

# FRUITLAND PARK CITY COMMISSION MEETING MINUTES

June 28, 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, February 23, 2012 beginning at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. CM Bowers delivered the invocation followed by the Pledge of Allegiance led by Commissioner Goldberg.

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, Mayor Christopher J. Bell. Vice Mayor Jim Richardson arrived at 7:04 p.m.

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager (CM) Ralph Bowers, Police Chief (PC) Terry Isaacs, 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. APPROVED THE CONSENT AGENDA AS PRESENTED.  
Mayor Bell presented the Consent Agenda for approval.

Commissioner Kelly moved and Commissioner Goldberg seconded to approve the Consent Agenda. The motion carried with all Commissioners voting aye. The item approved was the minutes of the June 14, 2012 Commission.

02. CITY TREASURER REPORT FOR PERIOD ENDING MAY 31, 2012

CT Michaud presented the financial report for the period ending May 31, 2012. She noted the General Fund expenses are less than revenues. Utility Fund expenses are also less than the revenues. Overall the City is in good condition.

Commissioner Richardson arrived at 7:04 p.m.

CT Michaud stated the Legal Fund is running over and a Budget Amendment is on the agenda.

In Recreation, part time wages are over budget as we doubled the softball season. The extra wages will come out of the additional revenue.

03. ATTORNEY'S REPORT

CA Gerken stated he sent out a proposed Code of Ethics to review for the next meeting. Many things are common to most cities. He noted our Charter has a provision that enables the adoption of a Code of Ethics.

Vice Mayor Richardson stated the personnel policies also need to be revised. He stated all policies are outdated.

Commissioner Gunter questioned if an outside source or staff is used to review policies. CA Gerken noted policies are normally reviewed by the Labor Attorney.

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## 04. CITY MANAGER'S REPORT

- a. CM Bowers reviewed his long range planning memo. He noted there are some things that need immediate attention to get stimulus money such as 1.) policy to standardize the exchange of impact fees for easements or ROW; 2.) Cooke to Spring Lake Cove water line – ROW acquisition is not complete. This will require a quiet title for CSX abandoned ROW; and 3.) Glen Subdivision service line.

CM Bowers stated for the Glen Subdivision service line, we are looking at <sup>a</sup>new well. We have received permission from Pullum (attorney for the Dairy Property) to go on <sup>the</sup>Dairy property and have a proposal from SMW for the work. This is one of the projects considered an important priority issue due to poor water source as backup.

CM Bowers also stated the 466A project needs to interface with DOT project and overall readiness. He noted he has asked CA Gerken to set up a meeting with the County to get the project shovel ready. One possible way to fund the project is through a grant anticipation obligation. CM Bowers stated he has talked to Jim Stivender about this. He is not sure we will be able to do this. CM Bowers noted the MPO shows the project budgeted for 2013/14. We need to be ready to go when road projects begin.

CA Gerken stated Lake County has said the plans are 100% and the only thing holding the project back is lack of money to complete the acquisition and construction funds.

CM Bowers stated the money from the TRP grant is a year out. We need to get something in the works now or we may "miss the boat".

Vice Mayor Richardson questioned the cost to get the project shovel ready. CM Bowers stated he was not sure. This will require all the right of way acquisition being complete. They do have the engineering and plans done.

CA Gerken stated the parcels are all identified and Lake County was ready to file eminent domain but lacks the money so they didn't pursue the eminent domain. Lake County is not aggressively taking right of way, but is dealing with parcels as they come available. Phasing of the project is a possibility.

CM Bowers stated the proposed new well sites are on the Logan property and the Dairy property. The Dairy currently has a well. We will need to look at the water quality which SMW GeoSciences will do. We will stop if we get adversarial results. Depending on the outcome, we will obtain pricing on converting the well at the Dairy to put it in service which would be less expensive than building an entirely new well.

Mayor Bell questioned if testing takes into account the smell. CM Bowers stated yes.

- b. CM Bowers stated we need to consider entitlement exchange in the future. Will be working on in the next couple of weeks.
- c. CM Bowers stated all the systems in the CDBG project are installed and working well.

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- d. CM Bowers stated he is looking for funding to begin the Glen and Wingspread tie-ins.

05. PUBLIC HEARINGS

- a. Adopted Ordinance 2012-024 extending the MSTU for an additional year. 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.

Mayor Bell requested comments from the Public. There were none.

Commissioner Gunter moved and Commissioner Kelly seconded to approve the first reading of Ordinance 2012-024. 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.

- b. Tabled Ordinance 2012-025 amending the Golf Cart policy until July 12, 2012. 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 noted this raises the minimum age to drive a golf cart, adds the license (or restrictive permit if under the age of 18), adds the DUI provision, and puts Code Enforcement as the board to hear cases. There is also a map which is not quite ready.

Chief Isaacs stated basically the area is west of US Highway 441/27. The map will be corrected.

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CA Gerken noted we, as a City, do have a duty to make sure the roads we open up for golf carts are safe so we need to have a clear indication of what roads are open. This ordinance can be approved tonight or we can bring this back in 2 weeks.

Mayor Bell requested comments from the Public.

Rick Ranize, a concerned citizen, questioned when Chapter 73 was created if this is amending Chapter 73. CC Gibson Smith noted the Chapter 73 was created earlier this year and has not been codified as of yet.

Mr. Ranize noted he would like the map to be finalized before adopting this ordinance so the proposed crossings are accurate. Chief Isaacs stated the crossings are accurate and Jim Stivender of the County has verbally approved the roads and crossings.

Commissioner Gunter questioned why some roads had now been added. CA Gerken stated the County Board has not taken action. Roads have been approved by the County at the staff level only. This will go to the County after approval here.

Commissioner Gunter questioned who determines safe roads. CA Gerken stated the statutes don't state.

Chief Isaacs noted there is no law that states which roads are safe or unsafe. Whoever has jurisdiction on the road has jurisdiction over the use of the road.

Commissioner Gunter stated he did not think people should be allowed to drive on Dixie Ave. Mayor Bell agreed.

CA Gerken stated the County wants either the names of the streets or some type of clear depiction.

Chief Isaacs noted he has met with Jim Stivender who was very adamant on roads they would allow and not allow. They will not allow driving on CR468.

Mayor Bell suggested to perhaps find out from the County and get the okay on the crossings and then bring this back for approval.

CDD Rector stated Mr. Stivender says they need guidance from the commission on where they want to go.

Commissioner Gunter questioned if the Police Department felt Dixie Avenue was unsafe. CA Isaacs stated Mr. Beliveau wrote a memo stating Dixie Avenue and Berckman are too dangerous for golf carts. Mr. Stivender has been very specific on crossings and roads.

Rob Parish, an officer and concerned citizen, stated he does not feel Dixie Avenue is safe. Dixie Avenue from Miller to "the Cherry Pit" has dump trucks flying by.

Mayor Bell questioned how people would get golf carts from the house to a side street. Mr. Parish stated they would not be able to get a golf cart out.

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Vice Mayor Richardson questioned if we would also have liability even though it is a County road.

CDD Rector suggested it is better to add all possible roads now and then take away later if there are issues.

Vice Mayor Richardson moved to table this ordinance until the July 12, 2012 City Commission meeting. Commissioner Gunter seconded the motion. The motion carried unanimously with all the Commissioners voting aye.

06. INTRODUCTION OF ORDINANCE

07. NEW BUSINESS

- a. Adopted Resolution 2012-021 opening the election and setting the qualifying dates as July 9, 2012 at 12:00 noon and ending on July 20, 2012 at 12:00 noon. CA Gerken read Resolution 2012-021, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CALLING FOR A REGULAR ELECTION TO FILL VACANCIES ON THE CITY COMMISSION; SETTING AN ELECTION DATE; NAMING THE VACANCIES TO BE FILLED; ESTABLISHING A POLLING LOCATION; ESTABLISHING A QUALIFYING PERIOD; ESTABLISHING ELECTION PROCEDURES; PROVIDING FOR ELECTION ARRANGEMENTS; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell announced the three seats up for election.

Commissioner Goldberg moved and Commissioner Kelly seconded to adopt Resolution 2012-021. 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.

Commissioner Goldberg questioned the possibility of changing the qualifying to one week. CA Gerken noted this can be done but needs to be done by ordinance.

- b. Adopted Resolution 2012-022 amending the budget for the appraisal of two homes. CA Gerken read Resolution 2012-022, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2011-2012 FISCAL YEAR BY \$650 IN THE LAND PURCHASE FUND TO APPRAISE TWO HOMES, PROVIDING FOR THE

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**AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Kelly moved and Commissioner Gunter seconded to adopt Resolution 2012-022. The roll call vote was as follows:

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

The motion carried unanimously.

Commissioner Gunter noted the company was having problems meeting with the owners of the properties. CM Bowers stated one of the properties has been appraised. He is not sure of the other one.

- c. Adopted Resolution 2012-023 amending the budget for bullet proof vests. CA Gerken read Resolution 2012-023, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2011-2012 FISCAL YEAR BY \$500 TO EXPENSE A DONATION MADE FOR THE PURCHASE OF BULLET PROOF VESTS, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Richardson moved and Commissioner Goldberg seconded to adopt Resolution 2012-023. The roll call vote was as follows:

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

The motion carried unanimously.

- d. Adopted Resolution 2012-024 amending the budget for the Legal Fees Fund. CA Gerken read Resolution 2012-024, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2011-2012 FISCAL YEAR TO INCREASE THE LEGAL FEES FUND BY \$16,000 FROM LEGISLATIVE CONTINGENCY, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

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Commissioner Gunter moved and Commissioner Kelly seconded to adopt Resolution 2012-024. 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.

- e. Adopted Resolution 2012-025 amending the budget to increase various redevelopment funds. CA Gerken read Resolution 2012-025, by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2011-2012 FISCAL YEAR TO INCREASE VARIOUS REDEVELOPMENT FUNDS BY \$3,500 FROM REDEVELOPMENT CONTINGENCY AND \$110 FROM REDEVELOPMENT ADMINISTRATIVE CDBG, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Gunter moved and Commissioner Goldberg seconded to adopt Resolution 2012-025. 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.

Commissioner Gunter questioned the amount for Lift #3 and where this Lift Station is located. The information will be provided.

08. CITIZENS' COMMENTS - none

09. COMMISSIONERS' COMMENTS

- a. Vice Mayor Richardson – apologized to Commissioners Goldberg, Gunter, and Kelly for what was said at the last meeting. Vice Mayor Richardson stated he feels the minutes were biased and he didn't like the editor's note. Vice Mayor Richardson stated the information on the notice of emails/phone calls was left out of the minutes. He stated he gets them because he responds to them. Vice Mayor Richardson stated there is a problem at City Hall with the truth. Vice Mayor Richardson noted both bills for Dotty Green were paid on May 25<sup>th</sup> with one check. Vice Mayor Richardson noted a comment was made a while ago regarding several

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thousand dollars in legal expenses for him, but he has only found \$674 back to December 2010. Public records are a problem. He questioned if public records are being deleted or just not being given. He stated when he asks for something, he already knows it exists. He stated there is no need to try to hide stuff from the public. The most disappointing from the last meeting was when CM Bowers got the approval for the Dotty Green payment and then he sat back and laughed. Vice Mayor Richardson noted paving has not been discussed this year and wondered if any paving was being planned for this year. We need to pave streets every year. Vice Mayor Richardson stated when you know the truth is not being stated, you are condoning that behavior. One of the reasons we are where we are today is there have been no repercussions. Things have gotten out of hand due to allowing employee to do whatever.

- b. Commissioner Gunter -none
- c. Commissioner Kelly - none
- d. Commissioner Goldberg - none

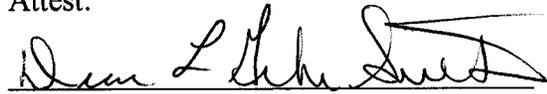
10. MAYOR BELL'S COMMENTS. Mayor Bell thanked everyone for attending. He reported the upcoming dates.

11. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 8:30 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk