

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES
DECEMBER 11, 2008**

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, December 11, 2008 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Barry Hayes of the Freedom Community Church delivered the invocation followed by the Pledge of Allegiance led by Vice Mayor Sharon Kelly.

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

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

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, and City Clerk (CC) Diane Gibson Smith.

01. APPROVED MINUTES OF THE REGULAR MEETING.

Mayor Bell presented the minutes of the November 13, 2008 regular Commission Meeting for approval.

Commissioner Martin moved and Commissioner Goldberg seconded to approve the minutes of the November 13, 2008 regular Commission Meeting. The motion carried unanimously with all Commission Members voting aye.

02. PRESENTATIONS

a) PWD Bostic introduced Ron Smith as the Public Service Employee of the Year award. He stated this award is chosen by peers and being selected says a lot about Ron's personality and quality of work. Mayor Bell presented a plaque to Mr. Smith.

b) Government Finance Officers Association Award of Financial Reporting Achievement to Elizabeth Palmer - Mayor Bell stated this presentation is postponed until the next meeting as CT Palmer is under the weather.

c) Mayor Bell presented Certificates of Completion for the Advanced Institute for Elected Municipal Officials. Recipients were Vice Mayor Kelly, Commissioner Goldberg, and Mayor Bell.

CM Bowers noted how nice it is to work with elected officials who take pride in learning more about the business of government.

03. Agenda Update – Mayor Bell noted an item is being added under the City Manager report for the Casino/Church, the Gas franchise letter received from the City of Leesburg will be reviewed at the next meeting, CA Gerken stated he will give a short update on sewer system and professional liability.

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04. ADOPTED/FINAL READING OF ORDINANCE 2008-023 CREATING SECTION 102-1 IN THE CODE OF ORDINANCES RELATING TO THE PAYMENT OF PROFESSIONAL AND CONSULTANT SERVICE FEES AND COSTS ASSOCIATED WITH DEVELOPMENT APPLICATIONS. CA Gerken read Ordinance 2008-023 by title only as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA AMENDING THE CITY OF FRUITLAND PARK CODE OF ORDINANCES TO CREATE SECTION 102-1 RELATING TO THE PAYMENT OF PROFESSIONAL AND CONSULTANT SERVICES FEES AND COSTS ASSOCIATED WITH DEVELOPMENT APPLICATIONS; PROVIDING FOR CONFLICT WITH EXISTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell questioned if this will slow the process down. CA Gerken stated no.

Mayor Bell opened the public hearing. There were no public comments.

Vice Mayor Kelly moved and Commissioner Gunter seconded to adopt Ordinance 2008-023. The motion carried unanimously with Commissioner Gunter, Vice Mayor Kelly, Commissioner Martin, Mayor Bell, and Commissioner Goldberg and all voting aye.

05. City Attorney's Report

a) Update on slow moving vehicle and golf cart ordinance. CA Gerken stated this was discussed in general about a month ago. CA Gerken presented additional information, the relevant statute, and other examples. He noted most examples are similar and straightforward and no action is required tonight.

Mayor Bell stated the Shalimar ordinance lays out the restriction on golf carts more. CA Gerken stated his concern is municipalities are required, by statute, to do a study stating the roads are safe for golf carts.

Vice Mayor Kelly stated the City will eventually have regular paths for golf carts, but they will be an added expense.

Mayor Bell stated the consensus seems to be to stay with slow moving vehicles and not do the golf carts at this time. No golf carts will be allowed on any streets unless the streets are determined to be safe.

Chief Isom stated he has some new neighborhoods where complaints are received about golf carts being driven. Newer golf carts are classified as slow moving vehicles. Chief Isom stated he will check into how Shalimar came up with their approval and report at the next meeting.

b) Update on sewer and legal issue. CA Gerken stated he met with CM Bowers, PWD Bostic, and three consulting engineers regarding the concerns on the sewer system design. All the engineers felt there were design flaws on how the system was done. CA Gerken stated he then consulted with an attorney specializing in malpractice. A second meeting was held including the original

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participants and the malpractice attorney. All the engineers were of like mind. The malpractice attorney suggested modeling be done to test if the system is flawed or not. GPI, engineers who tested the grinder pumps, are tasked to propose how to do the modeling. CA Gerken recommends his office handle this proposal. The results should be done by the next meeting and a recommendation on the next step will be made.

Mayor Bell questioned what might be the final result? CA Gerken stated the final result is not known at this time. Modeling will tell if there was malpractice and then costs on fixing the problem will need to be put together. Intention is to be able to prove the design flaws with backup, and then determine what is needed to fix it. The main objective is to fix the system as the City wants a system that will be reliable. The source of recovery will be against the O & E insurance carrier.

CM Bowers stated there was no way the City could have known there was a problem before last January.

Mayor Bell stated his concern is spending money on studies to prove the original engineer was wrong. CA Gerken noted what is being done now has to be done anyway. Wicks will be contacted once the determination has been made there is a problem.

06. City Manager's Report

a) Casino usage and painting offer – CM Bowers asked Pastor Hayes present his request. Pastor Hayes of the Freedom Community Church stated he is requesting a six month extension to the Church's use of the Casino building on Sundays with a guaranteed time slot of 8:00 a.m. until 12:30 p.m. Also, his congregation would like to paint the interior of the building as a way to give back to the City for the use of the Casino. Mayor Bell stated he approves extending the use for three months with an option to renew again after those three months and approved having them paint the Casino building with Staff approving the color. All the Commissioners were in agreement.

b) Consideration of bid by Logan Sitework Contractors for the roadway - leveling and stabilizing of Seminole, Lime, and West Catawba for \$37,550.00. CM Bowers stated he recommends awarding the project to Logan Sitework Contractors, Inc.

Vice Mayor Kelly moved and Commissioner Gunter seconded approval of the bid by Logan Sitework Contractors. The motion carried unanimously.

c) Discussion and consideration of payment of retainage for Magana. (\$12,440.90) - CM Bowers stated this is to finalize payments to Magana. He recommends return of the retainage.

Commissioner Martin moved and Commissioner Goldberg seconded approving the payment of the retainage fees to Magana. The motion carried unanimously.

d) Consideration of return of maintenance of improvement funds for Oak Forest Subdivision (\$27,895) – CM Bowers noted in discussion with individual commissioners there was an understanding a sidewalk was to be built around the subdivision. PWD Bostic stated the sidewalks are to be built as the homes are built. PWD Bostic stated he can review the plans again and bring back information at the next meeting.

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Mr. Phil Edgington, owner of Oak Forest Subdivision, stated when he purchased the subdivision from Paul Buchanan, the maintenance bond was for the streets. The inspections were made recently and all required items have been completed. The Building Department does not give certificate of occupancies until the sidewalks are in place. If sidewalks were put in place before the house is built, they would be destroyed.

CM Bowers stated he did not have a good answer for the questions posed to him. Further information will be provided at the next meeting.

Mayor Bell stated the background on this project and the sidewalk situation needs to be reviewed.

Mr. Edgington noted the original bond did not note any sidewalks. CA Gerken stated the original maintenance bond was for two years. Any problems after the two years would be covered by the City.

This item will be reviewed further at the next meeting.

e) Consideration of purchase of voice pagers compatible with the new County Radio System for the Fire Department for \$14,276.50 - PSD Isom stated, when the County goes to the 800 MHz radio system, the system will not allow group paging. The County will continue to use the old system to page. He requests new pagers which will allow for group paging.

Mayor Bell questioned if all cities are going to this system. PSD Isom stated yes and all cities with volunteer fire departments will encounter the same problem.

Vice Mayor Kelly moved and Commissioner Gunter seconded approval to purchase the pagers. The motion carried unanimously with all Commissioners voting aye.

f) Discussion of amended Inter-local Agreement with Lake County regarding the formation of a Water Alliance – CM Bowers stated he has concerns on the value of the Water Alliance if formed without a purpose and if Lake County is included. He noted a proportional fair share concept is already being used for everything else and the concept would be an equitable way to fund water projects. CM Bowers recommends joining the Water Alliance and then immediately look into recommending proportional fair share as a guiding principle of the Water Alliance. This will allow the Alliance to focus on the roles of entities.

Mayor Bell stated the Water Alliance talked about becoming an effective lobbying organization. The Lake County League of Cities, which is already a lobbying entity, also had discussions about water. Perhaps setting up a committee under the Lake County League of Cities to deal with water makes more sense. Less money would be needed and the committee would probably be more effective.

Commissioner Gunter noted he is not sure the Lake County League of Cities would want to take this on. Not all 14 cities in Lake County participate in the League of Cities.

Vice Mayor Kelly questioned if other cities around the state should be included.

CM Bowers stated one of the problems is that approximately 50% of the water being pumped is pumped without a permit. This amount is higher than in most other counties.

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Commissioner Martin questioned why the City would consider joining the Alliance if the County is not going to be a participant.

Mayor Bell stated the Water Alliance does allow the County to be a member. Commissioner Martin noted the County is not working with the Alliance.

Vice Mayor Kelly suggested forming a committee from the League of Cities to approach St. John's to put a fee on wells and use that money to help build the desalinization plants. The County does not have any money.

Mayor Bell stated the County is trying to take over the Water Alliance. The question is how to proceed. CM Bowers stated he understands why the County is trying to join, but doesn't agree with them.

CA Gerken stated no action is required now. By Monday, each participant is to send comments to them for the final draft. This agreement does not give the purpose for the group but does give the group broad powers.

g) Update on the electric system purchase - CM Bowers stated he met with Leesburg City Manager Jay Evans who stated his staff is making sure the numbers are accurate before giving them to us. Numbers should be provided in the near future.

h) CR 466A - CM Bowers stated there has been a major shift in attitude at Lake County. Fruitland Park will do everything possible to get the main transportation corridor through the Dairy and CM Bowers will contact the School Board. CM Bowers noted he and CA Gerken are working on an agreement with Lake County Attorney Sandy Minkoff.

i) Gas agreement letter - CM Bowers stated he just received this letter and suggested the Commissioners read the letter and be ready to discuss at the next meeting. Vice Mayor Kelly noted she doesn't like the 25-year term suggested and questioned what infrastructure had been installed.

Mayor Bell stated he would like to have a representative be present when the plans are being discussed for Fruitland Park.

Commissioner Gunter stated the contract needs to state the Fruitland Park residents pay the same as those in Leesburg.

CA Gerken noted the City has the same opportunity to purchase the gas system as the electric system.

Mayor Bell suggested looking into other options at the same time.

j) CM Bowers stated he was told the fence in front of the wastewater plant stopped at the boundaries of Spring Lake Cove instead of at the end of the City's property. He requested direction from the Commission on how to proceed. Commissioner Gunter stated the City needs to request the fence be finished. CC Gibson Smith will review prior minutes regarding the fence.

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07. Unfinished business

a) Mayor Bell noted two Planning and Zoning Board members need reappointment. He brought Connie Bame and Milton Kirby's names forward for consideration.

Vice Mayor Kelly moved and Commissioner Gunter seconded approval of the reappointment of Connie Bame and Milton Kirby to the Planning and Zoning Board. The motion carried unanimously with all Commissioners voting aye.

b) Mayor Bell stated two other committee members need to be reappointed – Bruce Masters for the LSMPO Citizens Advisory Committee and Sherry Bechtel for the LSMPO Trails & Bicycles committee. Both members are willing to continue serving.

Commissioner Martin moved and Commissioner Gunter seconded approval of the reappointment of Bruce Masters to LSMPO Citizens Advisory Committee and Sherry Bechtel to LSMPO Trails & Bicycles Committee. The motion carried unanimously with all Commissioners voting aye.

08. New business

a) ADOPTED RESOLUTION 2008-028 AMENDING THE 2008-2009 FISCAL YEAR BUDGET FOR THE FIRE DEPARTMENT. CA Gerken read Resolution 2008-028 by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2008-2009 FISCAL YEAR TO RECLASSIFY APPROPRIATIONS FROM NON OPERATING TO PERSONAL SERVICES FOR THE FIRE DEPARTMENT; PROVIDING FOR THE AMENDMENT OF THE 2008-2009 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Kelly moved and Commissioner Gunter seconded to adopt Resolution 2008-028. The motion carried unanimously with Commissioner Martin, Mayor Bell, Commissioner Goldberg, Commissioner Gunter, and Vice Mayor Kelly all voting aye.

b) ADOPTED RESOLUTION 2008-029 AMENDING THE 2008-2009 FISCAL YEAR BUDGET FOR THE WATER DEPARTMENT. CA Gerken read Resolution 2008-029 by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2008-2009 FISCAL YEAR TO TRANSFER APPROPRIATIONS TO FUND SMW GEOSCIENCE CONTRACT FOR WELL NUMBER 6; PROVIDING FOR THE AMENDMENT OF THE 2008-2009 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to adopt Resolution 2008-029. The motion carried unanimously with, Mayor Bell, Commissioner Goldberg, Commissioner Gunter, Vice Mayor Kelly, and Commissioner Martin all voting aye.

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c) ADOPTED RESOLUTION 2008-030 ADOPTING THE LAKE SUMTER MPO TRAFFIC ANALYSIS METHODOLOGY. CA Gerken read Resolution 2008-030 by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING BY REFERENCE THE TRANSPORTATION CONCURRENCY MANAGEMENT SYSTEM ("TCMS") TRAFFIC IMPACT STUDY METHODOLOGY GUIDELINES FOR LAKE COUNTY, WHICH WAS APPROVED BY THE LAKE-SUMTER METROPOLITAN PLANNING ORGANIZATION (MPO) BY MPO RESOLUTION 2008-17; PROVIDING FOR THE INCORPORATION OF THE TCMS TRAFFIC IMPACT STUDY METHODOLOGY GUIDELINES FOR LAKE COUNTY INTO THE CITY OF FRUITLAND PARK LAND DEVELOPMENT REGULATIONS; PROVIDING FOR RECORDATION; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to adopt Resolution 2008-030. The motion carried unanimously with Commissioner Goldberg, Commissioner Gunter, Vice Mayor Kelly, Commissioner Martin, and Mayor Bell all voting aye.

d) Approved request to install a bench at the cemetery by Terry Camp. Mayor Bell suggested specifying the types of benches to be allowed. The Commissioner approved the bench subject to review and approval of the City Clerk.

09. Citizens' comments

a) Mr. Hill commended Chief Isom and his staff on his recent bust at Mirror Lake Apartments. He stated "Great Job!" Mayor Bell read a letter of appreciation received from Mirror Lake Manor management.

10. Commissioners' comments

a) Vice Mayor Kelly – stated CR 466A was discussed at the MPO meeting. She noted she spoke with a DOT representative who was familiar with Fruitland Park's request. CA Gerken stated this topic is listed on Tuesday's County Commission agenda.

b) Commissioner Gunter – noted the next Commission meeting time needs to be changed. He suggested changing the time to 5:30 p.m. All Commissioners agreed to the changed time.

c) Commissioner Martin – requested an update on the supply for a new CUP. CM Bowers stated staff is in the process of answering all the questions. Commissioner Martin stated there was a nice turnout for the Christmas celebration. Commissioner Martin noted he had a long conversation with staff members who stated some local businesses are not being very cooperative with the City – Phillips and Bill Bryan. He does not understand what the City has done to its business people. Commissioner Martin questioned the City's move towards a Chamber of Commerce. Charlie Rector stated he discussed this with Peggy and the general consensus was that this is not the time to try to start a Chamber of Commerce. Mayor Bell noted perhaps a separate group could form inside the Leesburg Chamber that consisted strictly of Fruitland Park people which allowed Fruitland Park business people to discuss Fruitland Park. Commissioner Martin noted he is concerned that the two