

FRUITLAND PARK CITY COMMISSION MEETING MINUTES

June 14, 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, June 14, 2012 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Chad Driggers of the First Baptist Church of Fruitland Park delivered the invocation followed by the Pledge of Allegiance led by Vice Mayor Richardson.

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. City Manager (CM) Ralph Bowers, Police Chief (PC) Terry Isaacs, Assistant Police Chief (APC) David Borst, Public Works Director (PWD) John Bostic III, City Treasurer (CT) Jeannine Racine Michaud, Community Development Director (CDD) Charlie Rector, and City Clerk (CC) Diane Gibson Smith.

01. INTRODUCED NEW LAW ENFORCEMENT EMPLOYEES. PC Isaacs introduced the newest Law Enforcement employees. PC Isaacs introduced Reserve Officer Denise Wolff and Reserve Officer David Brown. PC Isaacs then introduced the new K-9 officers – Bella and Roscoe. They are both non-bite dogs.

Commissioner Gunter questioned if by moving to non-bite dogs, does this lower our liability. PC Isaacs stated yes, and these dogs will be able to go into the schools, etc. Bite dogs are still available to us from Lake County Sheriff's office.

02. APPROVED THE CONSENT AGENDA AS PRESENTED.
Mayor Bell presented the Consent Agenda for approval.

Commissioner Goldberg moved and Commissioner Kelly seconded to approve the Consent Agenda.

Commissioner Kelly noted a typographical error to be corrected in the regular meeting minutes from May 24, 2012.

The motion carried with all Commissioners voting aye. The items approved were the minutes of the May 24, 2012 Commission meeting and the minutes of the May 24, 2012 CRA meeting.

03. CITY ATTORNEY'S REPORT

a. CA Gerken stated we have received a trial date in the Wicks Case - February 2013. He noted he anticipates court ordered mediation. Sometime between October and December, he will speak to each one individually about issues.

b. CA Gerken stated after the last meeting he requested a clarification from Dotty Green about a hostile work environment. CA Gerken stated our personnel policy for

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government employee conduct is much broader than the law recognizes. No actionable hostile work environment exists at the City.

c. CA Gerken stated at the last CRA meeting the determination was made that the CRA plan is in need of an update. The CRA plan is required to periodically be updated. We should schedule a workshop to review. CC Gibson Smith will forward copies of the current plans.

CM Bowers commented that he was cleaning out several bookcases and found some documents about the sewer system that have been missing.

04. CITY MANAGER'S REPORT

a. CM Bowers stated he transmitted Dotty Green's updated report.

Mayor Bell stated on page 16, paragraph 3, Attorney Green states her findings on what took place between Mr. Richardson and Ms. Diane Gibson Smith and others, Attorney Green states it was clearly inappropriate and harsh. The next paragraph states that if he was an employee or supervisor in the City's employment, his conduct would clearly subject him to discipline under circumstances as presented here. On the last page 18, she had some recommendations in the last paragraph as to what should take place, Mayor Bell questioned if the email is a change in those recommendations.

CA Gerken stated it was intended to be a clarification to the last couple of sentences in the conclusion where it stated it created a hostile work environment. In her email, specifically at the end of the report, where Attorney Green stated that although this would have been a violation of the personnel policy if he were an employee, it is not. Our policies are much broader than the law so there was not an illegal action.

Mayor Bell questioned, due to the severity of the findings, should the Commission be looking at an action.

CA Gerken stated there is really nothing in the Charter that authorizes the Commission to do anything absent of the legal issues. That is where the Code of Conduct recommendation came from.

Mayor Bell questioned if not doing anything would leave the Commission open.

CA Gerken stated no.

Mayor Bell asked if the Commission could do a Resolution of Reprimand even without a Code of Ethics in place.

CA Gerken stated yes, this could be done if the majority of the Commission felt it was needed.

Commissioner Kelly moved and Commissioner Goldberg seconded to accept the revised report from Attorney Dotty Green.

Commissioner Gunter noted Vice Mayor Richardson should be allowed to change anything he thinks he should.

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VM Richardson stated he submitted a response to CA Gerken. He noted something would need to be done if everything in the report was true. Vice Mayor Richardson questioned CM Bowers on which employees he believes Mr. Richardson tells things to do and what things does he tell them to do.

CM Bowers noted most recently, the heated discussion with the Community Development Director regarding Burke's BBQ sticks in his mind. CM Bowers went on to review the discussion.

Vice Mayor Richardson stated that is not right. He stated someone called him and told him the last fire inspector resigned due to the water issues at Burke's BBQ. Vice Mayor Richardson noted Mr. Rector provided him with a letter in which the new fire inspector stated "he believes" there is adequate water. Vice Mayor Richardson stated he has a problem with this terminology.

Vice Mayor Richardson also noted at the last meeting CM Bowers reported the cost of the report was about \$5,000, but the report bill ended up being over \$10,000. Vice Mayor Richardson stated he did not remember voting to approve the bill as CM Bowers' spending limit is \$4,000.

Vice Mayor Richardson added that there are many errors in the report. He said a violation of records law is in the report as the report states the Commissioners received copies of the meeting on February 9th. (Editor's Note: As a point of clarification, no Commissioner received a copy of the taped meeting with Toni Mickol until I was given the approval to release it. DGS)

Commissioner Kelly noted she did not remember when she received her copy.

Vice Mayor Richardson stated not one person has asked him what happened in that real estate transaction.

PC Isaacs spoke up regarding the incident and his role. He stated a thorough investigation was done. PC Isaacs stated he told Vice Mayor Richardson that no statement was needed.

The motion carried with a vote of 4 ayes and 1 nay by Vice Mayor Richardson

CM Bowers requested approval to pay for the report by Dotty Green. Commissioner Kelly moved and Commissioner Gunter seconded to approve the payment. The motion carried with a vote of 4 ayes and 1 nay by Vice Mayor Richardson.

b. CM Bowers stated PC Isaacs is requesting the use of forfeiture funds for 18 new tasers. PC Isaacs stated we have 5 reserves and sworn officers who need new tasers. These tasers are state of the art with a 5 year warranty. These tasers should last a minimum of ten years.

Commissioner Gunter moved and Commissioner Kelly seconded the use of forfeiture funds for the tasers. The motion carried with all the Commissioners voting aye.

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c. CM Bowers stated he has retained an appraiser for the Fountain/Laurel Street properties. He is requesting authorization to demolish the other three properties. He stated CRA funds will be used.

Commissioner Gunter moved and Vice Mayor Richardson seconded to declare the properties surplus and to go out to bid to demolish the buildings. The motion carried with all Commission members voting aye.

d. CM Bowers stated he has been working on trying to get adequate water service to the Glenn and Wingspread as Well #6 is taken off-line. He is proposing to connect the north end of the Glenn to Pine Ridge Dairy Road and give a line to Wingspread. He also recommends capping Well #6 and removing the pump and electrical equipment. Those will be placed in a new well to be drilled. SRF money will be researched to pay for this well. This will also take care of Larry Phillip's problems and the Wingspread/Glenn issue. A meeting will be held Friday to discuss this.

Commissioner Gunter questioned how far the lines go down on Pine Ridge Dairy Road. PWD Bostic stated the current lines go as far as Brookstone subdivision.

Commissioner Gunter questioned if Pine Ridge Dairy had agreed to give us a well. CM Bowers stated they did agree to give one, but that is not where the well is needed at this time. There is no pressure problem there, just a service problem.

05. PUBLIC HEARINGS

a. Adopted Ordinance 2012-023 extending the moratorium on internet cafes, etc. by 90 days. CA Gerken read by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, EXTENDING BY 90 DAYS A TEMPORARY MORATORIUM IMPOSED BY ORDINANCE 2011-005 AND EXTENDED BY ORDINANCE 2011-013 ON THE ISSUANCE OF ANY BUSINESS TAX LICENSE, PERMIT, CONDITIONAL USE APPROVAL, SITE PLAN APPROVAL AND ANY OTHER OFFICIAL ACTION OF THE CITY OF FRUITLAND PARK, FLORIDA HAVING THE EFFECT OF PERMITTING OR ALLOWING THE CONSTRUCTION AND/OR OPERATION OF CERTAIN BUSINESSES WITHIN THE CITY OF FRUITLAND PARK RELATED TO GAME ROOMS, ARCADES, INTERNET CAFES, SWEEPSTAKES REDEMPTION CENTERS, ESTABLISHMENTS USING SLOT MACHINES OR SLOT MACHINE-LIKE EQUIPMENT AND SIMILAR INDOOR ENTERTAINMENT AND AMUSEMENT ACTIVITIES AS MORE SPECIFICALLY DESCRIBED IN ORDINANCE 2011-005, PENDING THE APPROVAL OF REGULATIONS PERTAINING THERETO; PROVIDING LEGISLATIVE FINDINGS; PROVIDING THE DURATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell asked for public comment.

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Rick Ranize, a concerned citizen, questioned how many times this will come back. CA Gerken stated the hope is this will be the last extension. We have been waiting on legislation regarding this but nothing is in place yet. Additional regulations are needed.

Mr. Ranize asked whether these businesses are wanted. He noted he does not have any problems with them. He remembers CDD Rector stating security/parking/lighting/zoning issues needed to be addressed.

Commissioner Kelly noted this will be the last 90 days. CA Gerken stated that is the intent.

Commissioner Goldberg noted his opinion is that it is gambling. Gambling is gambling is gambling. He does not like having them down the street from him.

Mayor Bell stated before the 90 days are up, all the different scenarios, etc. need to be brought back and discussed.

CDD Rector noted only security/parking/lighting/zoning issues will be addressed; not the legality of them. This will help eliminate them opening in every little strip mall.

Commissioner Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2012-023. The roll call vote was as follows:

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

The motion carried unanimously.

06. Introduction of Ordinances

a. Approved first reading of Ordinance 2012 – 024 approving an additional year of inclusion in the MSTU. CA Gerken read Ordinance 2012-024, by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONSENTING TO THE INCLUSION OF THE CITY OF FRUITLAND PARK, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MSTU FOR A SPECIFIED TERM OF YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Goldberg questioned why we are extending this for only one year. CA Gerken stated we are about the only city doing this for one year.

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Commissioner Gunter moved and Commissioner Goldberg seconded to approve the first reading of Ordinance 2012-024. The roll call vote was as follows:

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

The motion carried unanimously.

b. Approved first reading of Ordinance 2012-025 regarding the first amendment to the Golf Cart ordinance. CA Gerken read Ordinance 2012-025, by title only, as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 73 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES ENTITLED GOLF CARTS AND LOW SPEED VEHICLES; PROVIDING AGE RESTRICTIONS ON OPERATORS OF GOLF CARTS WITHIN THE CITY; PROVIDING FOR ENFORCEMENT MEASURES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CA Gerken stated the changes include: a.) raising age from 14 to 15 and requiring operators between 15 -17 to have a driver's license or learning permit to operate; and b.) added language that driving privileges will be suspended if lost license for dui - this may not be correct.

Mayor Bell stated he thought we ended up letting them continue to drive the golf cart after losing a license for a dui unless we end up having problems with them.

Commissioner Kelly noted concerns were with the elderly who have turned in their licenses. She agrees that those who lose a license due to a dui should not be allowed to drive a golf cart.

Commissioner Goldberg stated he agrees with the changes as being proposed. Commissioner Goldberg questioned how to enforce the no driving if you have lost a license due to a dui. PC Isaacs stated this will be handled as we come across them and will be listed in our pamphlet. Our Code Enforcement Board will be reviewing cases.

CA Gerken noted this will be difficult to enforce. This ordinance also references Code Enforcement as the enforcement board and includes an updated map of the streets.

A discussion of the map ensued. Several areas of the City were discussed such as possibly crossing US Hwy 441/27, being able to cross CR468 at Lake Myrtle (from the Glenn), and traveling to WalMart. A better map will be requested before the next meeting.

Vice Mayor Richardson moved and Commissioner Kelly seconded to approve first reading of Ordinance 2012-025 as presented. The roll call vote was as follows:

Commissioner Kelly	Aye
Commissioner Gunter	Aye
Vice Mayor Richardson	Aye

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Mayor Bell
Commissioner Goldberg

Aye
Aye

The motion carried unanimously.

Members of the Fire Department thanked the Commission for the bonuses recently presented.

07. NEW BUSINESS

a. Approved request from the Cub Scouts for use of Fruitland Street for their annual derby race. Vice Mayor Richardson moved and Commissioner Goldberg seconded to approve the use of the street. The motion carried unanimously with all Commissioners voting aye.

b. Mayor Bell stated we have an opening on the Planning & Zoning Board and received an application by Philip Purlee. Mr. Purlee is qualified to fill the position. Mayor Bell requested approval of Mr. Purlee's appointment.

Commissioner Kelly moved and Commissioner Goldberg seconded to approve the appointment. The motion carried unanimously with all Commissioners voting aye.

08. CITIZENS' COMMENTS

a. Mike Goss, a concerned citizen, stated he submitted a records request about some property in Fruitland Park where he thinks unethical things are happening. Mr. Goss stated the City Manager took it upon himself to notify his employer. Mr. Goss stated this makes the city look like they are trying to hide something. Mr. Goss reported on the request. He questioned why try to intimidate him. Mr. Goss stated an attorney he has talked with believes this was highly suspicious.

Mayor Bell asked for a listing of unethical things Mr. Goss feels are going on. Mr. Goss stated no. He put in an inquiry and does not feel he needs to state why.

b. Rick Ranize, a concerned citizen, thanked CA Gerken for bringing up the CRA plan. Mr. Ranize recommends the City should perhaps get 2 people outside of the Commission to sit on the Board. The Board needs to come up with a plan.

Mr. Ranize stated he is confused about using golf carts. He stated Mayor Bell had a golf cart here at the last meeting which meant he must cross Dixie. At this time it is a violation of law. Mr. Ranize stated you lead by example.

Mr. Ranize also stated the report from Dotty Green was discussed 2 weeks ago and the Commission voted on a Code of Ethics. He noted he does not think there is validity in the report.

c. PC Isaacs stated he will look into the crossing of Dixie Ave. He stated he believes crossing is different than driving on the road. PC Isaacs also apologized for his earlier comments. PC Isaacs stated he did not raise his voice. PC Isaacs talked about perception.

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09. COMMISSIONERS' COMMENTS

a) Vice Mayor Richardson – stated PC Isaacs did go off on him. Vice Mayor Richardson and PC Isaacs had a slightly heated discussion regarding several issues and perception. Vice Mayor Richardson stated he was upset with CM Bowers for writing the memo. Vice Mayor Richardson stated he was appalled that the record request was sent to the Sheriff and stated it was intimidation. Vice Mayor Richardson noted he is unclear on the invoice to Mr. Goss as you cannot charge for the first 30 minutes of a records request per the Governor. Vice Mayor Richardson stated he has received many phone calls since Dotty Green's report was released. He mentioned he received several anonymous phone calls – one regarding an event at the City Clerk/Finance Officers luncheon and another regarding actions of the City Manager in previous positions and in his current position. Vice Mayor Richardson stated this is a liability to the City. Vice Mayor Richardson stated he received a call from one of his customers stating she was told about the Toni Mikol Channel 9 story by someone named Sharon. Vice Mayor Richardson stated there are too many issues currently.

b) Commissioner Gunter –none

c) Commissioner Kelly – asked Mr. Richardson for the name of the owner of the property across the street. Commissioner Kelly stated Vice Mayor Richardson is making accusations about her now and she is not happy.

d) Commissioner Goldberg – noted all the Commissioners' numbers are published. He stated he has not received one call. Commissioner Goldberg questioned why all the calls gravitate to one commissioner? He stated he does not understand that. Commissioner Goldberg said they are being accused of being crooked by Vice Mayor Richardson.

10. MAYOR BELL'S COMMENTS. Mayor Bell stated he has been accused of many things tonight. The public information request was a copy of the building permit on his house. The person who received the request believes there is something unethical going on. Mayor Bell ensured the public there is nothing, but may request an investigation into the matter through the Commission on Ethics. Many issues are going on in the city that need to be looked into. Mayor Bell stated he is not sure what Mr. Goss is fishing for, but when a Sheriff's Deputy starts looking for information on the Mayor, then he wonders if there is not something more to the request. Mayor Bell stated there was mention about the cost of Dotty Green's report, he noted it is a shame that this had to be done. In the last year and a half, one Commissioner on this Board has run up several thousands of dollars in extra costs to our City Attorney alone. Mayor Bell questioned how many other Commissioners have run up a bill in the past year and a half.

CA Gerken stated no other Commissioners have added to his bill as he typically does not charge for Commissioner calls. There was a period of time when a few bills did include charges. Vice Mayor Richardson stated he insisted the amount be charged.

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Mayor Bell stated he had never been accused of being unethical before. He stated it bothers him. He encouraged people to come talk to him about things they feel are unethical.

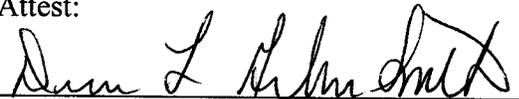
Mayor Bell reviewed the upcoming event dates.

11. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 9:04 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk