

# FRUITLAND PARK CITY COMMISSION MEETING MINUTES

May 24, 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, May 24, 2012 beginning at 7:18 p.m.

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

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, Vice Mayor Jim Richardson, Mayor Christopher J. Bell. Commissioner Albert O. Goldberg had called and requested to be excused – he was excused.

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, Recreation Director (RD) Sherry Bechtel, and City Clerk (CC) Diane Gibson Smith.

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

Vice Mayor Richardson moved and Commissioner Kelly seconded to approve the Consent Agenda. The motion carried with all Commissioners voting aye. The items approved were the minutes of the May 10, 2012 Commission meeting and the minutes of the May 5, 2012 Commission Workshop.

02. HEARD CITY TREASURER'S REPORT FOR PERIOD ENDING APRIL 30, 2012.  
CT Michaud presented the financial report for the period ending April 30, 2012. General Fund revenues exceed expenditures. She noted mid-year amendments are not included in the report. Charity account balance has been added to the report.

Mayor Bell reviewed the budget calendar. He suggested moving the Special Meeting from 7/26 back to 7/19. All the Commissioners were okay with the change. The meeting will begin at 5:30 p.m.

Mayor Bell asked to move the workshops back to start on Monday August 6<sup>th</sup>. The Commissioners were okay with this change. Also, the September meetings are 9/13 and 9/27.

Mayor Bell announced we will cancel the Commission meetings for 7/26 and 8/9.

03. CITY ATTORNEY'S REPORT - None

04. CITY MANAGER'S REPORT -

a. CM Bowers stated he received a complaint filed by the City Clerk about an incident with one of the Commissioners. He did due diligence and had a Labor Attorney inquire into the complaint.

CA Gerken stated this is Labor Attorney Dotty Green's report. There are things in the report that he would have done or said differently. When allegations are made,

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someone from the outside the City should review. He noted it is significant that she did make a finding in the analysis and concludes that there was not sufficient evidence to support any federal or state harassment allegations. Attorney Green pointed out that when dealing with a public official even though they may have violated our personnel policies, the policies do not apply to the public officials. One of the things Attorney Green mentions is the Commission may want to adopt a Code of Conduct for Public Officials. Codes of Conducts were popular a few years ago. CA Gerken noted he is not a fan of them as they usually do not have "any teeth". He does not have any objections if the Commission determines to adopt one.

One of the on-going themes in the City is the allegation of the Commission interfering with administration. This was reviewed. Attorney Green pointed out that our Charter is unclear and confusing in that it states Commissioners cannot interfere with administrative things, but authorizes Commissioners to investigate things within the City. A Charter Review Committee could be used to recommend changes.

Commissioner Kelly questioned if a Code of Conduct, similar to the one from Cocoa, could be done by resolution. CA Gerken stated yes.

Commissioner Kelly suggested doing a Code of Conduct. She noted as an elected official, one should not have the right to harass an employee. That is wrong. She noted she does not feel the conduct that was shown was right. Commissioner Kelly stated she feels in the past, there may not have been a need for a Code of Conduct, but the time has come to look into one.

Commissioner Gunter agreed we should look into one.

Vice Mayor Richardson stated he doesn't have a problem with it. He noted he does have some issues with the report. He stated his big concerns are on the February 9 and February 10 information regarding the recording of the February 9<sup>th</sup> meeting with Ms. Mikol. CC Gibson Smith stated the recording was not provided to the City Commissioners until it was authorized to be released.

Mayor Bell stated he is not saying there are no errors in the report.

CM Bowers stated he and CA Gerken saw some things but deliberately did not ask for any changes.

CA Gerken noted the only change he did suggest was the Mt. Dora change which apparently was not made. CA Gerken stated if there are items in the report anyone feels are wrong, then those can be refuted.

Vice Mayor Richardson reported he felt his account and the City Clerk's account of the February 10<sup>th</sup> event were very similar, but the Police Chief's was much different. He stated he is concerned and his wife is afraid because people are willing to do whatever it takes to keep their job. We have many great officers in Fruitland Park, but his family is afraid of the Police Chief of Fruitland Park based on what has been said in the report.

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Commissioner Kelly stated she is concerned about all that has gone on. She noted a lot of this, she was not aware.

Vice Mayor Richardson stated Attorney Green states in the report that many people stated Mr. Richardson was 'beyond the pale.' He noted it was extremely odd that so many people said the same thing. Vice Mayor Richardson stated the only thing that came out of this is that the employees of Fruitland Park have lost their advocate - the only one wanting to give them a raise and more money.

Mayor Bell stated he has full faith in his Police Chief. Unless an example of something that has happened can be given.

Commissioner Gunter stated he read the report and it reminded him of Lauren Ritchie. He was interviewed for 45 minutes and he had only 4 lines.

CA Gerken stated he understands he is to bring back a Code of Conduct for review.

Rick Ranize, a concerned citizen, stated if the report is not accurate, do not pay for it. CM Bowers noted most of the errors are scrivener's errors.

Vice Mayor Richardson questioned the cost of the report. CM Bowers noted, more or less, \$5,000.

- b. Breach of security - CM Bowers stated someone had access to the computer system administrative password and removed the system security from some of the files. This appears to be someone from inside the network. This could have been poor set-up by MMD. Things have been changed so we have one password to be given to Jeannine Michaud who will give to David Cox for use if access is needed. If David Cox requires access, he will notate the date and reason for the access. Once the password has been opened and used, it will be changed again. The password will remain secure and be changed every time after being opened.

Vice Mayor Richardson suggested Mayor Bell call Thomas at MMD who will tell him what is going on. CM Bowers noted Thomas will be deposed, probably.

Commissioner Kelly questioned what Officer Cox's position is in this. CM Bowers noted Officer Cox is our internal IT person and receives extra money for this.

CM Bowers noted this is a serious issue - fortunately we were hacked from inside and not outside. He has assigned this to Chief Isaacs.

- c. Chief's response to Lauren Ritchie column. CM Bowers stated this is not a news article, simply an opinion column.
- d. Recommendation on Fire Service bonus. CM Bowers stated he distributed a copy of a recommendation. He noted Commissioner Kelly has some thoughts.

Commissioner Kelly stated she would like a straight \$250 to officers/ \$200 to rank and file. She noted this should not be a merit type thing.

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Commissioner Kelly moved to approve \$250 to the officers and \$200 to the rank and file firefighters.

Mayor Bell questioned if any of these were recent employees. Assistant Police Chief Borst stated yes, one is an eight month employee.

Commissioner Kelly questioned the one who began in January. Assistant Police Chief Borst stated that firefighter had served previously.

Commissioner Gunter seconded the motion. The motion carried with three ayes and one nay by Vice Mayor Richardson who stated he felt they deserved more.

e. CM Bowers reported on a few short items:

- 1) Pine Ridge Dairy - all issues about right-of-way have been resolved amicably.
- 2) Cales Well - back in hole but not certified yet. Commissioner Gunter questioned the final price. CM Bowers stated \$9,220.
- 3) Appraiser - will be getting prices on the houses soon.
- 4) Fire physicals - need to be budgeted next year or the department will be shut down.
- 5) North Valley Road drainage estimate - CM Bowers stated the estimate for the project is \$30,800. Need a motion to authorize this money to be spent from the Stormwater Account.

Commissioner Kelly moved and Commissioner Gunter seconded the motion to do this drainage project.

Vice Mayor Richardson questioned if this was for all of North Valley Road. CM Bowers stated this is only the portion near Mr. Ranize's house.

The roll call vote was as follows:

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

The motion carried unanimously.

05. PUBLIC HEARINGS - none

06. INTRODUCTION OF ORDINANCE

a. Approved first reading of Ordinance 2012-023 extending the moratorium on Internet Cafes, etc. by 90 more days. CA Gerken read ordinance 2012-023 by title only as follows:

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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 questioned if 90 days would be long enough.

CA Gerken stated he had heard the County is thinking on banning these altogether later on this summer. CA Gerken noted he believes 90 days will be long enough.

Commissioner Gunter questioned if the license is transferable. CA Gerken noted he believed they would not be able to restart one of these businesses in the same location if one closed but may be able to transfer to new ownership if sold. This would be dependent upon the transferability of the business tax receipt.

CDD Rector noted business tax receipts are transferrable. CA Gerken stated if this comes up, he can review the request.

Commissioner Kelly moved and Commissioner Gunter seconded to approve the first reading of Ordinance 2012-023. The roll call vote was as follows:

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

The motion carried unanimously.

07. NEW BUSINESS

- a. Approved Resolution 2012-018 amending the budget for Well 5 repairs. CA Gerken read Resolution 2012-018, by title only, as follows:

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A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BUDGET FOR THE 2011-2012 FISCAL YEAR BY \$9,220.00 IN THE CAPITAL IMPROVEMENT WATER UTILITY FUND TO REFURBISH/REPAIR A VIBRATION PROBLEM AT WELL 5, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell stated this was agreed upon in the Capital Improvement Workshop.

Vice Mayor Richardson moved and Commissioner Gunter seconded to approve Resolution 2012-018.

Commissioner Gunter questioned if this price included the certification. CM Bowers stated yes.

Mayor Bell questioned the warranty. PWD Bostic stated he would find out.

The roll call vote was as follows:

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

The motion carried unanimously.

- b. Approved Resolution 2012-019 amending the budget for two police vehicles. CA Gerken read Resolution 2012-019, 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 \$62,488 IN THE CAPITAL IMPROVEMENT LAW ENFORCEMENT EQUIPMENT FUND TO PURCHASE TWO POLICE VEHICLES, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell stated this was agreed upon in the Capital Improvement Workshop.

Commissioner Kelly moved and Commissioner Gunter seconded to approve Resolution 2012-019.

The roll call vote was as follows:

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

The motion carried with a three ayes and one nay.

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- c. Approved Resolution 2012-020 amending the budget for three law enforcement video cameras. CA Gerken read Resolution 2012-020, 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 \$14,650 IN THE CAPITAL IMPROVEMENT LAW ENFORCEMENT EQUIPMENT FUND TO PURCHASE THREE VIDEO CAMERAS, PROVIDING FOR THE AMENDMENT OF THE 2011-2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell stated this was agreed upon in the Capital Improvement Workshop.

Commissioner Gunter questioned if the department had gone out to bid on these cameras. Chief Isaacs stated yes, they had also checked on what model cameras others in the area use so repairs will be easy to obtain. The decision was made to piggy-back with the Lake County Sheriff's office.

Commissioner Kelly moved and Commissioner Gunter seconded to approve Resolution 2012-020.

The roll call vote was as follows:

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

The motion carried with a three ayes and one nay.

08. CITIZENS' COMMENTS -

Rick Ranize, a concerned citizen, thanked the Commission for approving the repair for the drainage problem in part of the Valley. He thanked the all the members of the Fire Department for responding to his home at the end of April. Mr. Ranize stated, for the Fire Department bonus, it shouldn't matter the rank as rank doesn't count when in an emergency situation. He would like staff to remember that next time. Mr. Ranize stated he requested a copy of the CRA and the 2006 amended CRA, and he found them to be antiquated and out-dated. He noted only 2 projects had been completed. The CRA Committee needs to come back with a plan.

09. COMMISSIONERS' COMMENTS

- a) Vice Mayor Richardson - asked to have some consistency in whether we have a motion, discuss, and then a second or discuss and then motion and second. He stated he thought there was money in the budget to pave some streets. PWD Bostic stated the funds were moved to contingency.

CM Bowers stated he also had a chance to review the CRA plan. He noted the documents stated the budget is prepared after you receive the funds. Basically that is how we are doing things this year. We are waiting until the revenue realizes. We can do some paving either as part of the CRA or the CIP.

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Vice Mayor Richardson stated many streets are down to the lime rock and need to be repaved. We need to pave streets instead of new Police cars and videos.

- b) Commissioner Gunter – asked Recreation Director Bechtel for a run down on Fruitland Park Day. RD Bechtel stated we had a total of 44 vendors - 13 of which sold food. We had bounce houses, a smoke house, skeet ball, blood mobile, etc. The Library made \$511 (less than last year) on their book sale. Overall, the event went very well with the rain holding off until Saturday afternoon. Jim Van Fleet and the Reign played Friday night and were well received.
- c) Commissioner Kelly – stated she attended an MPO meeting. We now have a County Commissioner backing us up at the meeting to get some things done. The MPO has an interlocal agreement to do traffic counts and crash data. This will be done for the cost of our membership (about \$1200). They will also research sidewalks and will include us on grants. The North Lake Task Force is being closed out with a new one with Lady Lake, Fruitland Park, and possibly Leesburg being proposed. The bypass road is also being looked at for Lewis Road and onto CR44.

CM Bowers stated Sumter County stated they are acquiring the right-of-way for their section of CR466A.

Vice Mayor Richardson announced he is going to be a grandfather. Members of the Board congratulated him.

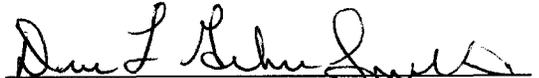
10. MAYOR BELL'S COMMENTS. Mayor Bell reported the upcoming event dates.

12. ADJOURNMENT. There being no further business to discuss, Commissioner Richardson moved to adjourn. The meeting adjourned at 8:37 p.m.



Christopher J. Bell, Mayor

Attest:



Diane L. Gibson Smith, CMC, City Clerk