

FRUITLAND PARK CITY COMMISSION MEETING MINUTES
JUNE 25, 2009

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 25, 2009 beginning at 7:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. Pastor Ronal Freyer-Nicholas of the Pilgrim's United Church of Christ delivered the invocation followed by the Pledge of Allegiance led by Commissioner Gunter.

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 A. Kelly, Mayor Christopher J. Bell

MUNICIPAL OFFICIALS/OTHERS PRESENT. City Manager (CM) Ralph O. Bowers, City Attorney (CA) Scott Gerken, Public Safety Director (PSD) J. M. Isom, Sr., Public Works Director (PWD) John Bostic, City Treasurer (CT) Elizabeth Palmer, and City Clerk (CC) Diane Gibson Smith.

01. CHIEF'S RECOGNITION AWARD PRESENTAITON TO ELIZABETH JANE BECK.
PSD Isom presented a Chief's Recognition Award to Elizabeth Jane Beck for her role in protecting a young child during the recent murder/suicide in Fruitland Park. Ms. Beck thanked the City for the award and stated she felt she did what anyone should do.

02. APPROVED THE CONSENT AGENDA AS PRESENTED.

Commissioner Martin moved and Commission Goldberg seconded to approve the Consent Agenda as presented. The motion carried unanimously with all Commission Members voting aye. The June 11, 2009 City Commission meeting minutes were approved.

03. AGENDA UPDATE – CA Gerken added two items under City Attorney Items: SB 360 legal issue and CR 466A update.

04. CITY TREASURER'S REPORTS – CT Palmer reviewed the financial report as of the end of May (67% into year). She noted 87% of the ad valorem taxes have been collected, several state revenues are down, most departments are under budget, and she plans on giving the mid-year review at the next meeting.

Vice Mayor Kelly questioned if there was still a cure program. CT Palmer stated we do have the program although not many requests have been made.

Mayor Bell questioned if the program is advertised on the water bill. CT Palmer noted the water bill does not have enough space to advertise it, but it is in the newsletter.

Commissioner Gunter questioned if the cure program pays for just water or electric also. CT Palmer stated the electric is not paid. Mayor Bell noted the water and garbage are paid. Also, we could let people know the City of Leesburg does have help for electric bills.

Vice Mayor Kelly questioned if the two resolutions coming up were funded. CT Palmer stated yes.

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Commissioner Martin questioned if there were typographical errors on the two budget amendments. CT Palmer stated yes, the date should be 2009.

Mayor Bell excused CT Palmer for the remainder of the meeting.

05. City Attorney's Report

- a) Report on local preferences – CA Gerken stated the question of whether preference can be given to local bidders when putting out bids for contractors/material suppliers, etc. was asked. This can be done but a local bidder definition would need to be set. This would also require adoption of an ordinance setting forth the criteria for local bidder preference. Usually a 2 – 3 % of a bump is considered reasonable to a local bidder. CA Gerken stated he will check again to see if this has already been done.

Commissioner Martin questioned if the low bidder had to be selected. CA Gerken stated yes, unless there is an extraneous circumstance. There must be a good reason to throw out a bid.

- b) SB360 Community Growth Act – CA Gerken stated this bill has provisions dealing with growth management which affect local municipalities. The City of Weston requested a legal opinion and believes the act to be unconstitutional for several reasons - unfunded mandate, violates single subject constitution, traffic concurrency laws – urban sprawl being created, and severely handicapping local municipalities from getting developers to pay. The City of Weston is requesting cities to join them in the lawsuit and are asking for \$2500 from each city to help pay for the lawyers.

CM Bowers suggested we send \$1000 instead. CA Gerken stated we could do that and show support but not be a plaintiff. The consensus was to send \$1000.

CA Gerken read Resolution 2009-012 by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA, JOINING OTHER LOCAL
GOVERNMENTS IN A LAWSUIT CHALLENGING SENATE BILL 360
AS BEING UNCONSTITUTIONAL.

Commissioner Gunter noted Section 3 needs to be changed to read \$1000.
Commissioner Goldberg noted this needs to be changed in several areas.

Vice Mayor Kelly moved and Commissioner Martin seconded to approve Resolution 2009-012. The motion carried unanimously with Commissioner Goldberg, Commissioner Gunter, Vice Mayor Kelly, Commissioner Martin, and Mayor Bell all voting aye.

- c) CR466A – CA Gerken stated he called the County Attorney's office and learned a right-of-way meeting is scheduled for August 7, 2009 at 2:00 at the County Public Works in Eustis. CA Gerken noted CR466 has been the problem, but the good news is the final two closings on CR466 are scheduled next week so then the attention can turn to CR466A.

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Vice Mayor Kelly questioned if they will give us an accounting of funds spent. CA Gerken stated yes.

- d) CA Gerken stated he will not be here at the next meeting. Someone can fill in, if needed.

06. CITY MANAGER'S REPORT - CM Bowers stated he will be out of town July 15 - 20th to go to Brown University with his grandson.

Commissioner Martin questioned the claims from Morgan and Morgan and our liability. CM Bowers stated the claims can be filed.

Mayor Bell questioned if they are suing the City of Fruitland Park, him personally, and the CM Bowers personally. CA Gerken stated these are just notices of claims and not actual lawsuits.

07. APPROVED FIRST READING OF ORDINANCE 2009-009. CA Gerken read Ordinance 2009-009 by title only as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PERTAINING TO THE CITY OF FRUITLAND PARK PERSONNEL POLICIES AND PROCEDURES MANUAL; AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL RELATED TO SECTION 11.8 DISCIPLINARY APPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Commissioner Gunter moved and Vice Mayor Kelly seconded to approve the first reading of Ordinance 2009-009. The motion carried unanimously with Commissioner Gunter, Vice Mayor Kelly, Commissioner Martin, Mayor Bell, and Commissioner Goldberg all voting aye.

08. UNFINISHED BUSINESS - None

09. NEW BUSINESS

a) Contract with Powell Design Group - CA Gerken stated he reviewed all the changes with George Powell. This is a proposed fixed fee contract to do a \$4.5 million building for \$345,000 including grant work to construction and one year after. They are not asking for reimbursement for fees. One change is the percentage for the various phases: in line with request for City Hall. They will do in stages and will then get a notice to proceed before going to the next phase. Powell design has added a provision for site visits every two weeks. They compromised to come weekly, if needed and a provision to attend Commission meetings when requested. A walk through will take place within year after completion. The contingency is 5%. There is no retainage, per se, for architect. There is a 10% retainage on construction.

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Commissioner Gunter stated they show site visits at \$650. CA Gerken stated a compromise of \$575 for second phase site visits is being requested. The Commission approved the \$575.

CM Bowers stated he expects another round of stimulus money to include Public Facilities funds. He stated he would like to go out to bid after know more about stimulus money.

Commissioner Goldberg moved and Vice Mayor Kelly seconded to adopt the contract as changed by CA Gerken. The motion carried unanimously with all Commissioners voting aye.

b) ADOPTED RESOLUTION 2009 - 010. CA Gerken read Resolution 2009-010 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 APPROPRIATE \$25,045 FROM ROADS AND STREETS THROUGH ELIMINATING TWO POSITIONS AND TRANSFERRING THE FUNDS TO THE LEGISLATIVE CONTINGENCY FUND, PROVIDING FOR THE AMENDMENT OF THE 2008-2009 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Goldberg moved and Vice Mayor Kelly seconded to approve Resolution 2009-010. The motion carried unanimously with Vice Mayor Kelly, Commissioner Martin, Mayor Bell, Commissioner Goldberg, and Commissioner Gunter all voting aye.

c) ADOPTED RESOLUTION 2009-011. CA Gerken read Resolution 2009-011 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 APPROPRIATE \$25,045 TO FUND TWO POSITIONS IN THE WATER DEPARTMENT, PROVIDING FOR THE AMENDMENT OF THE 2008-2009 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Kelly moved and Commissioner Gunter seconded to approve Resolution 2009-011. The motion carried unanimously with Commissioner Martin, Mayor Bell, Commissioner Goldberg, Commissioner Gunter, and Vice Mayor Kelly all voting aye

d) DISCUSSED INTERLOCAL AGREEMENT APPROVED VIA RESOLUTION 2006-033. CA Gerken reviewed the interlocal agreement approved via Resolution 2006-033. He recommended bringing back a resolution to renew the interlocal agreement for another 3 years. The Commission agreed.

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e) DISCUSSED SUPERIOR ASPHALT CONTRACT PWD Bowers stated Superior Asphalt was low bidder for City of Leesburg and they are willing to give the same prices to Fruitland Park as they gave Leesburg. The Commission discussed falling prices and suggested getting quotes from other sources before accepting this contract. PWD Bostic stated he will verify his request and get quotes from three vendors before bringing back to the next meeting. Usually bids for Fruitland Park are done in feet, not tons.

10. CITIZENS' COMMENTS - none

11. COMMISSIONERS' COMMENTS

a) Vice Mayor Kelly - none

b) Commissioner Gunter - none

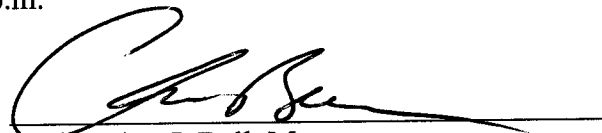
c) Commissioner Martin - requested to be excused at next meeting as he is heading to West Virginia to visit family.

d) Commissioner Goldberg - none

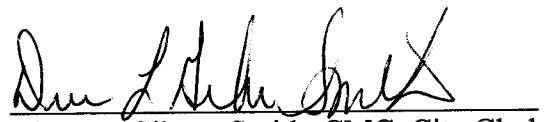
12. MAYOR BELL'S COMMENTS. Mayor Bell stated the Water Alliance of Lake County (WALC) sent out a policy and procedures manual. He noted hosting will rotate on an annual basis, so every city will have the opportunity to host but hosting is not mandatory. If you host, you must provide notice, supply the clerk, and chair the meeting. A suggestion was made to do this in alphabetical order so Fruitland Park will be three years out. An amended Interlocal agreement states the purpose will be a forum for communication on pertinent information on water issues.

Vice Mayor Kelly questioned how much room is needed to host these meetings. Mayor Bell stated there is plenty of room in the Commission Chamber. Lake County has offered their meeting room for the meetings, if needed.

13. ADJOURNMENT. There being no further business to discuss, Commissioner Goldberg moved to adjourn. The meeting adjourned at 8:59 p.m.


Christopher J. Bell, Mayor

Attest:


Diane L. Gibson Smith, CMC, City Clerk