

# **FRUITLAND PARK CITY COMMISSION MEETING MINUTES**

**November 8, 2012**

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, November 8, 2012 beginning at 7:00p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Mion of the First Baptist Church of Fruitland Park, delivered the invocation followed by the Pledge of Allegiance led by Commissioner Kelly.

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

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

MUNICIPAL OFFICIALS/OTHERS PRESENT. Police Chief (PC) Terry Isaacs, City Treasurer (CT) Jeannine Racine Michaud, Community Development Director (CDD) Charlie Rector, Recreation Director (RD) Sherry Bechtel, and City Clerk (CC) Diane Gibson Smith.

## **01. ELECTION OF VICE MAYOR**

Mayor Bell thanked Commissioner Richardson for having served as Vice Mayor this past year. Mayor Bell stated informally a rotation system has been used. This year it is Commissioner Kelly.

Commissioner Richardson moved and Commissioner Goldberg seconded to elect Sharon Kelly as Vice Mayor. The motion carried with all Commissioners voting aye.

## **02. CONSENT AGENDA**

Mayor Bell presented the Consent Agenda for approval.

Commissioner Gunter moved and Commissioner Goldberg seconded to approve the Consent Agenda as presented. The motion carried with all Commissioners voting aye. The minutes of the October 24<sup>th</sup>, 2012 meeting were approved.

## **03. CITY TREASURER'S REPORT**

CT Michaud noted she has updated the report from last month. She has closed the fiscal year and can verify the fund balances. She noted all revenues exceed the expenditures at the end of the year which is a good thing.

There is an error on the report. Park maintenance is NOT over it is under. CT Michaud reviewed the fund balances.

Mayor asked if the last payment on City Hall has been made yet. CT Michaud said it has not, but would look into it and see if it could be made now. The fire truck was paid off last year.

04. CITY MANAGER'S REPORT

Mayor Bell announced the City Manager asked to be excused and the two items will be on next month's agenda.

Commissioner Gunter asked CDD Rector if we have gotten any applications for Public Works Director. Charlie said we have 6 or 7. Commissioner Gunter said to make sure we move forward.

05. CITY ATTORNEY'S REPORT

a). CA Gerken stated he would do a Sunshine Law presentation in January.

b). CA Gerken gave an update on the Wicks lawsuit. The court set a pre trial deadline and the defense has not been keeping up with those dates. The court has ordered placing sanctions against them. Our attorney's have also placed sanctions on them. We still have the February trial date. To date, we have spent \$100,000 in engineering fees to fix some of the problems. The attorney's fees, if the city wins, would be paid, but if the city does not win the city would have to pay the costs, not fees. CT Michaud has verified there is enough money in case that happens.

Commissioner Kelly wanted to know how much the insurance coverage was. CA Gerken said it is \$500,000.

Commissioner Richardson wanted to know why the CDBG lift station is included in the costs. CA Gerken said it should have been part of the original design.

Commissioner Richardson wanted to know what costs are included in the \$50,000 extra attorney's fees. CA Gerken said that there are always extra witnesses and jury costs in a trial. The hope would be to have it settled at mediation or before trial so we don't have to spend that money.

06. PUBLIC HEARING

a). Adopted Ordinance 2012-030 creating Chapters 116 and 117 in the Code of Ordinances and amending Chapter 154 of the LDRs. CA Gerken read Ordinance 2012-030, by title only, as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING THE CITY OF FRUITLAND PARK CODE OF ORDINANCES TO CREATE CHAPTER 116, ENTITLED "ADULT ARCADE AMUSEMENT CENTERS, INTERNET CAFES, AND SWEEPSTAKES

AMUSEMENT CENTERS, INTERNET CAFES, AND SWEEPSTAKES REDEMPTION CAFES"; CREATING CHAPTER 117 ENTITLED "ELECTRONIC GAME PROMOTIONS"; AMENDING CHAPTER 154 OF THE LAND DEVELOPMENT REGULATIONS REGARDING PERMITTED USES IN C-1 AND C-2 ZONING DISTRICTS AND SPECIAL EXCEPTION USES IN C-2 AND INDUSTRIAL ZONING DISTRICTS; AMENDING SECTION 155.030 OF THE CITY OF FRUITLAND PARK LAND DEVELOPMENT REGULATIONS TO CREATE 155.030(B)(26) REGARDING SPECIAL EXCEPTION USES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

CDD Rector stated there will be a \$25.00 fee per adult machine, an annual business fee of \$75.00 October 1<sup>st</sup> through September 30<sup>th</sup>, a maximum of 5 locations in town, \$300.00 application for new location, and safety and security measures, no alcohol, no minors, a new location will need to be at least 500 feet from any school, church, park, residential district or any other arcade. The hours of operation will be 7am-11pm seven days a week. Parking will be one parking space per two games and one space per employee. Parking lot security camera surveillance will be 24 hours and rules and regulations must be posted. Inside of building must have surveillance cameras and limited amount of cash and height markers. Silent alarm must be installed and there will be a \$250.00 fine for first offense and a \$500.00 fine after that. They cannot be in residential zones.

Mayor Bell questioned how many are in town now. CDD Rector said there are three. Mayor Bell asked if they are grandfathered. CDD Rector said all three would not meet the requirements of location and parking and all three will not be charged the \$75.00 until next year.

Mayor Bell said if one business closes can they reopen in the same location.

CDD Rector said no because of this ordinance.

CA Gerken said that if a business closes completely they cannot open in the area they are in now and they would have to pay all the charges imposed in a new business.

Mayor Bell requested public comments. There were none.

Commissioner Richardson asked what the city was doing for the \$300.00 fee.

CDD Rector said that was for review of all regulations.

Commissioner Richardson asked if any of the other towns have applications fees.

CDD Rector said no they do not and most businesses in town have do not have a specific ordinance.

CA Gerken said it is like any other business that needs a conditional use permit.

Commissioner Richardson asked if the \$75.00 a year is the highest fee we have.

CDD Rector said no and some are \$150.00 and insurance companies are high. Once you establish that fee you are limited to a 5% increase every two years.

Commissioner Richardson said the \$25.00 per machine seems kind of high.

CDD Rector said that the new business that opened up, read it and said there was no problem.

Commissioner Gunter stated that West Palm Beach charges \$250.00 per machine.

Mayor Bell said this might be a short lived ordinance if the State decides to jump in on this.

Commissioner Richardson moved and Commissioner Goldberg seconded to adopt Ordinance 2012-030.

The roll call vote was as follows:

Mayor Bell	Aye
Commissioner Goldberg	Aye
Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Aye

The motion carried unanimously.

Commissioner Richardson made note he is no longer Vice Mayor.

#### 07. INTRODUCTION OF ORDINANCES

a). Approved first reading of Ordinance 2012-032 amending Chapter 113 of the City Code of Ordinances relating to the levy of tax on purchases of bottled gas. CA Gerken read Ordinance 2012-032, by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 113 OF THE CITY CODE OF ORDINANCES RELATING TO THE LEVY OF TAX ON PURCHASES OF ELECTRICITY, GAS, WATER, OR TELECOMMUNICATION SERVICES; AMENDING SECTIONS 113.01, 113.02, 113.03, AND 113.05 OF THE CITY CODE OF ORDINANCES TO REPEAL THE TAX ON PURCHASES OF METERED OR BOTTLED GAS (NATURAL, LIQUIFIED PETROLEUM GAS, OR MANUFACTURED); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE

FRUITLAND PARK CODE OF ORDINANCES; AND PROVIDING AN  
EFFECTIVE DATE.

CA Gerken said the ordinance needs to be amended. The language of the body of the ordinance is what is currently on the books for water, electricity, and gas. You do not want to repeal the tax on all gas, just propane gas. You receive revenue from Leesburg natural gas which you still want. We will amend it to read just propane gas.

Vice Mayor Kelly moved and Commissioner Richardson seconded to approve the first reading of Ordinance 2012-032 as amended.

The roll call vote was as follows:

Commissioner Richardson	Aye
Mayor Bell	Aye
Commissioner Goldberg	Aye
Vice Mayor Kelly	Aye
Commissioner Gunter	Aye

The motion carried unanimously.

b). Approved first reading of Ordinance 2012-033 adopting new flood water maps. CA Gerken read Ordinance 2012-033, by title only, as follows:

AN ORDINANCE BY THE CITY OF FRUITLAND PARK CITY COMMISSION AMENDING THE CITY OF FRUITLAND PARK LAND DEVELOPMENT REGULATIONS TO REPEAL SECTION 161.090 AND TO ADOPT A NEW CHAPTER 161.090; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

CA Gerken said this is a model ordinance from FEMA. FEMA said there will be further revisions and we have to participate in it if we wish to continue in the FEMA program. If we don't pass we cannot be in program. It must be in place by mid-December.

Mayor Bell wanted to know if there was any additional expense.

CA Gerken said that he didn't believe so.

Mayor Bell requested comments. There were none.

Commissioner Richardson moved and Commissioner Gunter seconded to approve first reading of Ordinance 2012-032.

The roll call vote was as follows:

Commissioner Gunter	Aye
Commissioner Richardson	Aye
Mayor Bell	Aye
Commissioner Goldberg	Aye
Vice Mayor Kelly	Aye

The motion carried unanimously.

08. NEW BUSINESS

a). Approved Lake County Library System patron conduct policy. Library Director JoAnn Glendinning said it was straight forward and wanted to know if there were any questions.

Mayor Bell wanted to know if there were any changes.

Director Glendinning said it was the same as what was on the books. She stated that it is good for the patrons and for Library staff.

Mayor Bell wanted to know how often she had an unruly patron.

Director Glendinning said just last week she had a woman in her 60s to leave the Library after becoming very vocal to her staff.

Commissioner Richardson moved Commissioner Goldberg seconded to approve the policy. The motion carried unanimously.

b). Approved the use of funds in the Police Automation fund for the purchase of one lap top computer and three new desk top computers for a total of \$4,685.76.

City Clerk Gibson Smith said they had to do with the Jag Grant.

Commissioner Richardson said he thought the price of the computers were high and wanted to know if they were was anything special.

Captain Borst said they were priced from Dell and they did include software.

Vice Mayor Kelly said there was only one laptop and the rest were full computers.

Commissioner Richardson said he thought you could purchase them for around \$600.00 each.

Chief said the second item is the automation fund. We would like to take \$5,800.00 to buy desktop computers to replace the old ones, plus on laptop.

Mayor Bell asked if going to the computer stores to ask if we can get a better deal.

Vice Mayor Kelly said if we have \$5,800.00 that doesn't mean we have to spend that.

Commissioner Richardson agreed that it sounds expensive.

Commissioner Goldberg asked to see the quote to see what was included in the price.

Sergeant Cox is the one who programs the computers so he is the one we turned to.

Commissioner Goldberg would like copies of the quote so they can be reviewed.

c). Approved contract for NPDES services with Maryann Kristovich.

Commissioner Richardson asked if this was just a renewal or were there increases.

City Clerk Gibson Smith said there was no increase in the contract; this is simply a renewal.

Commissioner Richardson moved to approve and Commissioner Goldberg seconded. The motion carried unanimously.

d.) Approved trading assault rifles for new guns in the Police Department. Chief Isaacs said a yearly grant is being used. Some of our weapons are as old as 20 years old and if we turn them in, they would give us state of the art weapons. We are getting 19 new ones and are trading in 22 old ones. The assault rifles were not paid last year and we told them to come and get them which they never did. He now has advised them to take them which they said they would so no charges or fines are imposed. They told us we could keep them for \$1.00 a year and Chief told them we just don't want them.

Commissioner Richardson moved and Commissioner Goldberg seconded to approve the trading of assault rifles for new guns. The motion carried unanimously with all Commissioners voting aye.

e). Approved trading two forfeiture vehicles for golf cart. Chief Isaacs stated we have the Cadillac and a van in the maintenance yard. Since we can't find a fund to buy a golf cart, we went to Morgans ( a car dealership in town) and he has agreed to take these two vehicles and make a deal for a golf cart and it will be used by all departments not only the police department.

Vice Mayor Kelly wanted to know if we need golf carts for the City.

Chief Isaacs said we can use the golf carts just like the citizens do. We are looking at two gas carts which are refurbished. Morgans promised that the two carts would be an even exchange for the two cars.

Vice Mayor Kelley moved and Commissioner Goldberg seconded to trade the vehicles for golf carts. The motion carried unanimously.

09. CITIZENS' COMMENTS - none

10. COMMISSIONERS' COMMENTS

a). Commissioner Richardson - said we need to do something about the Police officers' salaries. We are the lowest paid officers in the county, and about \$3.00 behind Mascotte. Commissioner Richardson stated a lot of other departments have received raises.

Vice Mayor Kelly said no one received raises. It's not in the budget.

Commissioner Richardson stated most departments had received raises.

CT Michaud agreed that many departments have received raises. It has happened in a few departments. Public works, a year ago, redistributed the money from people that left. The Library also redistributed money.

Vice Mayor Kelly said that shouldn't happen and if no money is there, they shouldn't get a raise.

Mayor Bell asked for a survey to be done. All Commissioners agreed.

Commissioner Gunter said that they used to do a survey.

Commissioner Richardson said every department needs to be surveyed but the Police Department puts their life on the line every day. Also, Marie Azzolino has not gotten a raise since 2008.

b). Commissioner Gunter - No comments

c). Vice Mayor Kelly – No comments.

d). Commissioner Goldberg - No comments

11. MAYOR BELL'S COMMENTS. Mayor Bell announced there has been some news about our City Manager. He requested CA Gerken explain.

CA Gerken said there is a criminal investigation concerning the City Manager. The Sheriff's Office is investigating due to an employee complaint. The Commission should not rush to judge but it cannot be taken lightly. CA Gerken suggested placing the City Manager on Administrative leave with pay until further notice. He should not be allowed to come into City Hall. A motion is needed for the administrative leave, and also a motion for an acting City Manager. This is confidential and should not be discussed.



Vice Mayor Kelly moved and Commissioner Goldberg seconded to place the City Manager on administrative leave with pay until further notice. The motion carried with all Commissioners voting yes.

Commissioner Richardson wanted to know the time frame.

Mayor Bell said right now it is until further notice.

Commissioner Richardson made a motion to appoint Linda Rodrick as interim City Manager if she would accept.

Commissioner Gunter said you already have Charlie Rector as Head of Operations and Diane as Head of Administration when Ralph was sick last year, although someone should be over those two. In the past it has always been the Police Chief they would answer to. Maybe after we know more we can bring in Linda as a temporary City Manager until we find someone.

Mayor Bell said I don't think we want to bring someone in right now. That might be a consideration for later on.

Commissioner Gunter wanted to know if you want the Chief to oversee them.

Vice Mayor Kelly said isn't he doing the investigation.

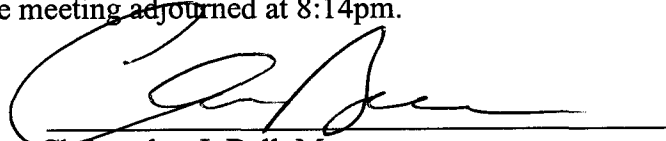
Chief Isaacs said that the Sheriff's office has taken over the investigation.

CDD Rector said he does not want the job. If you want someone to manage I think Diane should manage.

Commissioner Richardson made a motion to make Diane Gibson Smith the acting City Manager until further notice and Commissioner Gunter seconded. The motion carried with all Commissioners voting aye.

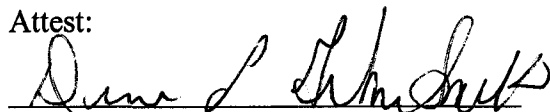
Mayor Bell reminded everyone to come out and vote on the Tuesday the 20<sup>th</sup>. He reminded everyone of the upcoming dates.

15. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn the regular meeting. The meeting adjourned at 8:14pm.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk