

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
APRIL 8, 2010

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 8, 2010 beginning at 7:04 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. City Manager Bowers 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 Albert O. Goldberg, Commissioner Sharon Kelly, Commissioner Jim Richardson, Vice Mayor John L. Gunter, Jr., Mayor Christopher J. Bell

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager (CM) Ralph O. Bowers, Public Safety Director (PSD) J. M. Isom, Sr., Public Works Director (PWD) John Bostic III, City Treasurer (CT) Elizabeth Palmer, Community Development Director (CDD) Charlie Rector, and City Clerk (CC) Diane Gibson Smith. Acting City Attorney (ACA) was Katrina Thomas.

1. PROCLAIMED APRIL AS WATER CONSERVATION MONTH. Mayor Bell proclaimed April as Water Conservation Month by reading the proclamation in its entirety.

2. PRESENTATION OF LIFE SAFETY AWARDS TO CORPORAL BRENT TYLER AND OFFICER EUGENE HOWARD.

Public Safety Director Mark Isom presented Life Safety Awards to Corporal Brent Tyler and Officer Eugene Howard for their work on an accident which occurred on Picciola Avenue.

3. NET DIRECTIVE – this was addressed during the CRA meeting.

4. APPROVED THE CONSENT AGENDA AS PRESENTED.

Mayor Bell presented the Consent Agenda for approval.

Commissioner Kelly moved and Commission Goldberg seconded to approve the Consent Agenda as presented. The motion carried unanimously with all Commission Members voting aye. The minutes of the March 11, 2010 meeting were approved.

5. AGENDA UPDATE – ACA Thomas stated she would give an update on the Everts' contract, CM Bowers added an item on Smart Fuels and discussion of a possible deferred payments resolution for future use.

6. CITY TREASURER'S REPORT FOR PERIOD ENDING FEBRUARY 2010. – CT Palmer stated we are approximately 42% through the fiscal year. She noted the following: 73% of the budgeted ad valorem taxes have been collected; traffic fine collections are low and may require a budget amendment; legal budget is high and will require an amendment; unemployment is still very high and will require a budget amendment; law enforcement – capital purchases were done early so believe this will level off; CRA funds have been encumbered for several unbudgeted items such as the Public Safety Complex architect and will require a budget amendment.

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7. CITY ATTORNEY REPORT – ACA Thomas stated the City Clerk’s office received a request from Ray Everts for additional time before closing on his property on Fountain Street.

Commissioner Richardson stated the longer the deal is held open, the higher possibility of the deal falling apart. CM Bowers noted this could happen if we don’t offer the extension.

Commissioner Kelly moved and Vice Mayor Gunter seconded to extend the closing of this property to June 1, 2010. The motion carried with all the Commissioners voting aye.

8. CITY MANAGER’S REPORT

a. CM Bowers stated we have been experiencing a loss of water at the Swimming Pool. He stated he would like to move ahead with a survey of the bottom to determine what needs to be done before mid-year review.

Vice Mayor Gunter questioned where the numbers in the memo came from. He noted money was supposed to be set aside every year for the resurfacing.

CT Palmer stated the money was appropriated for several years but was not used so the funds were put back into fund balance. The funds are still there.

Mayor Bell stated he would like to have a workshop to discuss budget items.

The decision was to hold a meeting on Friday, April 16, 2010 at 5:00 p.m. to review the results of the pool survey and make a decision on opening the pool.

b. CM Bowers gave an update on the infrastructure projects. (Copy attached)

Commissioner Kelly noted the CUP letter stated a 10 year permit was requested but CM Bowers stated we may be able to get a 15 year permit.

c. CM Bowers stated CDD Rector has been meeting with Smart Fuels. A memo was distributed. The agreement is to finish the loop at Smart Fuels’ cost and the tie-in to Spring Lake Cove at Smart Fuels’ cost with Fruitland Park financing this. CM Bowers stated CDD Rector explained that no further expansion will be allowed until Phase II is completed. CM Bowers stated CDD Rector checked into the permitting, development, and consulting fees and they have all been paid. CM Bowers stated they have agreed to pay as long as this memorandum of understanding is signed. We are also requesting authorization to execute a resolution similar to Resolution 2005-029 substituting Smart Fuels for property owners and Phase I.

CDD Rector stated mistakes were made by both parties. CDD Rector stated Smart Fuels has purchased 10 or 11 small permits. CDD Rector noted Smart Fuels is now 60 days past the time they expected to produce their first gallon of product. CDD Rector stated he put together this “gentleman’s agreement” clearly stating the steps needed to begin producing product. They will receive a temporary CO once the agreement is signed – they will agree to only manufacture 2500 gallons a day.

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Mayor Bell questioned the storage. CDD Rector stated they will be allowed to store an amount to fill a tanker per week. CDD Rector stated the open area in the storage tanks are filled with nitrogen so there is no oxygen in the tanks which lowers the risk of fire.

Commissioner Kelly questioned if this was a legal document. CDD Rector stated this is simply a memorandum of understanding.

Commissioner Richardson questioned the total cost. CDD Rector stated the City is paying for a 16" line although a 12" line is all that is needed for Smart Fuels. CM Bowers, PWD Bostic, and City Engineer determined how much the proportionate share was for Smart Fuels.

Mayor Bell asked if this agreement legally binds them. ACA Thomas questioned if this document would be followed up by a formal document. CM Bowers stated a developer's agreement is still necessary. CDD Rector stated Smart Fuels is looking for what is needed to final this project. Smart Fuels is getting a temporary CO before the developer's agreement is complete. If no developer's agreement is signed, then Smart Fuels will be locked into the 2500 gallons a day.

Commissioner Goldberg and Vice Mayor Gunter both questioned who would monitor the production. CDD Rector stated they have offered to give us a production printout.

Mayor Bell questioned the developer's agreement. A developer's agreement has been drafted and sent to their attorney. ACA Thomas suggested CA Gerken should review the document prior to anyone from the City signing the documents. CA Gerken had additional questions regarding titles of the properties and easements.

Mayor Bell questioned if pulling many small permits affects the value for taxing by the county. CDD Rector stated all permitting pulled looked like it contained fair value on the project. CDD Rector stated the county will come out to do a re-evaluation a year after the CO is issued. This can be requested sooner.

Commissioner Richardson stated his only concern is putting a financial burden on Smart Fuels if they are bringing jobs to the City. CDD Rector stated that is why the cap was set at \$75,000. Smart Fuels does not want the cost to come in higher than they are quoted.

Vice Mayor Gunter moved and Commissioner Kelly seconded to allow the Mayor to sign the developer's agreement with the language included in this memorandum of understanding added to it. The motion carried with all the Commissioners voting aye.

CM Bowers questioned if the resolution would be okay to do. The Commission approved having the resolution drafted and brought back to Friday's meeting.

CM Bowers questioned if our contractor can do work for Smart Brothers as long as Smart Brothers pay for that work. The Commission requested this wording be added to the developer's agreement.

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- d. Set a date for electric system discussion – this was tabled until the next meeting. Mayor Bell stated he would like to schedule a workshop in the middle of May to discuss the electric system and budget issues. This will be scheduled at the next meeting.
- e. CM Bowers stated we need to make a decision regarding the Water Alliance. The proportionate share payment was made last fall. Commissioner Richardson moved and Commissioner Kelly seconded to participate only until the next proportionate share payment is due.
- f. CM Bowers stated he needs to be appointed as the City representative to the MPO Technical Advisory Committee. Peggy Newman was the previous appointment. Commissioner Kelly moved and Commissioner Goldberg seconded to appoint CM Bowers as the MPO Technical Advisory Committee appointment. The motion carried with all Commissioners voting aye.
- g. CM Bowers reported on the attorney payments for legal representation.
- h. CM Bowers stated a large record request was received and he would like direction on how much time should be spent on this. By consensus, an estimate of time and copies will be made and given to the requestor. The estimate must be paid prior to the request being completed.

9. UNFINISHED BUSINESS

- a. Adopted Resolution 2010-009 amending the budget for the purchase of snowflake decorations. ACA Thomas read Resolution 2010-009 by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2009-2010 FISCAL YEAR TO APPROPRIATE \$5000 FROM THE REDEVELOPMENT CONTINGENCY FUND FOR THE PURCHASE OF SNOWFLAKE DECORATIONS, PROVIDING FOR THE AMENDMENT OF THE 2009-2010 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kelly moved and Vice Mayor Gunter seconded to adopt Resolution 2010-009. The motion carried with Commissioner Goldberg, Vice Mayor Gunter, Commissioner Kelly, Commissioner Richardson, and Mayor Bell voting aye.

10. NEW BUSINESS

- a. Adopted Resolution 2010-010 amending the budget for the FDLE-JAG Drug/DUI Interdiction Traffic Enforcement Funding. ACA Thomas read Resolution 2010-010 by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2009-2010 FISCAL YEAR TO APPROPRIATE \$1422 THE FDLE-JAG DRUG/DUI INTERDICTION TRAFFIC ENFORCEMENT FUNDING ACCEPTED MARCH 10, 2010, PROVIDING FOR THE

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AMENDMENT OF THE 2009-2010 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Resolution 2010-010. The motion carried with all Commissioners voting aye.

- a. Approved the Traffic Signal Maintenance and Compensation Agreement. Commissioner Kelly moved and Vice Mayor Gunter seconded to approve the agreement. The motion carried with all Commissioners voting aye.
- b. Decision made to schedule a workshop to discuss Fruitland Park Day prior to setting the 2010/2011 budget.
- c. The Employee Picnic was set for May 15th beginning at 11:00 a.m. The location was changed to Veterans Park. The lake will be tested to see if the water is acceptable for swimming.

11. CITIZEN'S COMMENTS – none

12. COMMISSIONER'S COMMENT

Vice Mayor Gunter – none

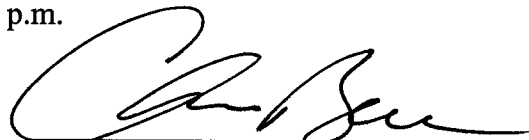
Commissioner Goldberg – wished to be excused for April 22nd.

Commissioner Kelly – stated according to the MPO, Lake Express ridership is up.

Commissioner Richardson – none


13. MAYORS COMMENTS – Mayor Bell reviewed the dates of the upcoming events.

14. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 9:35 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk