

**FRUITLAND PARK CITY COMMISSION SPECIAL MEETING MINUTES
AUGUST 26, 2013**

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, , 2013 beginning at 6:04 p.m

INVOCATION AND PLEDGE OF ALLEGIANCE. Mayor Bell delivered the invocation followed by the Pledge of Allegiance led by Acting City Clerk Marie Azzolino.

ROLL CALL. Mayor Bell asked Acting City Cler, Marie Azzolino to call the roll.

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

MUNICIPAL OFFICIALS/OTHERS PRESENT. Interim City Manager (ICM) Rick Conner, Police Chief (PC) Terry Isaacs, Acting City Treasurer (ACT) Susan Parker, Community Development Director (CDD) Charlie Rector, Recreation Director, and Acting City Clerk (ACC) Marie Azzolino. Commissioner Cheshire excused.

01. CITY ATTORNEY'S REPORT - Scott Gerken stated that we received a settlement offer on the Richardson lawsuit of the Fire and Police Fees. The offer is good until September 6th. This is the reason for this special meeting but this is not a shade meeting. Scott stated he would like to go over the settlement tonight. This settlement is a public record. This is a two count complaint. The first is that Mr. Richardson claims we violated his Constitutional rights and have been removed to a Federal Court, which we have denied. Count 2 is a class action suit for our Police and Fire fees. This case is pending before the Lake county circuit court. Both these cases will be separated as two different lawsuits. The judge set a hearing date to be September 10th. The court will decide if it is a class suit and the case would move on and a summary judgement hearing will make a ruling on the fees. If the court rules these fees are legal, case over. If they rule they are not legal the other side has asked for a jury trial to determine the fees. We do not feel that a jury trial will be needed. The settlement is to put an end to additional costs to the city. The lawsuit seeks to prove that the Police and Fire are illegal and a tax to the residents, but the city has taken the position that it is a fair way to pay for Police and Fire fees. Since 2006 we have collected approximately \$600,000 which the lawsuits states would be refunded. The City would just like the court to rule that it is legal. Their offer is as follows: 1.The city must stop charging the fees or change the bill where it is clearly marked that it is a donation. The city has always stated this is voluntary, not a donation. 2. The city would not take any action against any resident that does not want to pay the fee. If you paid the fee you would be in the case and a notice would have to go out to all residents. Scott stated this would only happen if we reach a settlement. 3. They are requesting a common fund of \$400,000 to be set up. 4. Within 14 days of receiving a claim form, a resident would have to file for a refund, not to exceed \$100.00, and within 60 days the city must pay the claim. Former customers would have to be notified by an advertisement in the newspaper for 60 days. All claims would be processed within 90 days. 5. The remaining funds would be distributed as follows.... \$15,000 for Jim Richardson, \$15,000 for Mr. and Mrs. Howard, \$125,000 for attorney fees and cost and any remaining money would be given to the Fire Department. \$155,000 is gone off the top for attorney fees, Mr. Richardson and the Howards. There will be approximately \$200.00 for refunds to the residents. We would need 48 hours if you want to declare a shade meeting.

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Mayor Bell feels that he has things to say but feels it should be done in a shade meeting. Scott stated this gives you something to work with. Mayor Bell asked if anyone would like to make a motion to accept. No motion was made.

The Commission decided to hold a shade meeting on the 5th of September at 6:00. A regular meeting will be scheduled after the shade meeting.

Vice Mayor Kelly wanted to know if the \$125,000 is for both lawsuits. Scott stated that the \$125,000 is just for the one.

Scott stated that a notice must be posted for the shade meeting, who will be attending and what it is about. This will be done at a regular meeting.

02. CITY MANAGER'S REPORT – Rick Conner stated that a list of candidates are ready for the City Manager's position. Colin sent a report back from Tannette Gayle and Esther Lewin –Coulson. Ms. Gayle's report came back perfect. On Ms. Lewin-Coulson there are a few minor issues. Tannette has not turned in her resignation yet but we do have an informal agreement.

Mayor Bell stated we could discuss this on the September 5th meeting.

Rick Conner stated that Andrea, from Best Buy has agreed to come here tonight to address the Commission buying tablets.

Andrea stated that he is here to show some of the tablets available for the Commission. Rick stated that we are looking for the easiest way to send out information to the Commission. Andrea stated that the best tablet for the Commission is the Samsung. Mayor Bell state that Dell just came out with a new tablet. Andrea stated that the Samsung will definitely do what you are looking for. Rick stated right now there is a great sale going on so we would like to make a decision now. Commissioner Gunter stated that he has to access his email through outlook, through the VPN. Does the tablet work the same way? Andrea stated that it does go through the VPN but it is much easier with the tablet with one touch. Commissioner Goldberg stated that both he and the Mayor travel a lot and would like to get information while we are away. Andrea stated that with these tablets you would be able to do that. Andrea gave out sample tablets for the Commission to try out. A drop box can be used to handle large files but it does cost for each person to be on. It does not cost for the amount of use of the drop box. Andrea has agreed that if we do purchase the tablets he would be willing to come in and talk to each one of you separately to help set up your tablet. Rick Conner thanked Andrea and said he would get back to him about the purchase.

Mayor Bell stated that after looking at the Dell on the internet it does not have rave reviews. Mayor Bell stated he also has a Samsung phone. Mayor Bell told Rick to move forward and get more information on the Tablets.

Vice Mayor Kelly asked what the City paid for our water permit. Commissioner Gunter stated \$335,000 for 10 years. Vice Mayor Kelly stated that Clermont paid \$225,000 for 15 years. Scott stated that the conditions are what matters. Clermont feels that they might run out with all the building going on. Vice Mayor Kelly stated that she has a study that she would like our reporter to run an article about reinstating the impact fees. MPO wants to use the gas tax for sidewalks because of not busing these kids.

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Rick Conner stated that he wanted to commend the Chief and his staff for the way they have been handling the new traffic flow. Chief stated that Leesburg and the surrounding towns are having a terrible time with the traffic. The only problem is if there is an emergency during school hours. Commissioner Goldberg would like the Mayor to invite RoseAnn Brandeburg to one of our Commission meetings to discuss the school situation.

03. COMMISSIONERS' COMMENTS

- a) Commissioner Gunter – None
- b) Vice Mayor Kelly – None
- c) Commissioner Goldberg – None

04. MAYOR BELL'S COMMENTS. Mayor Bell

09. ADJOURNMENT. There being no further business to discuss, Commissioner Goldberg moved to adjourn the regular meeting. The meeting adjourned at 7:40p.m.



Christopher J. Bell, Mayor

Attest:


Marie Azzolino, Acting City Clerk