

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES  
SEPTEMBER 23, 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, September 23, 2010 beginning at 7:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. City Treasurer Elizabeth Palmer 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 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, Public Safety Director (PSD) J. M. Isom, Sr., City Treasurer (CT) Elizabeth Palmer, Community Development Director (CDD) Charlie Rector, Public Works Director (PWD) John Bostic, and City Clerk (CC) Diane Gibson Smith.

01. **APPROVED THE CONSENT AGENDA AS PRESENTED.**

Mayor Bell presented the Consent Agenda for approval.

Commissioner Gunter moved and Commission Goldberg seconded to approve the Consent Agenda as presented. The motion carried unanimously with all Commission Members voting aye. Items approved were: minutes of the regular meeting held August 26, 2010, minutes of the CRA meeting held August 26, 2010, and minutes of the regular meeting held September 9, 2010.

02. **AGENDA UPDATE** - none

03. **PUBLIC HEARING**

a. Adopted Resolution 2010 – 027 approving the final millage rate of \$4.36 mills per thousand for Fiscal Year 2010-2011.

CA Gerken read Resolution 2010-027 by title only, as follows:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY,  
FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR  
THE CITY OF FRUITLAND PARK FOR FISCAL YEAR 2010-2011; PROVIDING  
FOR AN EFFECTIVE DATE.

Mayor Bell stated the percentage increase in millage over the current year rolled back rate of 3.4969 is 24.68% with the final millage set at \$4.36 mills.

Commissioner Kelly noted 4.36 mills is the same millage as last year but we will receive less money.

Mayor Bell announced the specific purposes for which the ad valorem revenues are being increased are increases in personal services, increases in operating costs, and a reduction in property values.

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Mayor Bell requested Public Comment regarding the proposed increase. There were no public comments.

Mayor Bell again announced the specific purposes for which the ad valorem revenues are being increased are increases in personal services, increases in operating costs, and reduction in property values.

Mayor Bell announced the City of Fruitland Park is the taxing authority, the current year rolled-back rate is 3.4969, and the percentage increase over the rolled-back rate is 24.68% for the final millage of \$4.36 mills.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Resolution 2010-027. The motion carried unanimously with Commissioner Richardson, Mayor Bell, Commissioner Goldberg, Vice Mayor Gunter, and Commissioner Kelly all voting aye.

b. Adopted Resolution 2010-028 approving the final budget for Fiscal Year 2010-2011.  
CA Gerken read Resolution 2010-028 by title only as follows:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY,  
FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2010-2011;  
PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell requested comments from the public.

Commissioner Richardson requested clarification on what was changed since first reading. CT Palmer stated the ad valorem changed, a grant was added for the Police Department, and the transfer in from reserves changed. The redevelopment value also changed due to the millage being changed. This budget is about 11% less than last year.

CM Bowers stated his budget message thanks the commission for holding the line on taxes and for not making the employees suffer with the loss of pay and benefits. This budget is truly a budget that is owned by everyone. Everyone did a diligent and insightful review to come up with this budget.

Vice Mayor Gunter moved and Commissioner Kelly seconded to adopt Resolution 2010-028. The motion carried unanimously with Commissioner Kelly, Commissioner Richardson, Mayor Bell, Commissioner Goldberg, and Vice Mayor Gunter all voting aye.

c. Adopted Ordinance 2010-005 increasing the Police and Fire user service fees. CA Gerken read ordinance 2010-005 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF  
FRUITLAND PARK, FLORIDA, INCREASING THE POLICE AND FIRE  
SERVICE FEES IN CONJUNCTION WITH THE CITY'S ANNUAL REVIEW  
OF THE SAME; PROVIDING FOR CODIFICATION; PROVIDING FOR  
SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

CA Gerken spoke about the various ways to fund the fire and police departments. The majority of the funds for the fire and police department come from ad valorem taxes. In recent years, more and

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more cities have moved toward more non-ad valorem assessments especially for fire departments—these have been upheld in courts. Non-ad valorem assessments for police departments have not been upheld in the courts.

Mayor Bell announced the Police Service fee is going from \$2 to \$4 per month and the Fire Service fee is going from \$2 up to \$3 per month.

Mayor Bell requested comments from the Public. There were none.

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

**04. HEARD PRESENTATION FROM POWELL DESIGN GROUP REGARDING THE PUBLIC SAFETY COMPLEX.**

Mr. George Powell, Powell Design Group, stated he met with City Manager Bowers, Chief Isom and City Clerk Gibson Smith and have made changes to the plan. Basically the first and second floors of the east side of the building were flipped; a tower element was re-added with the front door on the corner, and a porch overhang was added.

Vice Mayor Gunter questioned the total square foot of the building. Mr. Powell stated the building was approximately 16,000 sq ft.

CM Bowers asked about the timeline for completing the items needed for shovel ready plans. Mr. Powell stated construction documents would need to be complete for permitting, the civil plans would need to be complete for the water permits.

CM Bowers stated he would need a cost estimate also. Mr. Powell stated he anticipated that question and has asked his consultants to review the fees based on the fire station only. The civil and the landscape would not be reduced much as the majority of their work would remain the same. Architecturally, structurally, electrically, they were able to get the numbers down to about a 2/3 to 1/3 difference. To move it forward at this time, not including construction administration, would be about \$130,000.

Commissioner Kelly questioned if that was in addition to what had already been paid. Mr. Powell stated yes.

Commissioner Richardson noted it was only \$155,000 to get the police and the fire station to that point. So the police plans were only \$25,000. Mr. Powell stated there are two things working against you. One is the civil part of it is still the same and unfortunately we marched down the road a bit on the old plans so the money is lost.

CDD Rector stated this needs to be stopped right where it is at as we don't have the money and we don't need it. Changes will be wanted before we get around to building it.

Mayor Bell questioned if we can use what we have and submit for a grant. Mr. Powell stated we submitted for a grant before with this level.

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Vice Mayor Gunter questioned if they were not releasing the money the last time. PSD Isom stated they did not fund new construction; only remodels.

Commissioner Richardson noted but we went ahead to the next phase because we wanted to get it to shovel ready. PSD Isom stated yes, but we did not place in that one.

CM Bowers stated he does not want to spend another \$130,000.

Vice Mayor Gunter questioned how much was being released this next time. PSD Isom and CM Bowers both stated they had not heard yet.

Mayor Bell stated, if we said to go ahead with the \$130,000 what kind of time frame is being looked at? Mr. Powell stated approximately 3-4 months would be needed to finish.

Mayor Bell stated you talked about working with us on obtaining grants when you came in with the first proposal. He questioned if anything might be known about grants coming available. Mr. Powell stated he has not kept up with this but would not have a problem looking into this.

Commissioner Kelly stated we made it clear we did not have the money to do this and we needed grant money. We would also need to phase this so we could get the money. Mr. Powell stated we always knew the construction would be several phases but contractually we would always do the complete plans.

Commissioner Kelly questioned the price for building the fire station only. Mr. Powell stated the fire station alone cost is approximately \$3 - \$3.5 million.

CDD Rector questioned who owns what has been produced. CA Gerken stated technically Powell Design Group owns it but the City has the ability to use it.

Commissioner Richardson stated we have not received everything we have paid for yet. Mr. Powell asked for clarification.

Commissioner Richardson stated, at the last meeting, the discussion was consideration of accepting the prepaid \$24,150 as the final payment for that phase of the plans. Mr. Powell stated after the meeting he reviewed the P & L for the project and the P & L for the project is not good and his company would go "into quite the hole" if that occurred.

Commissioner Richardson stated there were two other things that were not provided but were expected – a timeline and each phase of the contract was to have a separate notice to proceed. Mr. Powell stated he did not send after he spoke with the City Attorney.

CM Bowers stated he is not happy that we are being told we spent a lot of money that has been wasted.

PSD Isom stated, at the last meeting, your associate agreed that the design was supposed to have the barbeque area on the backside.

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CA Gerken stated this has all been discussed before. What is needed tonight is to determine what the Commission would like to do - move forward or to wait until closer to a time when grant funding is available.

Mayor Bell stated where he would like to be is to have the plans match the desired design.

Commissioner Richardson stated that is what he thought was agreed to last time.

CM Bowers stated he believes Mr. Powell agreed to provide a design that meets the approval with no further funds. Mr. Powell stated that is what he has done.

Mayor Bell stated he requested CA Gerken review and make sure we have gotten what we should have received. CA Gerken will work with Mr. Powell. CA Gerken stated he had told Mr. Powell that he did not need to meet with the Commission regarding the timeline.

Commissioner Richardson stated, for the record, he wants a copy of the timeline and the notice to proceed.

05. **CITY ATTORNEY'S REPORT** - none

06. **CITY MANAGER'S REPORT**

- a. CM Bowers stated we need to formally approve the non renewable personal holiday. Commissioner Richardson moved and Vice Mayor Gunter seconded to approve a non renewable personal holiday. The motion carried unanimously with all the Commissioners voting aye.
- b. CM Bowers stated we received a press release that we have been funded for the water meter grant. We have not received any official notice.
- c. CM Bowers stated PWD Bostic has noted the resurfacing for this fiscal year is complete and acceptable.
- d. CM Bowers stated we have a DEP Consent Order – need authorization to let them know we can't build a well in 24 months. CA Gerken stated he believes we can let them know we need at least 36 months.
- e. CM Bowers announced we appear to be receiving the CDBG grant in the amount of \$700,000. This will improve the Shiloh area for sewer and fire service.

07. **UNFINISHED BUSINESS** - none

08. **NEW BUSINESS**

- a. Approved Resolution 2010-026 granting a variance to the front setbacks for property located at 503 College Avenue. CA Gerken swore in CDD Rector. CDD Rector provided background information for the request. They are requesting a variance on the

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front setback from 30 ft to 24 ft. There were notices sent out and no people against this request.

CA Gerken read Resolution 2010-026 by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE FROM CHAPTER 154, SECTION 154.040 REGARDING SETBACK REQUIREMENTS FOR PROPERTY GENERALLY LOCATED AT 503 COLLEGE AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Gunter moved and Commissioner Richardson seconded to adopt Resolution 2010-026. The motion carried unanimously with Commissioner Goldberg, Vice Mayor Gunter, Commissioner Kelly, Commissioner Richardson, and Mayor Bell, and all voting aye.

b. Approved Resolution 2010-029 authorizing the Mayor to sign the contracts for the CDBG Neighborhood Revitalization Block Grant. CA Gerken read Resolution 2010-029

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, AUTHORIZING THE CITY MAYOR TO EXECUTE ANY AND ALL DOCUMENTS RELATING TO THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION SUBMITTED ON JULY 22, 2010 FOR THE AMOUNT OF \$700,000.00 FOR SEWER LINES, SEWER HOOKUP, AND WATER LINE REPLACEMENT ON SHILOH STREET, SMITH STREET, MAPLE AVENUE, HICKORY AVENUE, AND ELM AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Resolution 2010-029. The motion carried unanimously with Mayor Bell, Commissioner Goldberg, Vice Mayor Gunter, Commissioner Kelly, and Commissioner Richardson, all voting aye.

c. Approved Request for Extension on Application by property owners for property on Urick Street (former Plato Lago)

CDD Rector reviewed the background of the project. He noted the developer's agreement was never signed. The owner would like an extension of the conceptual, etc. so they can move this along without losing ground. All fees are current.

CA Gerken questioned what was being requested to be extended. CDD Rector stated they are requesting to extend the application.

Vice Mayor Gunter questioned if a developers agreement was written. CDD Rector stated there was a draft, but not signed. Basically the request is to only extend the application.

Mayor Bell asked when the last time this came in front of P & Z. CDD Rector stated September 10, 2009. CDD Rector stated this is only to give them another year to begin a project, nothing else. LDRs state they needed to begin within one year.

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Commissioner Richardson moved and Vice Mayor Gunter seconded to extend the application through 9/30/2011. The motion carried with all the Commissioners voting aye.

d. Approval of Request for Extension of Master Development Agreement by property owners for property on SE corner of US 27 and south Register Road for 24 months (Liberty Center, LLC)

CDD Rector gave information of background on the property. He noted everything has been done as requested and all fees have been paid. CDD Rector stated he recommends an 18 month extension.

CA Gerken stated this was a PUD put in place in 2005.

Mayor Bell questioned if there were any changes that would need to be updated. CA Gerken stated probably not; it all depends on whether the Commission feels this will still be a good use of the land.

CM Bowers stated there should be no harm in extended the developers agreement on this property.

Sandy Stokes, property owner, stated putting commercial in that area will do nothing but enhance the location.

CDD Rector stated the widening of US 27 will not affect this property usage.

Commissioner Richardson moved and Vice Mayor Gunter seconded to extend the master developers agreement for 24 months. The motion carried with all Commissioners voting aye.

e. Approval of revised policy LCC-45 – Lake County Internet Access Policy for the Library.

CC Gibson Smith stated this is an internet policy change requested by the Lake County Library System regarding download and uploading on the wireless.

Commissioner Kelly moved and Commissioner Richardson seconded to approve the revised policy LCC-45. The motion carried with all Commissioners voting aye.

f. Approval of letter of engagement for annual service from MMD Computer Center.

Mayor Bell reviewed the cost differences between MMD and NetDirective. He also noted MMD is local and could be here faster.

Mayor Bell noted NetDirective has made an offer. CT Palmer reviewed the offer made by NetDirective.

Mayor Bell noted we have had problems for a while.

Vice Mayor Gunter questioned what NetDirective was willing to do. CT Palmer stated NetDirective was willing to give different internet connection than the MiFi

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Commissioner Goldberg questioned if MMD considered the laptops as desktop models. CT Palmer stated they are aware laptops are used.

Commissioner Richardson moved and Commissioner Goldberg seconded to approve the contract with MMD. The motion carried with all Commissioners voting aye.

**g. Approval of Board Reappointments:**

Mayor Bell stated Colin Crews has agreed to serve on the Planning and Zoning Board again; Janet Goldberg and Jimmy Possee have agreed to serve again for the Code Enforcement Board.

Commissioner Goldberg moved and Commissioner Richardson seconded to reappoint Colin Crews to the Planning and Zoning Board. The motion carried with all Commissioners voting aye.

Commissioner Richardson moved and Commissioner Kelly moved to reappoint Janet Goldberg and Jimmy Possee on the Code Enforcement Board. The motion carried with all Commissioners voting aye.

**09 CITIZENS' COMMENTS - none**

**10. COMMISSIONERS' COMMENTS**

a. Vice Mayor Gunter – none.

b. Commissioner Goldberg – stated we did a fantastic job on holding the line on taxes, but we are not getting the great press.

c. Commissioner Kelly - questioned the MPO meeting. CC Gibson Smith stated there was no quorum but they are fast tracking the bus shelters and asking for ROW permits. CC Gibson Smith has spoken to CDD Rector regarding this.

d. Commissioner Richardson – questioned where we are on the electric. CM Bowers stated the ball is in Leesburg's court. He stated he will get a letter out to them. Mayor Bell asked if we had a timeframe. CA Gerken noted we have been going beyond time frames. CA Gerken stated an RFP for bulk power, financing, and O & M contract are needed prior to moving forward. Commissioner Richardson questioned the time frame. CM Bowers stated that is all dependent upon Leesburg.

CM Bowers stated SJRWMD is trying to schedule a meeting between him and Kirby Green as the District has not been willing to give adequate water to resources that the Commission has allowed to develop within the limits of the City. That would be an act of bad faith. Historically the growth in Fruitland Park was flat. The investment of sewer brought commercial and the vision sessions brought additional growth. We will try to show the City of Fruitland Park has the need for reasonable and beneficial resources and have put it on SJRWMD to show that we don't need it. CM Bowers stated our growth is driven by the biggest urban area in the south – the one just over the County line. This is not something that is a long way away. The problem is they don't want to acknowledge the affect the Villages has on us and want to stand on the district boundaries as their justification for that. We are going to have to kick things up a notch to make them realize the affect. What they are doing appears to be "willful and capricious use of power" without regard to what the law says.

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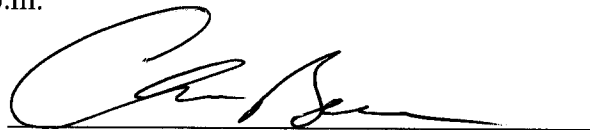
CM Bowers stated WWTP has been advertised as notice of intent to issue. Working on the consent order in regards to the wells. The lift station is up and running and has been for a couple of days now. We are beginning to close some projects out. Still the CUP is the front issue for us.

11. **MAYOR BELL'S COMMENTS.** Mayor Bell stated he received a request from Lake Community Action Agency to send a letter of support to put in their annual book. Mayor Bell read the proclamation being sent to include in the book. Mayor Bell also reviewed the announcements.

Mayor Bell stated we need to get the Christmas Party on the books. After discussion, the Christmas party was scheduled for December 11, 2010 at the Leesburg Community Center. Hometown Christmas is scheduled for Tuesday, December 14<sup>th</sup>.

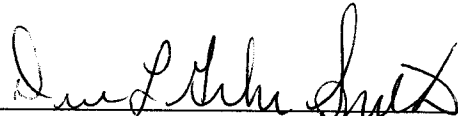
Halloween will be celebrated here in the City on Saturday, October 30<sup>th</sup>.

12. **ADJOURNMENT.** There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 9:21 p.m.



Christopher J. Bell, Mayor

Attest:

  
Diane L. Gibson Smith, CMC, City Clerk