

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

January 28, 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 28, 2010 beginning at 7:00 p.m.

Mayor Bell announced the City has opened an account at BB&T Bank to gather donations to aid Noel (Pete) Pierre's family in Haiti. All donations will be sent to his remaining family members in Haiti to help them with food, medical needs, and shelter.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Chad Driggers of the First Baptist Church of Fruitland Park 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, 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, Community Development Director (CDD) Charlie Rector, and City Clerk (CC) Diane Gibson Smith.

01. APPROVED CONSENT AGENDA.

Mayor Bell presented the consent agenda for approval.

Commissioner Goldberg moved and Commissioner Kelly seconded to approve the Consent Agenda. The motion carried unanimously with all Commission Members voting aye. The following items were approved: minutes of the January 14, 2010

02. AGENDA UPDATE: Mayor Bell pulled Item 7. A. CM Bowers added a CUP update, Community Development Director update, and Chief Isom's departments reports.

03. CITY ATTORNEY'S REPORT.

- a. CA Gerken stated Ordinance 2010-001 was distributed. He read Ordinance 2010-001 by title only as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, RELATING TO THE ELECTION PROCEDURES FOR THE CITY; DESIGNATING THE CITY COMMISSION AND CITY CLERK AS THE CANVASSING BOARD FOR THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken stated there has not been an election in Fruitland Park for a number of years. The Charter does not clearly name the Canvassing Board for the upcoming election. This proposed ordinance sets the Canvassing Board as the City Clerk and the Commissioners.

Commissioner Kelly moved and Vice Mayor Gunter seconded to approve the first reading of Ordinance 2010-001. The motion carried unanimously with

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

January 28, 2010

Commissioner Goldberg, Vice Mayor Gunter, Commissioner Kelly and Mayor Bell all voting aye.

- b. CA Gerken gave a brief update on the sewer litigation. He noted no response to our offer had been received so we will move ahead. The original offer is now off the table but we will continue to work towards a resolution.

Mayor Bell questioned if this could still be settled out of court. CA Gerken stated yes, as discovery is still ongoing.

04. CITY MANAGER'S REPORT

- a. This item was tabled.
- b. CM Bowers reported on the Consumptive Use Permit. He noted St. Johns will not give us the staff report for the CUP as of yet. Our consultant believes they will try to bring forward a 2 year CUP. CM Bowers stated he believes we will need special counsel to deal with the uncertainties. CM Bowers stated he would like to use the Niagara attorney if possible. CM Bowers noted he is putting together a "Doomsday" vehicle memo.

CM Bowers stated he is asking for approval of the proposed agreement with SMW GeoSciences, authorization to negotiate a contract and sign an agreement with the Niagara attorney, and approval to file an objection if necessary. We may need to move very quickly on the filings. Legislature will probably diminish St; John's powers during the next session. The economy for the next few years is anybody's guess.

Approved execution of contract with SMW Geosciences. Commissioner Kelly moved and Commissioner Goldberg seconded to approve the proposal with SMW GeoSciences for additional services relative to issuance of the CUP permit. The motion carried with all the Commissioners voting aye.

Approved beginning negotiations for Legal counsel and bringing back the contract to the Commission. Commissioner Kelly moved and Commissioner Goldberg seconded to approve beginning negotiations for legal counsel and bringing back the contract for approval. The motion carried with all the Commissioners voting aye.

Approved the filing of the objection if found to be necessary. Commissioner Kelly moved and Commissioner Goldberg seconded to approve filing the objection if found to be necessary. The motion carried with all the Commissioners voting aye.

- c. CM Bowers confirmed Charlie Rector as Community Development Director.
- d. Public Safety Departments Annual Reports.

PSD Isom provided the 2009 stats for the Police Department. He stated overall, the department had a very good year. We had two murders last year – one murder/suicide which has been cleared and one murder still being investigated. The department received many grants last year. Three members are attending college classes.

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

January 28, 2010

PSD Isom provided the 2009 stats for the Fire and Rescue. He noted calls are down and so more training is taking place. Repairs to the bush truck were done in house for a big savings.

PSD Isom provided the 2009 stats for Code Enforcement. He noted they are handling about 20 calls a month. Clean - up on untagged vehicles and properties will begin soon in advance of Fruitland Park Days.

05. UNFINISHED BUSINESS - none

06. NEW BUSINESS

- a. Adopted Resolution 2010 -003 amending the FY 2009/2010 Budget to appropriate \$87,853 from the Redevelopment contingency Fund to purchase property located at 601 West Fountain Street (Ammer Property). CA Gerken read Resolution 2010-003, 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 \$87,853 FROM THE REDEVELOPMENT CONTINGENCY FUND FOR THE PURCHASE OF PROPERTY LOCATED AT 601 WEST FOUNTAIN STREET, PROVIDING FOR THE AMENDMENT OF THE 2009-2010 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken stated this moves the funds for the purchase from the CRA funds to the General Funds.

Mayor Bell questioned if this was the appraised price. CA Gerken stated all three parcels are being purchased for the appraised value.

Commissioner Goldberg moved and Vice Mayor Gunter seconded to adopt Resolution 2010-003. The motion carried unanimously with Vice Mayor Gunter, Commissioner Kelly, Mayor Bell, and Commissioner Goldberg all voting aye.

- b. Adopted Resolution 2010-004 amending the FY 2009/2010 Budget to appropriate \$19,647 from the Redevelopment Contingency Fund to purchase Lot 22, Block 20 (Ammer property) CA Gerken read Resolution 2010-004, 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 \$19,647 FROM THE REDEVELOPMENT CONTINGENCY FUND FOR THE PURCHASE OF LOT 22, BLOCK 20, PROVIDING FOR THE AMENDMENT OF THE 2009-2010 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken noted this is the vacant lot next to the previous property.

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

January 28, 2010

Vice Mayor Gunter moved and Commissioner Goldberg seconded to adopt Resolution 2010-004. The motion carried unanimously with Commissioner Kelly, Mayor Bell, Commissioner Goldberg, and Vice Mayor Gunter all voting aye.

- c. Approved contract to purchase 507 West Fountain Street from Ray Everts. CA Gerken stated this contract is straight forward except some time is needed to move items out. Closing is not expected until the end of April.

Commissioner Kelly moved and Vice Mayor Gunter seconded to approve the contract with Ray Everts for 507 West Fountain Street. The motion carried unanimously with all the Commissioners voting aye.

Vice Mayor Gunter reiterated these funds need to be spent or they will be returned to the County. Our accountant also recommends we spend these funds.

Mayor Bell stated these purchases are all part of our plans to upgrade the City from the center out.

- d. Approved Resolution 2010-005 amending the FY 2009/2010 Budget to appropriate \$75,000 to purchase 507 West Fountain Street (Everts property). CA Gerken read Resolution 2010-005, 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 \$75,000 FROM THE REDEVELOPMENT CONTINGENCY FUND FOR THE PURCHASE OF PROPERTY LOCATED AT 507 W FOUNTAIN STREET, PROVIDING FOR THE AMENDMENT OF THE 2009-2010 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kelly moved and Vice Mayor Gunter seconded to adopt Resolution 2010-005. The motion carried unanimously with Commissioner Goldberg, and Vice Mayor Gunter, Commissioner Kelly, and Mayor Bell, all voting aye.

- e. Approved proposal from BESH for water main extension from Cooke Street to Spring Lake Road. CM Bowers stated we are getting projects shovel ready for the next round of stimulus funding. These fees are very reasonable.

Vice Mayor Gunter questioned which direction this was going. PWD Bostic stated this will follow the old railroad right-of-way.

Commissioner Goldberg moved and Vice Mayor Gunter seconded to approve the proposal from BESH. The motion carried with all the Commissioners voting aye.

- f. Approved proposal from BESH for 16" water main from Spring Lake Road to US 27. CM Bowers stated this project is more complex and thus more money. This will include a directional bore under US Highway 27. Smart Fuels will be benefited by this project.

Commissioner Kelly moved and Vice Mayor Gunter seconded to approve the proposal from BESH. The motion carried with all the Commissioners voting aye.

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
January 28, 2010

07. Citizens' comments

- a. The owner of the Hilltop Bar (Jodi Underwood) stated she thinks the Police Department is doing a fantastic job. She gave a recent event.
- b. Larry Hendry, citizen of Berry Hill Circle, stated he is getting calls from friends in other cities about living in Fruitland Park and it is embarrassing. He stated it bothers him. He stated he thinks the least we could do is to keep us out of the news and take actions. Mr. Hendry reported specific examples from the recent news.

Commissioner Kelly stated one item is an active investigation so nothing can be looked at right now. CA Gerken noted the items have all been looked into and are not being treated lightly.

Mayor Bell noted this is the first time in 5 years that there has been negative news about our Police Department. He stated he is proud of the City for not having been in the news.

CM Bowers stated the item the news came and interviewed us about today was something that actually happened almost 2 years ago and was taken care of right away. He noted he is proud of our investigative capabilities.

- c. Mayor Bell reminded everyone of the Special Election on February 16th. He gave each candidate a chance to introduce themselves and tell about themselves and why they are running.
 1. Michael Howard stated he is a 16 year resident and has worked with the City under Chief Isom. He noted he probably wouldn't be as successful as he is now if he had not had the time under Chief Isom and Major Parish. Mr. Howard stated he is in charge of Code Enforcement for Leesburg, serves on the Development Review Committees for Leesburg, serves as an advisor for the Planning and Zoning Committee for Leesburg, and serves the City Manager hourly. Mr. Howard stated he has enjoyed being a resident and seeing the fabulous progression - using CRA funds in the heart of the City is great to see. Expansion of water will further the commercial and residential growth and provide a better tax base.
 2. Lowell Mishoe stated he is a 30 year resident. He has seen the bad and seen the good. Mr. Mishoe stated he thinks this is a great commission which has done a done a great job. He stated he believes the Police Department has done a great job. Mr. Mishoe stated we have come a long way and think we can go further. He noted he would like to see more business in the City. He is waiting to see the development along CR 466A.
 3. Jim Richardson stated he grew up in Fruitland Park and has been a resident here for many years. He went to school with Chief Isom. Mr. Richardson stated he wants to preserve our small town heritage, preserve our tax payer dollars, and pursue economic development.

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

January 28, 2010

4. Linda Rodrick stated she is a 12 year resident and worked here in the City for 19.5 years - City Clerk for 15 years, City Manager for 4.5 years. She stated she also worked in the City of Ocala. Ms. Rodrick stated her desire is to serve the community. The Commission has made wonderful decisions for the City and she wants to continue that and be able to represent the City.
5. Kevin Violette stated he is a State certified Heating and Air Conditioning contractor that relocated to Fruitland Park in 1999. His family always taught him to be of service to the community in which he lived. He is a past president of Lady Lake Chamber of Commerce and worked with Lady Lake quite closely about many of the same items which are dealt with here. Mr. Violette stated he met with Mayor Bell in 1999 and explained he wanted to be involved. He has done his best to be involved. Mr. Violette stated he believes in honesty and integrity in serving the people of Fruitland Park.

Mayor Bell stated he is impressed with the qualifications of all the candidates. He noted Fruitland Park Commissioners are active in the County business and even received an award for being so active. Mayor Bell wished all the candidates good luck.

08. Commissioners' comments

- a) Vice Mayor Gunter - none
- b) Commissioner Goldberg - none
- c) Commissioner Kelly- interesting being on the MPO Board and getting to work with Lake and Sumter Counties as well as the cities.

Darren Kling, owner of Kling towing, stated his business is located along CR466A. He noted the importance of the need to keep the City growing with small businesses. Mr. Kling noted he was asked to open another terminal in South Lake County. He stated he spent many hours looking for a space in South Lake (Minneola and Clermont) and had trouble finding property to use. He finally located a spot in Groveland. Mr. Kling stated we need to look at each company wanting to move here. This will bring in funding.

CM Bowers stated, at the last meeting, the Commission approved offering loans to companies needing non-collateralized off-site improvements to build those improvements.

CDD Charlie Rector stated Fruitland Park has the best Police Department, the best Fire Department, the best Chief, the best Public Safety Director found in any town.

Mrs. Kling stated she is often alone in her office with her secretary. Recently she experienced an incident where the police were called and they arrived within three minutes. She noted she feels very safe in Fruitland Park.

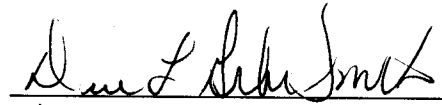
Chief Isom stated most of the information being given to the news is from disgruntled ex-employees. Nothing can be done about them. The department has nothing to hide and members of the news are welcome to come in.

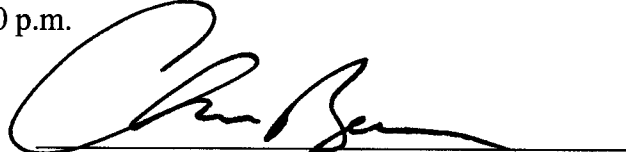
FRUITLAND PARK CITY COMMISSION MEETING MINUTES

January 28, 2010

09. MAYOR BELL'S COMMENTS. Mayor Bell read the upcoming events. Mayor Bell reminded everyone that election of the new commissioner requires a vote of 50% plus 1 or we will have a run-off two weeks later.

10. ADJOURNMENT. There being no further business to discuss, Commissioner Goldberg moved to adjourn. The meeting adjourned at 8:10 p.m.

Attest: 
Diane L. Gibson Smith, City Clerk


Christopher J. Bell, Mayor