

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES
JANUARY 27, 2011**

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 27, 2011 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Reverend George Mulford of the Grace Bible Baptist Church delivered the invocation followed by the Pledge of Allegiance led by Commissioner Gunter.

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 Jim Richardson, Vice Mayor Albert O. Goldberg, Mayor Christopher J. Bell

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager (CM) Ralph O. Bowers, Interim Police Chief (IPC) David Borst., Public Works Director (PWD) John Bostic III, City Treasurer (CT) Elizabeth Palmer, Community Development Director (CDD) Charlie Rector, Recreation Director (RD) Sherry Bechtel, and City Clerk (CC) Diane Gibson Smith.

01. HEARD BUILDING AND ZONING DEPARTMENT STATUS REPORT BY CDD CHARLIE RECTOR. CDD Rector introduced his administrative assistant Gloria Cortez and reviewed the accomplishments for the past year. CDD Rector stated they are working on a new fee schedule, not to raise fees, but to fill in the gaps. He also noted he and Gloria are working on the enclaves. One hundred and twelve parcels have been identified. Word of mouth advertising for this project has given positive responses. An ISO report was completed and Fruitland Park received a 4 (highly unusually for a volunteer Fire Department; Lake County was 6-9). This should produce a savings on insurances that could almost offset the increase taxes when the parcels annex into the City. Plato Lago is officially dead; Fruitland Park Centre is also officially dead.

Mayor Bell questioned the ISO rating and if the citizens need to contact their insurance company. CDD Rector stated this should be an automatic reduction, but citizens should check with their carriers.

Commissioner Richardson stated Lake County has waived collecting transportation impact fees and wondered if we had stopped also. CDD Rector stated we do not collect city transportation impact fees, but have stopped collecting the county fees although the paperwork is still being completed.

Commissioner Richardson left the room at 7:24 p.m. and returned at 7:26 p.m.

02. APPROVED THE CONSENT AGENDA AS PRESENTED.

Mayor Bell presented the Consent Agenda for approval.

Commissioner Kelly moved and Vice Mayor Goldberg seconded to approve the Consent Agenda as presented. The motion carried unanimously with all Commission Members preent voting aye. Commissioner Richardson was out of the room at the time of the vote. The minutes of the January 13, 2011 City Commission meeting were approved.

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03. CITY ATTORNEY'S REPORT

- a.) CA Gerken reviewed the letter he wrote to FDLE Inspector Tom Berlinger in response to his request for the City to rescind its resolution supporting then Chief Mark Isom. The Commission approved sending the letter.
- b.) CA Gerken stated there have been many articles in the paper regarding theft of copper and scrap metal from air conditioning units, etc. Lake County has drafted an ordinance that regulates the scrap metal places similar to the way pawn shops are regulated. Lake County wants to make it a county-wide ordinance and would like the cities to be on board with this.

04. CITY MANAGER'S REPORT

- a) CM Bowers said Commissioner Richardson approached him about the idea of a joint planning meeting among Lake County Public Works, LSMPO, and City of Fruitland Park. CM Bowers noted the idea could be good, but having LSMPO involved could create problems.

Commissioner Richardson stated he was at an impact meeting and spoke to Lake County about a possible Town Hall meeting about CR466A between the City and Lake County and the impacted residents along CR466A. This could stimulate friendly purchases.

CM Bowers noted the state acquisition process is being used for the ROW so us contacting residents is difficult.

Commissioner Kelly questioned how many residents have been contacted. CA Gerken stated he thought Lake County was currently only dealing with willing sellers.

Commissioner Richardson noted the Murphy act will be used whenever possible.

CM Bowers stated we will wait for something from Jim Stivender and then set something up. The consensus was to not include LSMPO.

- b) CM Bowers stated he pulled the BESH contract for US Highway 441/27 design work as it does not fit the hardship financing program. FDOT has stated they may add BESH's work to their engineering. Any funds we have already paid against these BESH invoices will be added to another project with clear notes indicating such. We are still waiting on the final approval of the hardship letter. We have received good cooperation from FDOT.
- c) CM Bowers reviewed a letter from Ed de laParte regarding getting water law in Florida under control - House Select Committee on Water Policy written comments. CM Bowers stated he has put his approval on the comments and will request taking these to his FLC Energy and Environmental Quality Committee. CM Bowers noted one of the ongoing problems is reclaimed water. He stated reclaimed water is product, not waters of the State.
- d) CM Bowers stated he received a letter from Wingspread about a problem on Otter Pond Road -- the problem was the depth of the pavement. CM Bowers stated he has asked

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for a price on resurfacing. This will be done under the normal road repair budget. Another complaint in the letter is about abuse of the gate. CM Bowers stated he has been by several times and the gate has been closed every time. The gate appears to be operating properly and is not being left open.

Commissioner Gunter stated he understands the gate is being abused. CM Bowers noted he is not sure what is considered "abuse".

Mayor Bell suggested sending a memo to all the users about the use of the gate. Interim Police Chief David Borst stated he believes the problem is caused by people going around the gate instead. A fence currently under construction should take care of the problem.

- e) CM Bowers stated Commissioner Richardson attended the March of Dimes Kick off meeting. Commissioner Richardson stated we have been challenged to raise \$1500 for the March of Dimes by Sheriff Borders. We have until the 24th of April. We will need someone here to be the leader for the City. A memo will be sent out to all employees to do find a leader.

05. HEARD CITY TREASURER'S REPORT FOR PERIOD ENDING NOVEMBER 30, 2010.

CT Palmer stated as of November 30, 2010 we were 17% into fiscal year. She noted several departments are currently high but most are due to timing. Law Enforcement will require a budget amendment due to MiFi encumbrance; Recreation Facilities is over due to a mold issue which will require a budget amendment. CUP expenses are currently \$3,364 over and a budget amendment is expected.

CT Palmer stated project accounting training has started. The auxiliary files have been set up.

Mayor Bell questioned when this will be up and running. CT Palmer stated soon. Reporting will be very nice and you can print as much or as little detail as you want.

06. UNFINISHED BUSINESS - NONE

07. INTRODUCTION OF ORDINANCES

- a) Approved first reading of Ordinance 2011-001 adopting certain provisions of the International Code Council's International Property Maintenance Code, 2009.

CA Gerken read Ordinance 2011-001 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING CERTAIN PROVISIONS OF THE INTERNATIONAL CODE COUNCIL'S INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009; PROVIDING FOR CONFLICT WITH EXISTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken stated this was pulled off the agenda last year. CDD Rector has since gone through and put this version of the code together to fit the needs of the City.

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Commissioner Kelly questioned if this will need to be changed when the building code changes. CDD Rector stated no, only when the determination is needed that it should be.

CDD Rector stated this is complaint generated. CDD Rector stated he is the interim Code Enforcement Officer. The Building Official should eventually be the Code Enforcement Officer.

Commissioner Kelly moved to approve first reading of Ordinance 2011-001.

Commissioner Gunter questioned if this will be seen in front of the Code Enforcement Board. CDD Rector stated not everything will go in front of the Board.

Commissioner Gunter questioned what protects the renter. CDD Rector stated this book sets out clearly what is owner responsibility versus renter responsibility.

CA Gerken stated this spells out what can and cannot be done. CDD Rector noted one key part is being able to react faster when there is imminent threat.

Commissioner Richardson seconded the motion. The motion carried unanimously with Commissioner Gunter, Commissioner Richardson, Mayor Bell, Vice Mayor Goldberg, and Commissioner Kelly all voting aye.

CA Gerken noted this officially authorizes the Code Enforcement Officer the ability to enter into a residence when a complaint is made.

Mayor Bell asked how many people are wishing to speak during the Citizens Comments. One person raised a hand to speak.

b) Approved first reading of Ordinance 2011-002 amending Section 33.21 of the Code of Ordinances relating to purchases requiring public bid.

CA Gerken read Ordinance 2011-002 by title only, as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING SECTION 33.21 OF THE CODE OF ORDINANCES OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO PURCHASES REQUIRING PUBLIC BID; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE INCLUSION OF THIS ORDINANCE IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken stated this allows the "piggy backing" of contracts which have been competitively bid by another governmental agency. The contract would still need to be approved by the Commission.

Commissioner Gunter moved and Commissioner Kelly seconded to approve first reading of Ordinance 2011-002. The motion carried unanimously with Commissioner Kelly, Commissioner Gunter, Commissioner Richardson, Mayor Bell, and Vice Mayor Goldberg all voting aye.

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08. NEW BUSINESS

- a) CM Bowers introduced Interim Police Chief David Borst.

09. CITIZENS' COMMENTS

- a) Reverend Mulford of the Grace Bible Baptist Church stated at the last meeting comments were made regarding nominating Tommy Gamble for a Community Service Award. Reverend Mulford stated he would like to see some recognition of Tommy's retirement be done when that time comes. CM Bowers suggested we create a "Fire Chief Emeritus" position rather than let him retire.

Vice Mayor Goldberg suggested having additional people send in nominations.

10. COMMISSIONERS' COMMENTS

- a) Vice Mayor Goldberg - none
- b) Commissioner Gunter - none
- c) Commissioner Kelly - stated she attended the MPO meeting and annual dinner. The featured speaker was very good. He is on our new governor's transition team.
- d) Commissioner Richardson - stated as follow-up to last meeting, he questioned if we are going to follow the charter and do a capital program or not and if not, then why. CM Bowers stated can do a white board meeting this year.

Commissioner Kelly suggested this was not done due to the economy being so bad. Decided to only do what we know we could do and not do an actual plan.

Commissioner Richardson stated but we knew about the CUP. Commissioner Kelly noted normally the CUP would cost much less.

CM Bowers noted normally 20 year CUPs are given. CM Bowers stated we are having a Five Year Capital Program done for the EAR report that should be complete within the next month. Until see what legislature does, a five-year plan is only a wish list. CM Bowers noted this year was the first time, we have not pulled out money from Reserves to balance the budget. The US Hwy 27/441 project was not even on the 2020 program.

Commissioner Gunter stated we have had workshop on 5, 10, 15 year plans which were always a wish list. We don't budget for things. We usually finance things. There is no cash flow to pay for things.

Commissioner Kelly stated we can't plan big extravagant things in advance. There are no funds.

Commissioner Richardson stated after we finance, we have to budget for it. If we did a capital program we would set aside the money for it in advance.

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CM Bowers noted then we would have too much money in the bank. The people who enjoy the asset are the ones who should pay for the asset. Local government traditionally does not have much money in the bank set aside for projects. CM Bowers reviewed some of the projects recently completed in the water utility.

Commissioner Richardson questioned if the purchasing policy is going to be changed or if we will be following the process. CM Bowers asked CT Palmer if we were departing substantially from the purchasing policy. CT Palmer stated not currently.

Commissioner Richardson stated the limit is the issue. CM Bowers stated he does not see how he has not adhered to this. We are not going to go over the \$4,000 limit without the Commission approval. CM Bowers stated he has put new processes in place to tighten up the procedure.

Mayor Bell questioned Commissioner Richardson on the information he requested regarding Smart Fuels. Commissioner Richardson stated he met with CM Bowers and worked on some things. He noted he is hopeful things will work out well.

Mayor Bell stated he is concerned over how much involvement Commissioner Richardson has had with Smart Fuels on this. Commissioner Richardson stated he has made inquiries to BESH, Mr. Bowers, and CDD Charlie Rector.

Mayor Bell noted there has been some discussion in the past about commissioners getting involved in quasi judicial processes.

CA Gerken stated quasi judicial means any developers or projects that will come before the Commissioner for approval, the commission should not be gathering information regarding the project in advance as they sit as the judge. This is to allow the applicant and people who oppose the project a fair shake. If there is a project where you already have an approved developer's agreement, this would not pertain. This Commission has always been a "try to get it done" body.

Commissioner Gunter noted a previous attorney stated we are supposed to tell them not able to discuss.

CA Gerken stated you can talk to them, but you have the affirmative obligation to announce the involvement in the project in advance of the vote.

Commissioner Gunter stated the Commission can all go and review projects at one time, but not as an individual. This is only limited to specific development type things.

CM Bowers noted he had not spoken to Commissioner Richardson regarding quasi judicial projects.

Commissioner Kelly questioned approaching consultants regarding certain projects coming in front of the Commission. CA Gerken stated on a general level you can ask, but not about certain specific projects.

11. MAYOR BELL'S COMMENTS. Mayor Bell stated we have been contacted by Cliff Sterns' office and are asking to use the City Hall February 26th for a Town Meeting at no charge. The Commission approved the use. Mayor stated he received a request from Lake

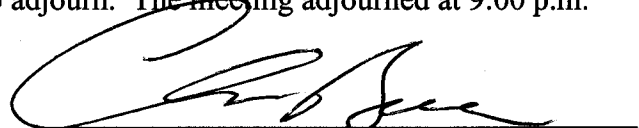
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Griffin State Park who want to establish a Friends of Lake Griffin State Park Committee. They need someone to hold the money for them (about \$6,000 currently). They would like to use the Casino building for a couple nights a month through July and want us to waive the fees. They are open to meeting any days. Commissioner Kelly moved and Vice Mayor Gunter seconded to approve the usage of the Casino by the Friends of Lake Griffin State Park Committee at no charge. The motion carried unanimously with all Commissioners voting aye.

Mayor Bell announced: Fruitland Park Clean-up Day is scheduled for March 12, 2011 9 – 11 a.m. T-shirts and lunch will be given.

Mayor Bell passed the gavel to Vice Mayor Goldberg. Mayor Bell made a motion for each Commissioner to continue to support and work with the City Manager. Commissioner Kelly seconded the motion. The motion carried unanimously with Vice Mayor Goldberg, Commissioner Kelly, Commissioner Gunter, Commissioner Richardson, and Mayor Bell all voting aye.

12. ADJOURNMENT. Vice Mayor Goldberg requested a motion to adjourn. There being no further business to discuss, Mayor Bell moved to adjourn. The meeting adjourned at 9:00 p.m.



Christopher J. Bell, Mayor

Attest:


Diane L. Gibson Smith, CMC, City Clerk