjourned the meeting at 7:05 p.m. The meeting reconvened at 7:17 p.m.

Commissioner John Gunter arrived.

The City Auditor called to say he is also running late and would arrive around 8:00 p.m.

02. CITY ATTORNEY'S REPORT -

- a) CA Gerken reported that we would be bringing back an annexation ordinance to correct a few legal descriptions. This will be brought back at the next meeting.
- b) CA Gerken reported Labor Attorney Dottie Green is conducting an inquiry about the items going on within the City.
- c) Commissioner Kelly asked about the Wicks lawsuit. CA Gerken stated things are going slowly. The delay for the past few months has been due to the principal expert witness still compiling the damages estimate. Attorney Bob Dellecker is ready to go. Hope to have information by the next meeting.

03. CITY MANAGER'S REPORT -

- a) CM Bowers stated we received our CUP. Commissioner Gunter stated he attended the meeting. He noted our item was listed as 31 on the agenda but CM Bowers worked the room and moved our item from number 31 to first on the agenda. CM Bowers

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made a good presentation. CM Bowers would not say anything negative about the process. He did state that he hopes they will revamp the process and get the costs down for the future.

CM Bowers stated one of the SJRWMD Commissioners was concerned that the consent order was removed. CM Bowers reminded him that Fruitland Park is located next to The Villages. After that, everything went smoothly.

CM Bowers stated the Governing Board is not happy with their reputation at this time. Our entourage was not lost on them – they recognized that we used “big names”. Commissioner Gunter does not take enough credit for what he accomplished at the meeting about the lakes.

- b) CM Bowers stated he has received 2 letters from businesses on 441 (Baird and Ace) and will send them to FDOT and see what happens.

Vice Mayor Richardson stated they did give McDonald’s a turning lane in Leesburg.

On a side note, Commissioner Gunter stated Karen Kersey from FDOT did tell him that the Palm Avenue crossing would be a timed cross walk.

- c) CM Bowers stated he attended the MPO meeting with Commissioner Kelly and requested she give an update. Commissioner Kelly stated we found out they have received a \$6.9 million grant for CR466A available after 7/1.

Mayor Bell stated Lake County has been in a delayed mode and wondered if they would be more pro-active now.

CA Gerken stated he talked to the County Attorney who told him they have been talking to the larger parcels along CR466A - Dairy, etc.

CM Bowers stated a meeting with them will be scheduled in the coming weeks.

Mayor Bell stated our Lake County Commissioner is now Welton Cadwell and he is looking to come to the meeting in June or July.

CA Gerken stated Lake County has said the only thing keeping them from taking action on condemnation for properties is the lack of funds. Once they file, a quick take can be done.

Commissioner Kelly noted they are using not having the money as a stalling mechanism.

CDD Rector stated we met with Lake County ROW on 2/8 and since then there has been a flurry of appraisals for property along the 466A.

CA Gerken noted Lake County has now said that the plans are at 100%. We need to get a copy of the 100% plans.

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04. PUBLIC HEARINGS

- a) Adopted Ordinance 2012-018 allowing for Golf Carts and Low Speed Vehicles on certain roadways within the City of Fruitland Park. CA Gerken read Ordinance 2012-018, by title only, as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, CREATING CHAPTER 73 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES ENTITLED GOLF CARTS AND LOW SPEED VEHICLES; AUTHORIZING THE USE OF GOLF CARTS AND LOW-SPEED VEHICLES ON SPECIFIED ROADWAYS; PROVIDING DEFINITIONS; PROVIDING RESTRICTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken reviewed the changes made since the first reading. Changes include: low speed vehicles essentially treated like a vehicle – can travel anywhere within Fruitland Park with posted speed of 35 mph or less., and must be tagged, insured, drivers license, decal.; Golf Carts – not have any without lights, etc. standard equipment needed so can operate at any time, travel on streets with posted speed of 30 mph or less and specifically designated with signage , operators 14 years and up, not licensed driver, need to be insured, inspection, decal, and a signed hold harmless agreement.

Mayor Bell stated this ordinance meets all State Statutes. CA Gerken agreed.

Mayor Bell requested questions and/or comments from the public.

Rick Ranize, a concerned citizen, stated he has an issue. He stated he would like to have the ordinances posted in advance of meetings. Mr. Ranize asked several questions: map of roads, can we be more restrictive – yes, low speed vehicles – does this include multi-vehicles– CA Gerken noted we only use the statute reference for definition and does not include a multi vehicle.

Mr. Ranize questioned allowing 14 and over with no drivers license to run a golf cart. Also, does Fruitland Park want to allow those without licenses to drive a motor vehicle on our streets. CA Gerken noted the streets need to be designated and posted. Golf carts are limited on which roads can be crossed.

Mr. Ranize questioned where the money will come from. Commissioner Kelly stated costs are expected to come out of the decal fee which will be charged.

Mr. Ranize noted the side of Dixie Avenue just north of the Kangaroo has ruts on the side, etc. Is this what we are going to allow all over the city?

Mr. Ranize suggested “Go Daddy” for links to the ordinances. Vice Mayor Richardson suggested using “Drop Box”.

Commissioner Gunter stated Tavares put out a publication about registration for golf carts. CA Gerken stated the registration is probably more than just a decal, and has more to do with trying to ID parts. He has not looked into this any further. Commissioner Gunter also noted the 14 years of age for driving a golf cart was set by

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the State. He also noted he was approached by a few elderly people who have already turned driver's licenses into the State.

Vice Mayor Richardson noted he has a problem with people who have lost their license for DUI etc. He suggested giving people who have turned in their license a "golf cart id".

Commissioner Gunter questioned if a study had been done on people who lost licenses for DUI, now driving golf carts.

PC Isaacs stated we will have designated crossings and will have many stops. Fruitland Park is big on traffic so we will stop golf carts as they are only supposed to go 20 mph. We don't have a solution yet. We are putting in restrictions that will slow them down.

CA Gerken added golf carts and low speed vehicles are subject to all the same issues as other vehicles. These can be addressed in the resolution that sets fees, etc. Driving a golf cart is a privilege, not a right.

Vice Mayor Richardson noted his concern was not making the stops, his concern was enabling those who have lost their right to get around. He questioned the Kubota used by Public Works. This vehicle has a tag on it.

Mayor Bell stated he has thought about those people who have lost licenses being able to drive golf carts. He stated driving a golf cart will be so limited that it will not be the same as allowing them to drive a vehicle.

Commissioner Gunter moved and Vice Mayor Richardson seconded to adopt Ordinance 2012-018. 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.

Chet Ross arrived 8:02 p.m.

05. INTRODUCTION OF ORDINANCE

- a) Approved first reading of Ordinance 2012-019 regarding Florida Friendly Landscaping. CA Gerken read Ordinance 2012-019, by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 101 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES ENTITLED "WATER CONSERVATION"; SPECIFICALLY CREATING SECTION 101.10 TO INCORPORATE WATERWISE AND FLORIDA FRIENDLY LANDSCAPING REQUIREMENTS; ADOPTING A PLANT LIST FOR THE CITY OF FRUITLAND PARK; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF

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ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN
EFFECTIVE DATE.

CA Gerken stated this is the last section required for our CUP. This is a model ordinance that was approved by St. Johns River Water Management District.

Mayor Bell questioned how different this is than what we currently have in place. CA Gerken stated he is not sure how much this has changed.

CDD Rector stated this has some things that are hugely different. All plants have to be low or moderate water plants. Grasses are a big issue. The high water use grasses will only be used in limited space. The ordinance originally submitted was 92 pages and had to be reduced.

Vice Mayor Richardson moved and Commissioner Kelly seconded the motion. 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.

06. AUDIT UPDATE BY CITY AUDITOR CHET ROSS.

Chet Ross, city auditor, stated the audit is nearly complete. He noted he has a draft to leave with Finance. Mr. Ross said the biggest concern has been the Utility Fund, but the fund does have some unrestricted funds (\$72,000) due to creative usage of CRA Funds for the CUP. We capitalized \$350,000 for the CUP and will be amortizing it over ten years– still in the black in the Utility Fund.

Mr. Ross also stated GASB has changed the rules on fund balance and will make us accept how they are categorized. If funds are committed – they are approved by City Commission and currently done by ordinance. If funds are assigned – Commission can change mind. Will review in more detail at a later time.

06. NEW BUSINESS

a) Approved Lease renewal for property located at 508 West Berckman

Vice Mayor Richardson moved and Commissioner Goldberg seconded to approve the lease renewal for property located at 508 West Berckman. The motion carried unanimously with all the Commissioners voting aye.

b) Adopted Resolution 2012-009 authoring a Special Exception Use for Great Expectations.

CA Gerken swore in CDD Rector. CDD Rector stated our LDR's only allow 6 or fewer residents at a group home. CDD Rector stated he rode by the property several times to

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check on parking and traffic. He never saw more than 4 cars at any time. We received 3 letters from property owners in the vicinity. All were in support of this.

Mayor Bell questioned if this would create any additional jobs. Business owner stated there will be one additional staff to be added during the day.

Vice Mayor Richardson moved and Commissioner Goldberg seconded to adopt Resolution 2012-009. 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.

c) Approved the Site Plan for TD Burke Barbecue

Vice Mayor Richard stated no one emailed him and told him it was here. CDD Rector apologized and stated it will not happen again. (Editor's note: The copy for the record was delivered just prior to the meeting).

CDD Rector corrected the customer's name is Tim Burke, not JC. He reviewed the site plan. Very few comments were received from the city engineer or city planner. A developer's agreement will be put together. Fire suppression issue was resolved through the use of a swimming pool as a reserve. TD Burke would like approval to start the site work while finalizing the plans.

Vice Mayor Richardson stated he appreciated CDD Rector thinking outside of the box on this.

CA Gerken questioned if the plans were consistent with the expansion plans for CR466A. Drew Logan, project engineer, stated yes.

Vice Mayor Richardson moved and Commissioner Gunter seconded to approve the Site Plan as presented. The motion carried unanimously with all the Commissioners voting aye.

07. CITIZENS' COMMENTS

a) Dina Isom read a letter regarding an issue about a plaque for her husband Mark Isom. On 12/15/2010, Mark Isom retired after 28 years of service. She stated she doesn't understand about the issues surrounding this plaque. Mrs. Isom stated Mark deserves a lot more than just a plaque. She requested the Commission make a decision and then let the issue die.

b) Rick Ranize, a concerned citizen, also spoke regarding plaque. He noted he was lied to by Mark Isom. Mr. Ranize admitted Mark Isom does deserve the plaque. What bothers him is how the plaque came about.

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Mayor Bell stated it was mentioned some months ago that some time in the future we may want to recognize Mr. Isom for his service to the community. At the end of last year, CM Bowers told him he had a plaque ready. CM Bowers then wrote a memo stating a plaque was available for comment and review. One commissioner had a problem presenting the plaque and mentioned calling Channel 9. At that point, the City Manager reimbursed the City for the plaque and it has been a non-issue since.

Mr. Ranize stated he wished it had been discussed in a meeting.

Mayor Bell asked for clarification on whether Mr. Isom deserved a plaque. Rick Ranize stated he misquoted as it is up to the Commission whether to give the plaque or not.

Mr. Ranize stated the problem is the citizens learned about it through the media as it was going to be given behind closed doors.

Commissioner Gunter stated Mark had approached him and asked about the plaque. Commissioner Gunter stated he asked Mark how he would like the plaque. Mark stated he wanted it done without fanfare. Commissioner Gunter discussed this with CM Bowers who said the whole Board needs to be involved. That is when the memo went out.

Mayor Bell stated if the plaque was going to be presented, it would have been announced in an open meeting.

Commissioner Gunter asked what the Board wants to do since it has been brought up.

Vice Mayor Richardson stated he told CM Bowers that since he was not present during Mark's years of service, he did not want to be involved in giving the plaque. He does not want to be included.

Commissioner Gunter moved and Commissioner Kelly seconded to give Mark Isom the plaque. The motion carried with a vote of four to one with Vice Mayor Richardson opposed based on him not being present during the Mark Isom years of tenure.

09. COMMISSIONERS' COMMENTS

- a) Vice Mayor Richardson – stated he has one thing about a memo sent out on 2/9 stating allegations of potential misconduct about him. No one ever asked him what happened. Vice Mayor Richardson stated he can either read all of these for the record – CM Bowers' memo, his sworn statement, and sworn statement from the man he went with. Or they can be stipulated to be put into the minutes.

Mayor Bell questioned the City Attorney if there had been any threat of a lawsuit regarding this issue. CA Gerken stated he was not aware of such a threat although he was sent a memo this afternoon that there was a potential threat of a lawsuit a week or so again. CA Gerken noted he questioned Mr. Richardson before the meeting tonight. Mr. Richardson stated to CA Gerken that he did not intend to have a lawsuit. There was also a dispute over public record request and that has been resolved.

Vice Mayor Richardson stated he does not know of a lawsuit coming forward either.

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CA Gerken stated he requests anything that is said be productive for the city. He noted he feels there is a chance for healing on many of these things. Choose words wisely.

CA Gerken stated we don't need to attach the statements formally to the minutes. They are public records and should be included in any requests.

Vice Mayor Richardson stated if they are not read, for the record, than what is the point. There are two choices – either you stipulate they will be attached to the meeting minutes or he will read them into the record.

Commissioner Kelly suggested turning this over to the Ethics Commission to get the item cleared and out of the way.

Vice Mayor Richardson did not agree to have it sent to the Ethics Commission because it would still be a public record.

Mayor Bell questioned if the recording of the complaint was a public record. CA Gerken stated yes. Originally it was not released until the inquiry was completed.

CA Gerken stated verbatim minutes are not done so the entire statement will not be captured. The document itself will be a public record available for posterity to see.

Vice Mayor Richardson stated when something is read “for the record” they are put into the record verbatim.

CA Gerken stated we do not do verbatim minutes and thus a verbatim transcript of the letters does not need to be done just because it is said “for the record.”

Vice Mayor Richardson read the sworn statements for the record. (Copies are available upon request and will be kept with the original minutes.)

- b) Commissioner Gunter –stated again he was proud of way CM Bowers conducted himself in Palatka. He thanked everyone for waiting on him for the meeting.
- c) Commissioner Kelly – stated she attended the MPO yesterday and they are having a “Meet Us on the Bi-way” on Saturday, February 25 from 10 – 5 in Barbeville.

Commissioner Kelly also noted that at the MPO meeting, some Mt Dora people had some concerns about widening of the road similar to our US 441 road widening problem.

Commissioner Kelly stated we have a request from a business in Fruitland Park regarding beer sales before 2 p.m. on Sunday. Leesburg is starting to sell at 7 a.m. Other cities' ordinances will be reviewed.

Commissioner Kelly questioned the parking at Wal-Mart and whether they had removed some handicap parking. CDD Rector stated they may have removed some but they had more than ADA required. They can down-size as long as they exceed the amount required.

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Commissioner Kelly stated the incident with Vice Mayor Richardson still needs to be investigated to clear it up.

CA Gerken stated there is a letter from FDLE as to what they did and they did speak with people from the City.

Commissioner Kelly noted this is a reflection on the City so she would like the City's name cleared.

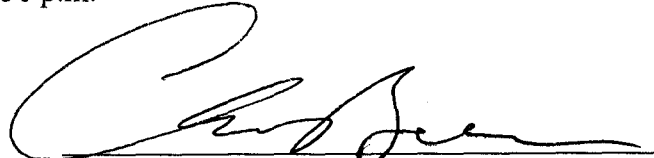
d) Commissioner Goldberg - none

10. MAYOR BELL'S COMMENTS. Mayor Bell reported the upcoming dates. He noted the next meeting with County Commissioner Welton Cadwell, we will discuss items that will improve even more economic development issues such as the Northwest Community Park, CR466A, and possibly the big community building which opens up developments,.

CDD Rector announced the old "Captain Bells" has been sold and will open as a new restaurant open for lunch and reservations taken for dinner.

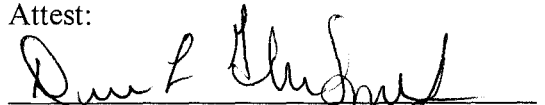
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12. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 9:30 p.m.



Christopher J. Bell, Mayor

Attest:


Diane L. Gibson Smith, CMC, City Clerk