

**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.

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 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.

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.

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06. Consent Agenda

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

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

08. City Attorney's Report

- a) Accepted settlement of \$1025.20 for Joel Chandler lawsuit. CA Gerken reviewed the details of the lawsuit. Commissioner Kelly moved and Vice Mayor Richardson seconded to accept the settlement amount of \$1025.20. The motion carried with all Commissioners voting aye.
- b) CA Gerken distributed and reviewed a memo on the clarification of donations, etc. by candidates.
- 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. 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 spoke about a memo written by CM Bowers about blogs.
  - 2) CM Bowers stated the Police Chief had a complaint about a City Commissioner. Discussion ensued.

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 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).

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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.

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.

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

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OF THE SAME; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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.

The ordinance was discussed.

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

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

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.

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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.

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.

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.

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

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

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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.

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.

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



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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.

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
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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.

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

- 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). 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.

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11. Citizens' comments

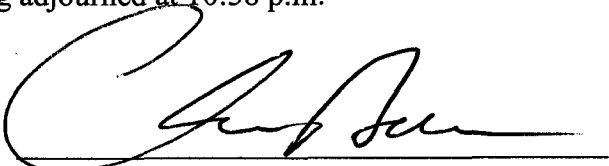
- a) Michael Howard, concerned citizen and candidate, spoke about the budget and a recent issue.

12. Commissioners' comments

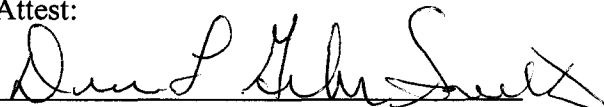
- a) Vice Mayor Richardson – discussed the Fire Department, paving, stormwater projects, complaint filed about Commissioner Kelly, and the recent Board of County Commissioners meeting.
- b) Commissioner Gunter – discussed the Brush Truck.
- c) Commissioner Kelly – discussed the complaint about her and the golf carts.
- d) Commissioner Goldberg - none

13. Mayor Bell's comments – discussed the golf cart ordinance and North Lake Community Park.

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