

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

February 14, 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, February 14, 2013 beginning at 7:00 p.m

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Brock of the Heritage Community Church delivered the invocation followed by the Pledge of Allegiance led by Commissioner Cheshire.

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

ELECTED OFFICIALS PRESENT. Commissioner Christopher Cheshire, Commissioner Albert O. Goldberg, Vice Mayor Sharon Kelly, Mayor Christopher J. Bell. Commissioner John L. Gunter, Jr was not present due to illness.

MUNICIPAL OFFICIALS/OTHERS PRESENT. Police Chief (PC) Terry Isaacs, Community Development Director (CDD) Charlie Rector, and City Clerk (CC) Diane Gibson Smith.

01. PROCLAIMED FEBRUARY 14, 2013 AS UNIVERSAL LOVE DAY. Mayor Bell proclaimed February 14, 2013 as Universal Love Day by reading a proclamation in its entirety.

02. CITIZENS COMMENTS

- a) Pastor Sydney Brock of the Heritage Community Church thanked the Commission for the acceptance of their church into the community. He also stated they are looking forward to working with the City and have already made contact with Recreation Director Michelle Yoder.

03. PRESENTATION OF INSTITUTE OF ELECTED MUNICIPAL OFFICERS CERTIFICATE TO CHRISTOPHER CHESHIRE Mayor Bell presented Commissioner Cheshire with a certificate for the completion of the Institute of Elected Municipal Officers course. He noted the classes in this institute are very informative.

04. APPROVED CONSENT AGENDA AS PRESENTED

Mayor Bell presented the Consent Agenda as presented.

Vice Mayor Kelly stated she would like to see us go back to more information in the minutes. CC Gibson Smith noted she had been playing catch-up and assured Vice Mayor Kelly the minutes would go back to "normal."

Vice Mayor Kelly moved and Commissioner Cheshire seconded to approve the Consent Agenda as presented. The motion carried with all Commissioners voting aye. The items approved were: minutes of the January 10, 2013 CRA meeting, minutes of the January 10, 2013 Commission meeting, minutes of the January 22, 2013 Special meeting, minutes of the January 24, 2013 Commission meeting, and minutes of the February 5, 2013 Special meeting.

05. HEARD CITY TREASURER'S REPORT FOR PERIOD ENDING JANUARY 31, 2013. Mayor Bell stated the City Treasurer had a family emergency and was called back to Maine.

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ACM Gibson Smith provided the financial report for period ending January 31, 2013. General Fund revenues exceeded expenses by \$472,588. We have issued 12 golf cart permits so far. Overall, the City is in good shape.

ACM Gibson Smith announced the Wicks Lawsuit has been settled and the settlement check is expected soon.

06. CITY ATTORNEY'S REPORT

- a) CA Gerken gave a Sunshine Law presentation. A copy of the presentation is attached. He reported on when boards, commissions, and staff are subject to Sunshine Law. He reviewed the open to the public laws, social media, electronic media concerns, and public records concerns.
- b) CA Gerken reviewed the interim City Manager contract. He stated the candidate has requested the use of a City vehicle and a City cell phone.

Mayor Bell questioned the end date in the contract. CA Gerken stated that wording can be changed

Vice Mayor Kelly moved and Commissioner Cheshire seconded to approve the interim City Manager contract with the proposed changes. The motion carried with all Commissioners voting aye.

- c) CA Gerken stated he received a transcript from Shade Meeting for the Wicks litigation. He presented the transcript to ACM Gibson Smith
- d) CA Gerken gave an update on the Animal Control meeting with Lake County. We have an interlocal agreement with them and Lake County does provide animal court. Our officers will still respond to calls but the county will provide the court.

Chief Isaacs noted the county has 12 animal officers. They will come out if they are in the area, but will not respond over night. Our officers will be dispatched to the situation. Our officers will be witnesses during the case.

- e) CA Gerken stated he is requesting a shade meeting to discuss the litigation strategy of the Richardson, et. all lawsuit. The shade meeting will be scheduled for February 21, 2013 at 6:00 p.m.

07. ACTING CITY MANAGER'S REPORT

- a.) ACM Gibson Smith questioned if the Commission would like to do a resolution regarding the fire and police pension reform being opposed by Florida League of Cities. The consensus was to not do anything at this time and take a "wait and see" approach.
- b.) ACM Gibson Smith stated she received information regarding Library Impact Fee Funding for library projects. The City can receive up to \$200,000 for a project. LD Glendinning provided information on a project she would like to submit. The

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project is for an extension onto the rear west corner of the building. This would be used for children's programming. Pictures of the area were shown.

Vice Mayor Kelly reminded everyone that if this expansion goes through, we still need to maintain it which will cost more money.

Vice Mayor Kelly moved and Commissioner Cheshire seconded to move forward with submitting the project for Library Impact Fee funding. The motion carried with all Commissioners voting aye.

08. PUBLIC HEARINGS - none

09. NEW BUSINESS

a) Adopted Resolution 2013-003 amending the budget by \$6,750 for the update of the CRA plan. CA Gerken read Resolution 2013-003, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET BY \$6,750 FOR THE UPDATE OF THE CRA REDEVELOPMENT PLAN, PROVIDING FOR THE AMENDMENT OF THE 2012-2013 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell noted the CRA board met and recommended the approval of the use of the CRA funds for this project.

Commissioner Goldberg moved and Commissioner Cheshire seconded to adopt Resolution 2013-003. The roll call vote was as follows:

Vice Mayor Kelly	aye
Mayor Bell	aye
Commissioner Goldberg	aye
Commissioner Cheshire	aye

The motion carried unanimously.

b) Adopted Resolution 2013-004 amending the budget by \$7,520 for the demolition and asbestos removal of the homes on Fountain Street. CA Gerken read Resolution 2013-004, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET BY \$7,520 FOR THE DEMOLITION OF THE FOUNTAIN STREET HOUSES OWNED BY THE CITY, PROVIDING FOR THE AMENDMENT OF THE 2012-2013 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell stated the CRA board met and recommended approval of the use of the CRA funds for this project.

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Commissioner Cheshire moved and Commissioner Goldberg seconded to adopt Resolution 2013-004. The roll call vote was as follows:

Commissioner Cheshire	aye
Vice Mayor Kelly	aye
Mayor Bell	aye
Commissioner Goldberg	aye

The motion carried unanimously.

- c) Approved the Interlocal Agreement between Lake Emergency Medical Services, Inc. and City of Fruitland Park relating to Basic Life Support Services. Mayor Bell stated he is back on this board.

ACM Gibson Smith noted this is the same agreement as has been approved in the past. This is a housekeeping issue for name only.

Commissioner Goldberg moved and Vice Mayor Kelly seconded to approve the interlocal agreement. The motion carried with all Commissioners voting aye.

07. COMMISSIONERS' COMMENTS

- a) Vice Mayor Kelly – stated she had spoken to Chief Isaacs regarding an officer in our Elementary School during school hours. Chief Isaacs stated the Lake County School Board and the Sheriff's Office are not willing to place officers in the elementary schools any longer. He noted he has been putting officers there since after Christmas. The County paid for the month of January, but this month we have begun paying a reserve officer to be in place.

Mayor Bell read a nice letter we received from the principal at Fruitland Park Elementary. He asked if we approve spending the balance of the captain's salary plus approximately \$4,000 that will take us to the end of the school year, could we find a reserve for next year? Chief Isaacs noted the problem is finding someone who only wants to work August to June and then not have a job.

Vice Mayor Kelly questioned the cost per year for an officer. Chief Isaacs noted about \$51,000 including all benefits.

Commissioner Cheshire noted Chief Isaacs had mentioned possible grants becoming available to cover costs.

CDD Rector noted City Hall is so close to the school, this should not be an issue.

Vice Mayor Kelly questioned if someone was in the Police Department at all times during the school day. Chief Isaacs stated about 99% of the time.

Mayor Bell suggested making the school part of a regular "beat" by not having a constant presence but having a presence at certain times of the day. Mayor Bell suggested funding a reserve for an additional two weeks. Further information on this will be brought back at the next meeting.

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Vice Mayor Kelly also stated she would like to discuss compensation for the acting city manager. Mayor Bell noted this will be brought back at the next meeting.

b) Commissioner Goldberg – none

c) Commissioner Cheshire – none

08. MAYOR BELL'S COMMENTS. Mayor Bell again advised he has been reappointed to EMS board.

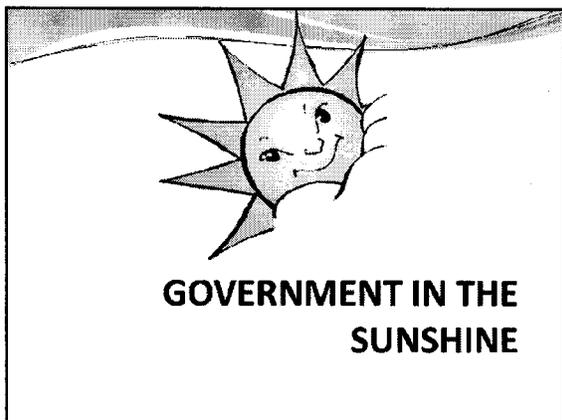
09. ADJOURNMENT. There being no further business to discuss, Commissioner Cheshire moved to adjourn the regular meeting. The meeting adjourned at 8:38 p.m.



Christopher J. Bell, Mayor

Attest:


Diane L. Gibson Smith, CMC, City Clerk



SCOPE OF THE SUNSHINE LAW

- Provides a right of access to governmental proceedings of public boards or commissions at both the state and local levels
- Applies to both elected and appointed boards and to any gathering of two or more members of the same board to discuss a matter that will foreseeably come before that board for action.

FLORIDA STATUTE 286.011 – THREE BASIC REQUIREMENTS

- Meetings of public boards or commissions must be open to the public;
- Reasonable notice of such meetings must be given; and
- Minutes of the meetings must be taken and promptly recorded.

WHAT AGENCIES ARE COVERED BY THE SUNSHINE LAW?

- Any board or commission (regardless of whether appointed or elected) of any state agency or authority or of any agency of any county, municipal corporation, or political subdivision.
- Advisory boards created pursuant to law or ordinance or otherwise established by public agencies

MEETINGS SUBJECT TO SUNSHINE LAWS

- Applicable to *any* gathering, whether formal or casual, of two or more members of the **same board** to discuss a matter on which foreseeable action will be taken by the public board or commission.
- Includes communications between board members who are not present in the same room

SUNSHINE LAW AND STAFF

- Meetings of staff of boards or commissions covered by the Sunshine Law are not ordinarily subject to the requirements of F.S. 286.011
- Sunshine law is applicable to meetings between a board member and a non-board member when the non-board member is used as a liaison between board members
 - Example: A City Manager is not a member of the City Council and thus may meet with individual council members; however, the manager may not act as a liaison for board members by circulating information and thoughts of individual council members

MEETINGS OPEN TO THE PUBLIC

- Sunshine law requires that meetings of a public board or commission be "open to the public."
- If, during a recess of a public meeting, board members discuss issues before the board in a manner not generally audible to the public, this would be a violation of the 'openness' requirement of the law.

SUNSHINE LAW APPLIES TO:

Written correspondence, emails, and other electronic communications between board members

Discussions conducted via telephones, computers, or other electronic means.

WHAT ARE THE NOTICE AND PROCEDURAL REQUIREMENTS OF THE SUNSHINE LAW?

NOTICE REQUIRED TO BE GIVEN

- "Reasonable" notice required. Notice must be given at such time and in such a manner as to enable the media and the general public to attend the meeting.
- Notice is required even though meetings of the board are of "general knowledge" and are not conducted in a closed door manner

SUGGESTED NOTICE GUIDELINES

- Notice should contain the time and place of the meeting, and the agenda, if available
- Notice should be prominently displayed in the area in the agency's offices set aside for that purpose
- Except with regard to emergency or special meetings, notice should be provided at least 7 days prior to a meeting.

MINUTES

- F.S. 286.011 requires that minutes of a meeting of a public board or commission be promptly recorded and open to public inspection (includes workshops)
- Must provide a brief summary reflecting the events of the meeting; a verbatim transcript is not required

WRITTEN REPORTS

- A commissioner may send a written report to other commissioners on a subject to be discussed at a public meeting if, prior to the meeting, there is not interaction related to the report among the commissioners and the report is not used as a substitute for action at a public meeting.
- However, if the report is circulated among board members for comments and those comments are provided to other board members, this would constitute interaction subject to F.S. 286.011

NOT A VIOLATION IF....

- Members of a public board or commission meet together socially, provided that matters which may come before the board or commission are not discussed at such gatherings.

CONSEQUENCES IF A PUBLIC BOARD OR COMMISSION FAILS TO COMPLY WITH SUNSHINE LAWS

- Criminal penalties
- Attorney Fees
- Removal from office
- Civil actions for injunctive or declaratory relief
- Non-criminal infractions

CRIMINAL PENALTIES REMOVAL OF OFFICE

- Any member of a board or commission who knowingly violates the Sunshine Law is guilty of a misdemeanor of the second degree
- The Governor may suspend an elected or appointed public officer who is indicted or informed against for any misdemeanor arising directly out of his or her official duties

NON-CRIMINAL INFRACTIONS AND ATTORNEY FEES

- F.S. 286.011 imposes non-criminal penalties for violations of the Sunshine Law by providing that any public officer violating the provisions of the Sunshine Law is guilty of a non-criminal infraction, punishable by a fine not exceeding \$500.00.
- Reasonable attorney's fees will be assessed against a board or commission found to have violated the Sunshine Law

FLORIDA'S PUBLIC RECORDS LAW, CHAPTER 119, F.S.

- Provides a right of access to the records of the state and local governments
- If no statutory exemption applies, the right of access applies to all materials made or received by an agency in connection with the transaction of official business which are used to perpetuate, communicate, or formalize knowledge.

WHAT ARE PUBLIC RECORDS?

- Includes all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. (See F.S. 119.011(12))
 - Email and SMS/text messages made or received by agency officers and employees in connection with official business
 - Material placed on a City's Facebook page

REQUESTING PUBLIC RECORDS

- Municipal public records are open for personal inspection and copying by any person
- An individual requesting public records is not required to explain the purpose or reason for a public records request
- An agency may not require public records requests to be made in writing
- An agency may not require a requesting individual to disclose his or her name, address, telephone number, or the like