

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES
JANUARY 14, 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, January 14, 2010 beginning at 7:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Langford of the Covenant Life Church delivered the invocation followed by the Pledge of Allegiance led by Vice Mayor Gunter.

ROLL CALL. Mayor Bell asked City Treasurer Elizabeth Palmer to call the roll call.

ELECTED OFFICIALS PRESENT. Commissioner Albert O. Goldberg, Commissioner Sharon Kelly, 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, City Treasurer (CT) Elizabeth Palmer, Interim Community Development Director (ICDD) Charlie Rector, and City Clerk (CC) Diane Gibson Smith.

Mayor Bell announced the special election on February 16, 2010. He noted the candidates in attendance as Linda Rodrick, Lowell Mishoe, and Jim Richardson. He also noted the other two candidates, not in attendance, were Michael Howard and Kevin Violette.

01. APPROVED CONSENT AGENDA.

Mayor Bell presented the Consent Agenda for approval.

Commissioner Kelly moved and Vice Mayor Gunter seconded to approve the Consent Agenda. The motion carried unanimously with all Commission Members voting aye. The following items were approved: minutes of the November 12, 2009 meeting and minutes of the December 10, 2009.

02. AGENDA UPDATE. CM Bowers stated he wished to pull 9 a (Contract with BESH for Berckman Street) and add a discussion on his memo regarding Systems Improvements. CA Gerken added discussion of contracts for the Ammer property.

03. PUBLIC HEARINGS

a. Adopted Ordinance 2009-017 amending Chapter 159 of the LDRs to include Section 159.120 entitled Alternative Water Supply. CA Gerken read Ordinance 2009-017 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 159 OF THE CITY OF FRUITLAND PARK LAND DEVELOPMENT REGULATIONS ENTITLED "UTILITIES"; ADDING SECTION 159.120 ENTITLED ALTERNATIVE WATER SUPPLY; ESTABLISHING AN ALTERNATIVE WATER SUPPLY PROGRAM AND REGULATIONS, PROCEDURES, AND FEES ASSOCIATED WITH SUCH PROGRAM; PROVIDING FOR DEFINITIONS; ESTABLISHING AUTHORITY AND ENFORCEMENT AND COMPLIANCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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CM Bowers stated he does not like this ordinance but it is a requirement for the Consumptive Use Permit (CUP).

Commissioner Kelly questioned if the State owns any reclaimed water rights. CA Gerken stated no, although that is still up for debate.

Mayor Bell asked if there are any costs to the City. CA Gerken stated no, this sets the ground work for alternative water supply systems for the future. Eventually every city in Lake County will pass this ordinance.

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

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2009-017. The motion carried unanimously with Vice Mayor Gunter, Commissioner Kelly, Mayor Bell, and Commissioner Goldberg all voting aye.

b. ADOPTED ORDINANCE 2009-018 CALLING FOR A REFERENDUM TO CONSIDER CHANGING THE CHARTER TO ALLOW FOR APPOINTMENT OF A COMMISSIONER WHENEVER A VACANCY OCCURS DURING THE REGULAR TERM. CA Gerken read Ordinance 2009-018 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR AMENDMENT OF THE CITY CHARTER; AMENDING SECTION 3.05(c) OF THE CHARTER RELATING TO FILLING VACANCIES ON THE CITY COMMISSION; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken explained this ordinance allows the option to appoint to fill the seat of the term until the next regular election or to have a special election to fill the expired term. He noted the change was made for the appointment time to be only until the next election.

Vice Mayor Gunter questioned the dollar amount for a special election. CA Gerken stated around \$4,000 to \$5,000 is the cost.

Mayor Bell noted he likes having the option to appoint or to hold a special election.

Commissioner Kelly questioned the appointment. CA Gerken stated a super majority consensus is needed to make the appointment. This will be on the ballot at the upcoming election.

Mayor Bell questioned if the referendum should be on the ballot. If there is a poor turnout and it gets voted down, can we put it on the next regular election. CA Gerken stated yes, but we would have to go back through the process.

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

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Commissioner Kelly moved and Vice Mayor Gunter moved to adopt Ordinance 2009-018. The motion carried unanimously with Commissioner Kelly, Mayor Bell, Commissioner Goldberg, and Vice Mayor Gunter all voting aye.

04. TREASURER'S REPORTS FOR PERIOD ENDING OCTOBER 31, 2009 AND PERIOD ENDING NOVEMBER 30, 2009.

CT Palmer stated the Finance Department has been very busy – implementation of fire and police user fees, conversion from postcard bills to full size billing, and conversion to ASP. She reported at the end of October 2009 (8.3% into the year), the General Fund is a bit low due to the State fundngs having a delay and no ad valorem tax dollars have been received. Several departments are over budget, mainly due to timing of payments. Stormwater is high due to a payment to St. Johns for the WAVE project, which was about half of the budget. This overage was discussed. The decision was made to relook at the Stormwater budget for this year at a future meeting.

For period ending November 30, 2009 (17% of the year), CT Palmer stated ad valorem taxes began to come in. CT Palmer noted Other General Government is high mainly due to high unemployment rates. Part of the problem is ARRA which extended the unemployment benefits for those unable to find work. Another reason is the payment of the redevelopment tax payment.

05. CITY ATTORNEY'S REPORT

a. CA Gerken stated the Ammer property is made up of two parcels – one for the house and the other for the vacant lot. The combined price is \$107,500 which is the appraised value of the property. There are two contracts in order to pay for the house mortgage which is in foreclosure. The vacant property is owned outright. Redevelopment funds will be used to purchase these buildings. A CRA meeting will be held prior to the next meeting.

City Clerk Diane Gibson Smith arrived at 7:40 p.m.

Mayor Bell questioned charging rent for the next year. CA Gerken stated that could be done, but has not been set up. They will be responsible for all repairs, etc. as long as they are there.

Commissioner Goldberg questioned liability to the City if they are injured at the house. CA Gerken stated we can have them sign a release from liability.

Commissioner Goldberg also questioned who would be checking the property to make sure it is kept up. CA Gerken stated we did not envision this being a problem especially since the intent is to eventually demolish the property.

Mayor Bell questioned if we had to have a reason to give them a 30-day notice to leave the property. CA Gerken stated the only reason to give is that the City requires the property.

Commissioner Goldberg moved and Vice Mayor Gunter seconded to approve the contracts with a signed release from liability and contingent on CRA approval. The motion carried with all Commissioners voting aye.

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b. CA Gerken stated we also have an oral agreement on the other property needed. PSD Isom will present the contracts to Mr. Everts and this will be brought back for approval. Agreement has also been made for the appraised value.

Mayor Bell noted the only other parcel still needed is at 509 West Fountain Street.

c. CA Gerken stated he is still working out the final terminology on the red light camera and it should be ready for the next meeting.

d. CA Gerken stated a scrivener's error was found in Ordinance 2009-016. The chapter involved is 153, not 135. Corrections have been made.

e. CA Gerken gave a brief update on the Wicks lawsuit. He noted there has been no response to the formal offer of settlement yet. If they do not accept the formal offer then we will go to court and will be awarded attorneys fees on top of the damages if we win.

06. CITY MANAGER'S REPORT

a. CM Bowers reported on his memo regarding Aquifer Monitoring System. He noted in the process of applying for the CUP, we found we were forced to use St. Johns River Water Management's monitoring system. Staff has received verbal approval from several well owners to place our own monitoring systems. Sarah Whittaker (Water Consultant) and Duane Booth (Engineer) will advise which areas are best to monitor. We will begin with two monitoring systems and gather information to challenge St. Johns River Water Management Districts assumptions.

Vice Mayor Gunter questioned why we would not just put the monitors on our own wells. CM Bowers stated we need more distance between the monitoring in order to be more accurate.

Mayor Bell suggested approaching Leesburg and Lady Lake with some type of Water Alliance to do this and expand the model. CM Bowers stated we would be interested in having some positive programs for a regional Water Alliance. We will contact Leesburg and Lady Lake to see if they are interested in joining.

By consensus the Commission approved the concept with funds being taken out of the contingency fund.

c. CM Bowers stated Umatilla has moved ahead with an Interlocal Service Boundary Agreement with Lake County and would like to know if the City of Fruitland Park is ready to do this same thing. By consensus, the Commission approved moving ahead with this. Interim Community Development Director Charlie Rector and CC Gibson Smith will work with CM Bowers on moving ahead with this agreement.

d. Recreation Director Bechtel stated she would like to hire a professional company to time the 5K race on Fruitland Park Day. Mayor Bell questioned if we are generating enough revenue to cover the cost. RD Bechtel stated yes. The cost is \$950 plus \$1 per runner.

Vice Mayor Gunter moved and Commissioner Kelly seconded to hire a professional timing company. The motion carried unanimously with all the Commissioners voting aye.

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CM Bowers stated he has spoken to a Florida Highwayman artist who is willing to come to Fruitland Park Days.

Vice Mayor Gunter questioned information on more snowflakes for the new light poles. RD Bechtel will have information on the number needed for the next meeting.

e. CM Bowers announced Lake County Days are February 16 and 17.

f. CM Bowers stated he and Mayor Bell met with Jennifer Hill, Bobby Bonilla, and Wendy Breeden regarding a regional park idea for the Cales property and the Baugh property. The County Commission is looking at the Recreation and Parks 5-year plan. Information was distributed on the projects being considered by the County. Mayor Bell stated he is looking to partner with Lake County on the park project. He would like approval to move forward with discussions on partnering with Lake County on this park project. Would also like to have all the properties appraised to see what the City of Fruitland Park will bring to the partnership.

Vice Mayor Gunter moved and Commissioner Goldberg seconded to approve up to \$3,000 to have the three parcels appraised for this property. The motion carried with all Commissioners voting aye.

CA Gerken stated after the appraisal, staff could talk to the Baugh's about a possible agreement on the property contingent on grant funding.

Commissioner Goldberg moved and Commissioner Kelly seconded to move forward with partnering with Lake County on the park project. The motion carried unanimously with all Commissioners voting aye.

g. CM Bowers discussed his memo on System Improvements and his idea to set up a local revolving fund. CM Bowers noted developers are having a hard time getting funding for off-site improvements as they are non-collateral improvements. CM Bowers stated we could use funds to set up a revolving fund for infrastructure and get modest projects started. All projects will be approved by the Commission. CM Bowers stated he is only asking for approval to look into this further.

Commissioner Kelly questioned what funds will be used. CM Bowers stated CRA money could be used or we could borrow money to fund the projects and applications will be reviewed on a case by case basis. We could add to their water bill so it will show up as an expense.

CA Gerken stated he agrees financing for these types of projects is now very difficult to obtain. This is not too different from offering payments on sewer hook-ups. We would hold a second mortgage behind the bank.

CT Palmer stated she would like to see CRA funds used for this purpose as it is redevelopment. This could create a win-win situation for the City.

Vice Mayor Gunter stated he would like to see only commercial projects as he would like to see this create jobs.

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Commissioner Kelly stated we also need to research how much to put into this fund. Mayor Bell suggested researching to see if other cities are also doing this.

Interim Community Development Director Rector stated he believes this is a good idea as we are loaning the money to put in infrastructure which then comes back to us.

07. UNFINISHED BUSINESS

a. BESH contract – this item was pulled until the next Commission meeting.

08. NEW BUSINESS

a. Approved Resolution 2010-001 amending the FY 2009-2010 budget to appropriate \$3000 for C25 water line extension. CA Gerken read Resolution 2010-001, 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 \$3,000 FOR C25 WATER LINE EXTENSION, PROVIDING FOR THE AMENDMENT OF THE 2009-2010 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

CM Bowers stated this closes a loop at the south end of town that was left open. This was discovered during our evaluation of the system.

Commissioner Kelly moved and Vice Mayor Gunter seconded to adopt Resolution 2010-001 . The motion carried unanimously with Mayor Bell, Commissioner Goldberg, Vice Mayor Gunter, Commissioner Kelly and all voting aye.

b. Approved Resolution 2010-002 amending the FY 2009-2010 budget to appropriate \$10,000 for the 10-Year Water Supply Facilities Work Plan. CA Gerken read Resolution 2010-002, 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 \$10,000 FOR THE 10-YEAR WATER SUPPLY FACILITIES WORK PLAN, PROVIDING FOR THE AMENDMENT OF THE 2009-2010 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

CM Bowers noted this is necessary for the Consumptive Use Permit, DEP permit, and the EAR.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Resolution 2010-002. The motion carried unanimously with Commissioner Goldberg, Vice Mayor Gunter, Commissioner Kelly, and Mayor Bell, all voting aye.

09. CITIZENS' COMMENTS - none

10. COMMISSIONERS' COMMENTS

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a) Vice Mayor Gunter – stated he was surprised at the number of rentals we were told we have in the City. Greg Belliveau stated we should be strengthening our Code Enforcement.

The numbers presented by Mr. Belliveau came under question. This will be reviewed.

Mayor Bell stated the 2010 Census should help Fruitland Park and questioned if we had anyone who was involved to verify the numbers. CM Bowers stated a recommendation on this will be brought back.

b) Commissioner Goldberg – looking for a better funding year.

c) Commissioner Kelly – stated we had an EAR meeting that showed statistics that were not promising. She hopes the idea about financing will help bring businesses to the City.

CM Bowers noted he met with the owners of Pine Ridge Dairy and they are beginning to move forward with working with the County on the rights-of-way. They will also be giving us an easement.

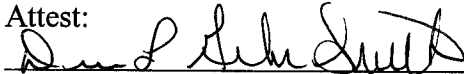
12. MAYOR BELL'S COMMENTS. Mayor Bell reviewed the upcoming events.

13. ADJOURNMENT. There being no further business to discuss, Commissioner Goldberg moved to adjourn. The meeting adjourned at 9:10 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk