

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES**  
**MARCH 11, 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, March 11, 2010 beginning at 7:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Roy Sharpe of the New Life Presbyterian Church delivered the invocation followed by the Pledge of Allegiance led by Commissioner Richardson.

ROLL CALL. Mayor Bell asked City Clerk Diane Gibson Smith to call the roll.

ELECTED OFFICIALS PRESENT. Commissioner Sharon Kelly, Vice Mayor John L. Gunter, Jr., Commissioner Jim Richardson, Mayor Christopher J. Bell. Commissioner Al Goldberg requested to be excused.

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, City Treasurer (CT) Elizabeth Palmer, and City Clerk (CC) Diane Gibson Smith.

01. PROCLAMATION – PROCLAIMED MARCH 14, 2010 AS GRACE BIBLE BAPTIST CHURCH DAY. Mayor Bell proclaimed Sunday, March 14, 2010 as Grace Bible Baptist Church Day in honor of the church's 40<sup>th</sup> anniversary by reading a proclamation in its entirety. Pastor George Mulford accepted the proclamation.

02. APPROVED CONSENT AGENDA AS PRESENTED. 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 February 11, 2010 regular meeting, minutes of the February 17, 2010 Special meeting, and the minutes of the March 3, 2010 Special meeting.

03. AGENDA UPDATE. None

04. ACCEPTED CITY TREASURER'S REPORT FOR PERIOD ENDING JANUARY 31, 2010. CT Palmer reported on the financials for the period ending January 31, 2010. She noted Other General Government is high due to Redevelopment taxes being paid and unemployment compensation being much higher than expected. Legal Fees are high and will require a mid-year adjustment. Law Enforcement is high because of capital purchases due to the ARRA grant and the Justice Assistant Grant; Fire Dept is high due to debt service payment – these areas are expected to level off; Electric Department had no budget so a mid-year adjustment is needed. Storm water is high but is a temporary distortion. CT Palmer stated she would like to do the mid-year budget review at the end of April.

Mayor Bell questioned if unemployment compensation is expected to increase. CC Gibson Smith noted this is unknown as some ex employees who were denied unemployment when they left, go to work elsewhere just long enough to get enough credits – negating our denial - and then file again and are given unemployment benefits. This is part of the problem. CT Palmer added benefits have also been extended by the Government.

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Commissioner Richardson questioned if we were eligible for unemployment insurance. CT Palmer stated municipalities are reimbursable employers.

05. CITY ATTORNEY'S REPORT. None

06. CITY MANAGER'S REPORT

- a. CM Bowers stated he distributed an MPO invoice which we declined to budget during the budget sessions. MPO Executive Director TJ Fish will come to a future meeting to discuss.
- b. CM Bowers gave a report from our Water Attorney who attended a workshop in Palatka and talked to person issuing the permit. Our Water Attorney thinks we may be able to obtain a 10-year permit. There are a few compliance issues. We are already addressing three of the five issues.
- c. Commissioner Kelly questioned if BESH had received the check for the work done for Planet 5. Vice Mayor Gunter stated he questioned CA Gerken about a lien on the property. Vice Mayor Gunter stated he did not understand the contract was between BESH and Planet 5.

CA Gerken stated Planet 5 had hired BESH to do work on the CR466A corridor. Planet 5 knew they would end up getting impact fee credits back. The bill was not paid. CA Gerken stated this is part of our capital improvement plan but not planned until further out. If we pay the invoices, the City will get the use of the plans and we can recoup these funds later. We cannot lien the property but we can insert language into the developer's agreement so we will be able to recoup the fees in the future.

Commissioner Kelly noted this is the type of project we discussed having the City finance for people who were having difficulties in getting funding.

CM Bowers stated he encouraged BESH to enter into the contract and felt compelled to repay this. If we don't pay the invoices, we have no right to use the work.

Commissioner Richardson noted if we pay this, we lose the option to finance. CA Gerken stated this will be included in the numbers when someone develops the property. CM Bowers noted other people developing along CR466A will have the use of this line.

Commissioner Kelly stated this could help with developing along CR466A.

Vice Mayor Gunter stated he was okay with paying the invoices as long as we will recoup the fees in the future.

Mayor Bell stated he felt enough discussion time had been given at the last meeting. He would rather table an item if there are further questions than to bring the item back again after a vote has been taken.

07. PUBLIC HEARING – none

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08. UNFINISHED BUSINESS

- a. **Tabled Resolution 2010-009 for CRA approval.** Mayor Bell reviewed the background on this topic. RD Bechtel stated the snowflake frames have been cut so we will need to purchase them.

CT Palmer noted the CRA must appropriate the funds.

Commissioner Kelly moved and Commissioner Richardson seconded to set aside the funding until approved by the CRA. The motion carried with all the commissioners voting aye.

- b. **Requested additional information on proposed concession fees.** RD Bechtel reviewed her proposal for vendor concession fees of \$5 a day. RD Bechtel noted she felt the days should be distributed evenly amongst any vendors wishing to sell.

Vice Mayor Gunter suggested putting this out to bid. Mayor Bell suggested going out to bid only if multiple people sign up to do concessions.

Vice Mayor Gunter noted working with one vendor is easier than multiple vendors.

CDD Rector stated he felt \$5 a day is too low.

Vice Mayor Gunter moved and Commissioner Kelly second to continue to research and put together a final agreement to use. The motion carried with all commissioners voting aye.

- c. RD Bechtel stated she had a request for a sponsor sign at the ball fields for firearms training. CM Bowers stated he did not think this was appropriate.

Mayor Bell suggested RD Bechtel talk with Lake County Recreation to see what their rules are and then bring back.

09. NEW BUSINESS

- a. Pulled from the agenda.

- b. **Approved giving a Memorandum of Understanding to Walter Birriel for a Broad Band Grant.** Mr. Birriel stated he lives at 404 W Mirror Lake Drive. He stated his company is looking to apply for a federal grant for broad band expansion. He said he is requesting a Memorandum of Understanding with the City to be sent in with the grant. Mr. Birriel stated he is willing to give the City full access to a section of the network (25 megabytes of bandwidth). He stated his desire is to connect AMR low frequency to read the meters, etc. His company does plan to sell internet and compete with the other providers in the area. Mr. Birriel stated he wants to give the citizens a choice – perhaps a less expensive choice. The lowest band width they would provide is 1 megabyte to a customer. Mr. Birriel also stated he may be able to give a portion of the profit back to the City. In return, they would want access to

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public facilities, such as the water tanks, right-of-ways, etc. to place equipment. Mr. Birriel stated his company has been supplying Puerto Rico for 4 years.

Mr. Birriel stated today he is requesting a Memorandum of understanding that shows they are working with the municipality on broad band expansion. An agreement would not be needed until after the grant is received.

Vice Mayor Gunter questioned if fiber optics could be placed on telephone poles. Mr. Birriel stated yes, but in this instance, the telephone poles are not owned by the City.

Mr. Birriel stated the electric cost is about \$250 – \$270 per month per antenna installed. The fees collected for the internet service will cover this cost.

Mayor Bell questioned when the Memorandum of Understanding is needed. Mr. Birriel stated the Memorandum of Understanding is needed by March 25<sup>th</sup>. The agreement can be worked on after the grant is submitted.

CM Bowers stated once the Memorandum of Understanding is complete, then the details of the agreement must be worked on.

Commissioner Kelly moved and Vice Mayor Gunter seconded to allow the City Attorney to put together and the Mayor to sign the Memorandum of Understanding. The motion carried with all the commissioners voting aye.

10. CITIZENS' COMMENTS

- a. Gary Ashcroft, a concerned citizen, stated he would like to know why certain activities are allowed in residential areas such as dismantling cars, businesses being run out of homes, and people erecting plywood structures and attaching them to their homes. Mayor Bell stated we rely on citizens to file code complaints.

Mr. Ashcroft stated he has talked to Chief Isom about the problems a few times. Chief Isom stated he believes Mr. Ashcroft is talking about a home where they were asked to remove three cars; the remaining cars are all tagged and legal. There is no code violation for working on your own cars in your yard. They do get shut down when working on other people's cars. Chief Isom stated we need a complaint to follow up.

Mr. Ashcroft stated he just wants to see the City kept nice. He would like to see the codes tightened up.

Commissioner Richardson noted he walked the city recently and there are many areas in town where there are refrigerators, etc. out in the yard. He noted you cannot make people take pride in homeownership.

CM Bowers noted, historically, this town has been blue collared. Big houses are new to the town. Basically what we have is a clash of cultures.

Mayor Bell suggested Mr. Ashcroft come in and sit down with Chief Isom to discuss ordinances.

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CA Gerken noted Mount Dora passed ordinances which they wished they hadn't because they limit people too much. Now people are finding ways to get around the ordinances.

11. COMMISSIONERS' COMMENTS

a) Vice Mayor Gunter – none

b) Commissioner Kelly- stated at the MPO meeting, TJ Fish brought up the outstanding invoice. She would like to schedule TJ to come to a meeting to discuss this. Invitations to Community Service Awards Dinner – all are invited and this is budgeted. Commissioner Kelly also noted bus shelters are being addressed at the MPO. She stated she recommended two of them in Fruitland Park. The federal government is supposed to pay for them.

c) Commissioner Richardson – none

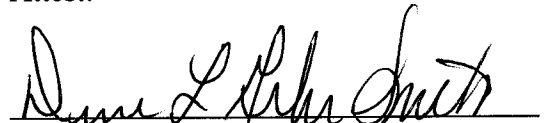
12. MAYOR BELL'S COMMENTS. Mayor Bell announced the upcoming events.

13. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 8:53 p.m.



Christopher J. Bell, Mayor

Attest:

  
Diane L. Gibson Smith, CMC, City Clerk