

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES**  
**MAY 13, 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, May 13, 2010 beginning at 7:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. City Manager Bowers delivered the invocation followed by the Pledge of Allegiance led by Vice Mayor Gunter.

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

ELECTED OFFICIALS PRESENT. Commissioner Albert O. Goldberg, Commissioner Sharon Kelly, Commissioner Jim Richardson, Vice Mayor John L. Gunter, Jr., Mayor Christopher J. Bell

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager (CM) Ralph O. Bowers, City Attorney (CA) Scott Gerken, Public Safety Director (PSD) J. M. Isom, Sr., Public Works Director (PWD) John Bostic III, City Treasurer (CT) Elizabeth Palmer, Community Development Director (CDD) Charlie Rector, and City Clerk (CC) Diane Gibson Smith.

01. PRESENTED LIFE SAVING AWARDS. PSD Isom presented Life Saving Awards to Officer Jared Crenshaw and Fire Chief Tommy Gamble for their work in saving the life of a woman at WalMart.

PSD Isom also presented Life Saving Awards to Officer George Hunnewell and Officer Kenneth Prater for their work in saving the life of a woman here in Fruitland Park.

02. PRESENTED LAKE COUNTY OFFICER OF THE YEAR PLAQUE TO OFFICER GEORGE HUNNEWELL. PSD Isom presented Officer George Hunnewell with the Lake County Officer of the Year award from the Rotary Club of Leesburg.

03. APPROVED THE 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 as presented. The motion carried unanimously with all Commission Members voting aye. The minutes of the April 22, 2010 City Commission meeting were approved.

04. AGENDA UPDATE CM Bowers added a communication from BESH regarding WWTP permit and generator; CA Gerken added an update on the Coralluzzo property and the Michael Kay issue.

05. CITY ATTORNEY'S REPORT

- a. CA Gerken stated the seller has decided to accept the appraised price, would like to stay in the house for six months, and would still like to take three ceiling fans and the front door with the understanding they must be replaced to the City's satisfaction.

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES**  
**MAY 13, 2010**

Commissioner Richardson questioned if we had a certain amount of liability insurance we ask them to carry. CA Gerken stated yes. We have requested the same amount as we requested for the Ammer property.

Vice Mayor Gunter moved to table the item. This motion died for lack of second.

After much discussion surrounding the door and ceiling fans, Commissioner Richardson moved and Commissioner Kelly seconded to approve the sale with items being replaced to the City Clerk's satisfaction and contingent on CRA approval. The motion carried with all the Commissioners voting aye.

- b. CA Gerken stated he received a letter regarding a forfeiture vehicle. The vehicle was purchased back by Mr. Kay under a settlement agreement for \$2500. The criminal case was then dismissed by the State Attorney's office. Mr. Kay is now requesting the \$2500 back. CA Gerken stated the civil forfeiture matter still stands. CA Gerken stated he has since been contacted by Channel 6 regarding this matter.

PSD Isom explained the circumstance surrounding the arrest of Mr. Kay's son. Mr. Kay's son was caught with a felony amount of marijuana so he was arrested and the truck was seized.

CA Gerken added the vehicle was driving at an exceedingly slow speed which is what caught the attention of the officer. Also Isom's Towing picked up the vehicle. CA Gerken stated Isom's Towing is not owned by Chief Isom and he gets no financial gain from using Isom's Towing. Isom's Towing is one of four towing companies approved by Lake County for forfeiture use.

Mr. Kay spoke about the incident. He stated his son used to pick up items to sell at the flea market. Mr. Kay noted his son now receives Social Security Disability so he does not pick up items anymore. The criminal case against his son was dropped. Mr. Kay stated he is asking for the \$2500 he paid for the vehicle back as it has put a financial burden on him.

Mayor Bell questioned Mr. Kay why such a large amount of marijuana was in the truck with his son. Mr. Kay stated he can only work short times. He probably had that amount of marijuana due to just receiving it.

Commissioner Richardson stated he lives in the area in question and there are many small children in the neighborhood. Also, the neighborhood does not set out items to be taken and repaired. The neighborhood has had building materials stolen.

Commissioner Goldberg questioned how Mr. Kay's son obtained the marijuana for the pain relief. Commissioner Goldberg noted it is illegal to purchase marijuana in the State of Florida. He told Mr. Kay that his son should be paying him back.

Mayor Bell stated if Social Security Disability knew Mr. Kay's son was using marijuana, he would not be getting social security.

The consensus of the Commission was to not give the funds back. Repayment of the funds should be requested from his son.

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES  
MAY 13, 2010**

06. CITY MANAGER'S REPORT

- a. CM Bowers stated the alternative water supply study proposal from SMW GeoSciences is necessary or the City will receive a 2 year CUP. CA Gerken stated he recommends approval of this proposal.

Commissioner Kelly moved and Commissioner Richardson seconded to approve the proposal. A voice vote was taken but unclear. By roll call vote, the motion carried with Commissioner Richardson, Mayor Bell, and Commissioner Kelly voting aye and Commissioner Goldberg and Vice Mayor Gunter noting nay.

CM Bowers stated he would like to see the Water Alliance be started back up with Mayor Bell as the chair and Vice Mayor Gunter as the vice chair.

Mayor Bell stated he would like to see a Northwest Lake Water Alliance be put together to include Lady Lake, Leesburg, Fruitland Park, and possibly Umatilla.

- b. CM Bowers stated given the recent legislation he recommends not issuing a Notice to Proceed to the red light camera company unless we want negative publicity.

CA Gerken stated legislation did pass legalizing the cameras but the State decided to take most of the revenue. This would end up being a negative revenue with all the time to be spent on reviewing the photos, etc.

Vice Mayor Gunter moved and Commissioner Goldberg seconded to send notice to ATS regarding not proceeding with the cameras. The motion carried with all Commissioners voting aye.

- c. CM Bowers stated he has a proposal from BESH relative to Waste Water Treatment Plant for a generator. We need to put in a generator in order to be in compliance. We will also standardize the plugs with Leesburg's.

CA Gerken stated given this is going through Florida Rural Water which is similar to being a state contract, it is okay to go ahead with the purchase without going out to bid.

Vice Mayor Gunter questioned if PowerTec had been contacted. CM Bowers stated that would mean going out to bid.

PWD Bostic is to look around and see if he can find some better prices and bring back his findings to the next meeting.

07. PUBLIC HEARINGS - none

08. UNFINISHED BUSINESS - none

09. NEW BUSINESS - none

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES**  
**MAY 13, 2010**

10. CITIZENS' COMMENTS - none

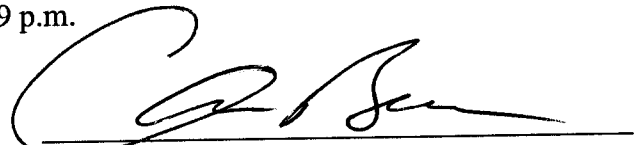
11. COMMISSIONERS' COMMENTS

- a. Vice Mayor Gunter – requested a Wicks update. CA Gerken stated this is proceeding along. Depositions are being taken.
- b. Commissioner Goldberg - None
- c. Commissioner Kelly – asked about the Electric system. CM Bowers stated he is looking at the rebuttal appraisal and hopes to have a formal update at the next meeting. Commissioner Kelly questioned if the lift station was operation. PWD Bostic stated not for another month. Commissioner Kelly stated we need to have a workshop on sewer connections.
- d. Commissioner Richardson – suggested having a Meet and Greet for all the Countywide Candidates. There are two Judge seats, two County Seats, and three School Board seats open. Mayor Bell stated we don't normally have a good turnout. Commissioner Goldberg stated we need to issue invitations fairly to everyone. Mayor Bell suggested getting the American Legion and Lions Club to co-sponsor. We will provide the space free of charge.


12. MAYOR BELL'S COMMENTS. Mayor Bell updated the events. The decision was to not to have the Capital Project workshop.

Charlie Rector introduced Tommy Smart of Smart Fuels

13. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 8:59 p.m.

  
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Christopher J. Bell, Mayor

Attest:

  
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Diane L. Gibson Smith, CMC, City Clerk