

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
AUGUST 2, 2010

MEETING STATISTICS. A special meeting of the Fruitland Park City Commission was conducted in the Commission Chambers of City Hall, 506 West Berckman Street, Fruitland Park, Florida on Monday, August 2, 2010 beginning at 5:30 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 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., City Treasurer (CT) Elizabeth Palmer, Community Development Director (CDD) Charlie Rector, and City Clerk (CC) Diane Gibson Smith.

01. NEW BUSINESS

a.) Set proposed millage set at 4.96 mills, established current year rolled-back rate set at \$3.4969, and scheduled first public hearing on the tentative millage rate and budget for fiscal year 2010-2011 for September 09, 2010 at 7:00 p.m. in the Commission Chambers of City Hall and final hearing September 23, 2010 at 7:00 p.m. in the Commission Chambers of City Hall

CM Bowers requested the millage rate be set at 5.00 so adjustments can be made later. He noted we have already made personnel adjustments. He further noted the budget does not include any pool operations. CM Bowers stated we will be requesting at least one half of the automation fund back from the county. He added he is preparing a different budget spreadsheet and hopes to finish it and distribute this week.

Mayor Bell asked what millage the budget worksheets are based on. CM Bowers stated 4.36 mills. This is \$29,000 short with no pool operations and the staff reductions already completed. CM Bowers stated we will need to advertise a budget increase whether we stay at 4.36 or go to 5.00. CT Palmer stated anything over 3.7739 mills requires a unanimous vote. 3.43 mills would require a majority vote. A super majority vote would be required for 3.7739 mills.

Mayor Bell suggested setting the millage at 4.95 mills.

Commissioner Kelly noted no one has reviewed the budget. Commissioner Kelly suggested setting it at 5.00 mills and then cutting back later. CA Gerken reminded everyone that is easy to go down, but hard to go back up.

Commissioner Kelly moved to set the millage at 5.00 mills. The motion died for lack of second.

Vice Mayor Gunter moved to set the millage at 4.96 mills. Commissioner Goldberg seconded the motion. The motion carried with four commissioners voting aye and one commissioner (Commissioner Richardson) voting nay.

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Commissioner Richardson stated he has a hard time voting for a tax increase. Commissioner Goldberg stated this millage being set is only a budgeting tool.

Mayor Bell suggested additional discussion occur now as we will need to have a unanimous vote going forward. CA Gerken stated a unanimous vote is not needed tonight. The tentative millage of 4.96 mills has passed.

CT Palmer showed various scenarios. Even with the same millage as last year, we will need to show a tax increase. This is due to the way the calculations are made.

Mayor Bell stated staff needs to take notice that additional cuts may need to be made if we need to go back to the rolled back rate of 3.7739 mills.

Mayor Bell announced the date for the first public hearing on the tentative millage rate and budget as September 9, 2010 with the final hearing to be held September 23, 2010.

b.) Adopted Resolution 2010-018 amending the budget for the WWTF generator. CA Gerken read Resolution 2010-018 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 \$44,206 FROM THE CAPITAL PROJECT FUND FOR THE WASTEWATER TREATMENT FACILITY GENERATOR, PROVIDING FOR THE AMENDMENT OF THE 2009-2010 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Resolution 2010-018. The motion carried unanimously with, Commissioner Goldberg, Vice Mayor Gunter, Commissioner Kelly, Commissioner Richardson, and Mayor Bell all voting aye.

c.) Adopted Resolution 2010-019 amending the budget for the WWTF electric panel upgrade. CA Gerken read Resolution 2010-019 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 \$7,346 FROM THE CAPITAL PROJECT FUND FOR THE WASTEWATER TREATMENT FACILITY ELECTRIC PANEL UPGRADE, PROVIDING FOR THE AMENDMENT OF THE 2009-2010 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kelly moved and Commissioner Richardson seconded to adopt Resolution 2010-019. The motion carried unanimously with Mayor Bell, Commissioner Goldberg, Vice Mayor Gunter, Commissioner Kelly, and Commissioner Richardson all voting aye.

d.) Approved extension of the Library Services interlocal agreement with Lake County for an additional year.

CA Gerken stated the only change is to extend this contract for one more year.

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Commissioner Goldberg moved and Commissioner Kelly seconded to extend the Library Services interlocal agreement with Lake County for one additional year. The motion carried with all the Commissioners voting aye.

02. AGENDA UPDATE – none

03. APPROVED THE CONSENT AGENDA AS PRESENTED.

Mayor Bell presented the Consent Agenda for approval.

Vice Mayor Gunter moved and Commission Goldberg seconded to approve the Consent Agenda as presented. The motion carried unanimously with all Commission Members voting aye. Items approved were: minutes of the regular meeting held July 8, 2010 and minutes of the CRA meeting held July 8, 2010.

04. REVIEWED TREASURER'S REPORTS FOR PERIODS ENDING MAY 31, 2010 AND JUNE 30, 2010.

CT Palmer reviewed the Treasurer's reports for the period ending May 31, 2010 and period ending June 30, 2010. These reports did not include mid-year budget review changes. CT Palmer reported on the revenues and expenditures for each month.

Commissioner Kelly questioned what the final transfer from reserves will be for year end. CT Palmer stated the General Fund will be okay due to the \$161,000 transferred in from the Capital Projects funds.

Mayor Bell questioned the charity account. CT Palmer stated we have had one recent request for use.

Commissioner Kelly questioned if the charity account should be listed at the bottom of the utility bills. CT Palmer stated she felt there would be a large number of people to respond if we advertise it.

Mayor Bell questioned if we offer set payments. CT Palmer stated we do not offer set payments at this time, but we do offer time payments on high bills.

Commissioner Richardson questioned if the new water meters would allow us to reduce personnel in the water utility. Commissioner Kelly noted we do not know for sure if we will have the new water meters until we receive the grant.

Mayor Bell suggested the transfer of a position to Recreation and Parks may be doable once the status of the grant is known.

05. CITY ATTORNEY'S REPORT

a.) CA Gerken reported on the Rayfield case. The federal judge entered a summary judgment in the City's favor entered. There is an appeal period, but the judge was steering Mr. Rayfield against appealing the judgment.

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b.) CA Gerken stated he encourages each Commissioner to review the formula used to determine whether this proposed millage is a percentage tax increase or not. He noted it defies common sense.

CM Bowers noted even the press has picked up on the lack of thought and will be giving cities credit if they hold the millage the same.

06. CITY MANAGER'S REPORT

a.) CM Bowers stated he would like to put money in the budget to purchase a surplus standby generator to place at the American Legion for after-storm usage of their new facility.

Vice Mayor Gunter questioned if the building could be used as a shelter. CM Bowers stated no, the building is not designed to be a shelter. The facility could be used for feeding the emergency crews, etc. Chief Isom stated we have a contract with Wal-Mart to provide food for our emergency crews.

CDD Rector stated the American Legion said they can get the generator for \$10 as they are a military entity. The American Legion would need a transfer switch to use the generator. The American Legion stated they would gladly work with the City on this.

Mayor Bell called for a one minute recess at 7:08 p.m. The meeting reconvened at 7:09 p.m.

b.) CM Bowers stated sewer line time payments are currently only offered to Phase 1 sewer customers.

CDD Rector noted a customer has a failing sewer system and Lake County is requesting him to connect to sewer. This would cause a financial hardship for the customer so he would like time payments.

CM Bowers suggested we could collect the out-of-pocket expenses as the down payment and then finance the remaining for three years.

CT Palmer suggested modifying the agreement for monthly payments as we are currently taking annual payments and to adjust the interest rate to a minimum of 5%. CDD Rector agreed.

Commissioner Richardson moved and Vice Mayor Gunter seconded to authorize entering into a time payment agreement with the customer and then have staff bring back the recommended agreement. The motion carried unanimously with all the Commissioners voting aye.

07. PUBLIC HEARINGS - None

08. UNFINISHED BUSINESS - None

09. CITIZENS' COMMENTS - None

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10. COMMISSIONERS' COMMENTS

a) Vice Mayor Gunter – requested a status update on the Wicks lawsuit. CA Gerken stated the time came and went on the offer so we are moving ahead with discovery.

Commissioner Kelly questioned if interest could be collected as well. CA Gerken stated there is a possibility of getting interest.

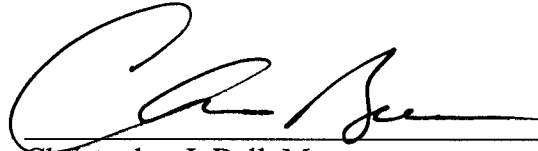
b) Commissioner Kelly - none

c) Commissioner Goldberg – requested an update on Smart Fuels. CDD Rector stated the agreement is being fine tuned. Smart Fuels has a check in hand, but has not paid the City yet. CA Gerken noted the easement is still needed.

d) Commissioner Richardson - none

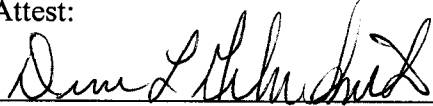
11. MAYOR BELL'S COMMENTS. Mayor Bell reviewed the upcoming events.

12. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 7:23 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk