

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
JULY 9, 2009

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, July 9, 2009 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. CM 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 John L. Gunter, Jr., Vice Mayor Sharon Kelly, Mayor Christopher J. Bell. Commissioner Darrel E. Martin was excused.

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager (CM) Ralph O. Bowers, Attorney Lewis Stone, Public Safety Director (PSD) J. M. Isom, Sr., City Treasurer (CT) Elizabeth Palmer, and City Clerk (CC) Diane Gibson Smith.

01. APPROVED CONSENT AGENDA AS PRESENTED

Mayor Bell presented the consent agenda of the regular Commission Meeting for approval.

Commissioner Kelly moved and Commission Gunter seconded to approve the Consent Agenda as presented. The motion carried unanimously with all Commission Members voting aye. The minutes of the June 25, 2009 Commission Meeting were approved.

02. Agenda Update – CM Bowers stated he will present a verbal report on the water control system situation, CUP process, and the meeting with DEP.

03. City Attorney's Report - none

04. City Manager's Report

- a) Water control system situation – CM Bowers stated this has been a learning experience. We are learning to do reverse 911 in case it is needed in the future. The boil water notice was precautionary.

Mayor Bell questioned the time frame for the reverse 911. PSD Isom stated the Sheriff's office does the actual notification with reverse 911. PWD Bostic will need to notify PSD Isom as there are eight grids involved for Fruitland Park. The Sheriff's office will sent out the notice as soon as possible. All businesses, daycares, schools, etc. will be included in the notification.

Commissioner Goldberg questioned if email could be done. PSD Isom stated it could be put onto the website. Commissioner Goldberg questioned if a global email could be set up and used.

CM Bowers stated the decision was made to replace the affected system with a new controller for about \$2000 more than simply replacing parts on the old system. Lightning protection is also being added on the building and

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equipment. The new PLC computer control will be located at the Public Works office.

CM Bowers noted the boil water notification was simply precautionary. Vice Mayor Kelly suggested having the notice state whether it is precautionary or not.

- b) CM Bowers stated he and PWD Bostic met with DEP about the capacity analysis report. We are asking to have DEP re-rate wells at a higher level. One necessary component to get this accomplished was installing a computer control system which we are doing.
- c) CUP process – CM Bowers stated he recently received letter from WRA requesting an additional \$29,000 to answer another round of RAIs which included one item we had already done for them. CM Bowers noted he wants to have better answers before the next meeting or he may recommend moving to the second firm - Sarah Whittaker. She has already given a price on modeling and completing the application to permit for \$35,000.

Commissioner Kelly questioned if this was all supposed to have been included in the original cost. CM Bowers stated the original contract included two RAIs.

Commissioner Gunter questioned how far WRA is into the process. CM Bowers stated they have answered two RAIs and are now asking for additional funds to complete a third. St Johns' normally requests restarting the process if there are more than two RAIs.

Commissioner Gunter asked if we could ask the consultant to show us the permit before we pay more money.

CM Bowers stated he will have more information at the next meeting.

- d) Discussion of Interlocal Service Boundary being proposed by Montverde – CM Bowers stated he recommends we don't make any comments and see what happens. The consensus of the Commission was to wait and see.

05. ADOPTED FIRST READING /ORDINANCE 2009-010 AMENDING CODE OF ORDINANCES TO CREATE CHAPTER 103 "REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED PROPERTIES" Attorney Stone read Ordinance 2009-010, by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES TO CREATE CHAPTER 103, ENTITLED "REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED PROPERTIES; PROVIDING FOR THE REGISTRATION OF ABANDONED RESIDENTIAL PROPERTIES; PROVIDING REQUIREMENTS FOR PROPERTY MAINTENANCE BY FORECLOSURE AGENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE FRUITLAND PARK CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

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PSD Isom stated there are many foreclosures not being taken care of and we have no way of going after them to clean them up. This ordinance will require them to register with the City.

Vice Mayor Kelly stated the problem with this is it only goes through Code Enforcement. Attorney Stone stated there is a due process issue if we just put a lien in place. Attorney Stone recommended passing this on first reading and then bringing it back to the next meeting with more information from CA Scott Gerken.

Vice Mayor Kelly noted Code Enforcement Board items tend to drag on and on.

Mayor Bell questioned if a registered property is resold after they come in front of the Code Enforcement Board, do we miss our chance to collect. Attorney Stone stated this is a first step since currently there are no respondents. The Code Enforcement Board must find it not in compliance and then record the order of fine which is a lien.

PSD Isom stated per Florida Statute, the banks are already calling us before selling a property.

Concerned citizen Charlie Rector stated he read an article recently about using contractors to clean up the properties. CM Bowers stated that would mean the City would not be reimbursed until the funds are collected.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to approve the first reading of Ordinance 2009-010. The motion carried unanimously with Mayor Bell, Commissioner Goldberg, Commissioner Gunter, and Vice Mayor Kelly voted aye.

06. ADOPTED ORDINANCE 2009-009 AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL RELATED TO SECTION 11.8 DISCIPLINARY APPEALS BY ADDING A TIME LIMIT FOR THE APPEAL TO OCCUR. Attorney Lewis Stone read Ordinance 2009-009, by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PERTAINING TO THE CITY OF FRUITLAND PARK PERSONNEL POLICIES AND PROCEDURES MANUAL; AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL RELATED TO SECTION 11.8 DISCIPLINARY APPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2009-009. The motion carried unanimously with Commissioner Goldberg, Commissioner Gunter, Vice Mayor Kelly, and Mayor Bell voted aye.

07. Unfinished business

- a) Asphalt proposals – PW Bostic stated he received information from Superior Asphalt and Paquette Company and found Paquette was priced much higher.

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PWD Bostic stated he recommends Superior Asphalt's proposal with subtracting out the EMS location.

Commissioner Goldberg questioned the tonnage on North Villa as one company estimated more than the other. CM Bowers noted Paquette's price per ton is much higher, so no matter what the tonnage amount, the price will always be higher.

Charlie Rector stated it would be easier review square footage versus tonnage,

PWD Bostic will convert the figures to square footage.

Commissioner Gunter moved and Vice Mayor Kelly seconded to approve the quotes from Superior Asphalt. The motion carried unanimously with all Commissioners voting aye.

08. New business

- a) ADOPTED RESOLUTION 2009-013 AMENDING THE INTERLOCAL AGREEMENT FOR SCHOOL FACILITIES PLANNING AND SITING AMONG LAKE COUNTY, FLORIDA, THE LAKE COUNTY SCHOOL BOARD, AND THE FOURTEEN MUNICIPALITIES OF LAKE COUNTY, FLORIDA TO EXTEND THE AGREEMENT FOR THREE ADDITIONAL YEARS. Attorney Stone read Resolution 2009-013, by title only as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE INTERLOCAL AGREEMENT AMONG LAKE COUNTY, FLORIDA, THE LAKE COUNTY SCHOOL BOARD, AND THE FOURTEEN MUNICIPALITIES OF LAKE COUNTY, FLORIDA, INCLUDING THE CITY OF FRUITLAND PARK, FOR SCHOOL FACILITIES PLANNING AND SITING, ADOPTED VIA RESOLUTION 2006-033, BY EXTENDING THE AGREEMENT FOR THREE ADDITIONAL YEARS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell questioned how this was doing around the county. Attorney Stone stated he was not familiar with how this interlocal agreement was working.

Vice Mayor Kelly questioned if the extension should be for one year instead of three. Mayor Bell noted the 120 day out is still in place.

Vice Mayor Kelly questioned if the extension should be ongoing with the out clause left in place. Attorney Stone stated a three year extension is fine.

Commissioner Gunter moved and Commissioner Goldberg seconded to adopt Resolution 2009-013. The motion carried unanimously with Vice Mayor Kelly, Mayor Bell, Commissioner Goldberg, and Commissioner Gunter all voting aye.

- b) ADOPTED RESOLUTION 2009-014 AMENDING THE BUDGET FOR THE 2008-2009 FISCAL YEAR FOR CRA FUNDS. Attorney Stone read Resolution 2009-014, by title only, as follows:

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A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA,
AMENDING THE BUDGET FOR THE 2008-2009 FISCAL YEAR;
PROVIDING FOR THE AMENDMENT OF THE 2008-2009 BUDGET;
PROVIDING FOR CONDITIONS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell noted this was moving money from one account to another and was recommended by the CRA.

Commissioner Goldberg moved and Vice Mayor Kelly seconded to approve Resolution 2009-014. The motion carried unanimously with Mayor Bell, Commissioner Goldberg, Commissioner Gunter, and Vice Mayor Kelly all voting aye.

- c) APPROVED PROPOSAL FOR WASTEWATER TREATMENT PLANT PERMIT RENEWAL FROM BESH. CM Bowers stated he recommends awarding to BESH for \$9,500.

Commissioner Gunter questioned if the task could be done in-house. CM Bowers stated no, as a professional engineer must sign off on the permit.

Mayor Bell questioned if the permit was for five years. PWD Bostic stated yes. Vice Mayor Kelly moved and Commissioner Gunter moved to approve the proposal. The motion carried unanimously with all the commissioners voting aye.

09. Citizens' comments

- a) Pastor Barry Hayes, Freedom Community Church, requested to continue to meet at the Casino Building. He noted they would like to begin to pay the City for the usage. He added there were only three Sundays where there was a conflict. Pastor Hayes stated they are looking for property and place to move. Mayor Bell noted if another church comes forward, the Commission will need to give them the same consideration as was given to Freedom Community Church. The charge will be the usual rental rate for 3 months and then renew.
- b) Charlie Rector stated he is here for the American Legion regarding the ten-foot easement of which five feet will be under pavement. He noted the American Legion is concerned if the pavement will be replaced if removal is needed. The American Legion requests verbiage be added to the easement to that effect. The consensus of the Commission was to allow the change.

Charlie Rector stated he will bring in a revised layout of the property.

- c) Cynthia Burchs of 106 Sunset Drive questioned why she must call to have the bushes cut back and cleaned up on Sunset Drive. Ms. Burchs stated the fence has been removed so Waste Management is able to travel on the road. PSD Isom will check with Waste Management to see if they can go down the road. PSD Isom noted the land belongs to individuals, not the City.

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Vice Mayor Kelly noted Code Enforcement should be notified so the owner could clean up the property. CM Bowers stated this will be reviewed further.

- d) Charlie Rector stated he had breakfast with Mr. Phillips who was overwhelmed with CM Bowers. Mr. Phillips was bragging about the "talk" and now wants the City to keep him in mind for contributions, etc. as needed.

10. Commissioners' comments

a) Vice Mayor Kelly – stated we have many County streets that need to be re-paved. She requested sending an official letter asking them to repave the roads. Mayor Bell stated the letter probably won't do much. Vice Mayor Kelly suggested sending the letter from the Commissioners with a copy to the County Commissioners. Mayor Bell suggested including pictures to send along. Vice Mayor Kelly stated the Valley of Springs water lines were designated to be changed out and need to be finished. PWD Bostic stated there haven't been any problems so he hasn't changed anymore out. PWD Bostic stated he takes care of them as they need to be replaced.

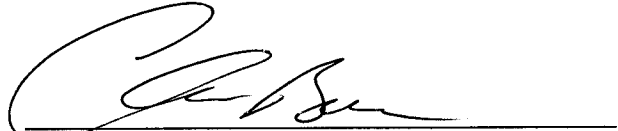
b) Commissioner Gunter - none

c) Commissioner Goldberg – questioned the smell he encounters on CR466A coming into Fruitland Park and wondered if anything can be done. Several possible reasons for the smell were discussed. CM Bowers stated this will be checked.

11. Mayor Bell's comments – Mayor Bell questioned if all the posts were supposed to be changed on Berckman Street. PWD Bostic stated the decision was made to only do street signs and stop signs. CM Bowers noted we will get a price on having the rest of the signs changed.

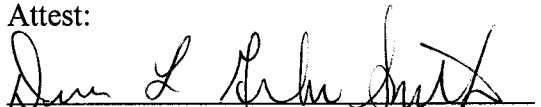
Mayor Bell questioned when the budgets will be ready when? CT Palmer stated hopefully next week.

12. ADJOURNMENT. There being no further business to discuss, Commissioner Goldberg moved to adjourn. The meeting adjourned at 8:39 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk