

**FRUITLAND PARK CITY COMMISSION MEETING MINUTES
SEPTEMBER 24, 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, September 24, 2009 beginning at 7:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE. CT Palmer gave the invocation followed by the Pledge of Allegiance by Commissioner Goldberg.

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 Kelly, Mayor Christopher J. Bell

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

01. APPROVED MINUTES OF THE SEPTEMBER 10 2009 CC MEETING WITH ADDITIONAL INFORMATION ADDED.

CT Palmer stated a discovery was made after the last meeting that there is a General Fund – Fund Balance transfer in. On the first night of the budget workshops, a \$55,000 deficit due to the pool was discussed. After the changes made at the workshops, a fund balance transfer of \$39,000 is needed to cover the pool budget.

Commissioner Goldberg moved and Commissioner Gunter seconded to approve the minutes with the additional information. The motion carried unanimously with all the commissioners voting aye.

02. AGENDA UPDATE – Mayor Bell stated he has been requested to pull the contract with ATS. CA Gerken stated he would also recommend tabling the companion Ordinance 2009-011 until October 8, 2009.

03. PUBLIC HEARINGS

a. ADOPTED RESOLUTION 2009-025 APPROVING THE FINAL MILLAGE RATE OF \$4.36.

CA Gerken read Resolution 2009-025 by title only, as follows:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF FRUITLAND PARK FOR FISCAL YEAR 2009-2010; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell announced this is the public hearing on the proposed final millage rate of \$4.36 mills which is a 34.44% increase over the rolled-back rate of \$3.243. Property owners will still pay the same percentage, but is shown as a tax increase. Vice Mayor Kelly noted the City will receive less money.

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Mayor Bell stated the specific reasons for this increase are to fund operations, personal services, and to cover the loss of revenues from the State. There are no raises this year, but there are certain costs that did increase.

Mayor Bell requested public comment. There was none.

Mayor Bell again stated the specific reasons for the increase.

Mayor Bell announced the rolled-back rate is \$3.243 and the percentage increase over the rolled-back is 34.44%. The millage rate to be levied is \$4.36 mills.

Vice Mayor Kelly moved and Commissioner Martin seconded to adopt Resolution 2009-025. The motion carried with Commissioner Goldberg, Commissioner Gunter, Vice Mayor Kelly, Commissioner Martin, and Mayor Bell all voting aye. This resolution was passed at 7:08 p.m.

b. **ADOPTED RESOLUTION 2009-026 APPROVING THE FINAL BUDGET FOR 2009-2010.**

CA Gerken read Resolution 2009-026 by title only, as follows:

A RESOLUTION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY,
FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2009-2010;
PROVIDING FOR AN EFFECTIVE DATE.

Mayor requested public comment. There was none.

Vice Mayor Kelly moved and Commissioner Martin seconded the motion to adopt Resolution 2009-026. The motion carried with Commissioner Gunter, Vice Mayor Kelly, Commissioner Martin, Mayor Bell, and Commissioner Goldberg all voting aye. The resolution passed at 7:11 p.m.

The Mayor called a recess at 7:11 p.m.

Commissioner Martin left the meeting at 7:14 p.m.

The meeting reconvened at 7:16 p.m.

c. **TABLED ORDINANCE 2009-011 REGARDING THE RED LIGHT CAMERAS AND THE CORRESPONDING CONTRACT UNTIL THE NEXT CITY COMMISSION MEETING ON OCTOBER 8, 2009.**

Commissioner Gunter stated he thought the agreement was to be 80/20 on the fee schedule. PSD Isom stated that is one area that needs to be negotiated.

CA Gerken stated the language is unnecessarily confusing.

Mayor Bell noted many parts of the contract are talking about upfront costs that they want to take out before they send us any funds. He added that he believed the costs were to be covered by ATS.

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Commissioner Gunter questioned the number of intersections. PSD Isom stated the consensus was to have the cameras on all four intersections.

CA Gerken stated there are a number of computer expenses, maintenance, etc., that should be clarified before moving forward.

CM Bowers stated he was concerned because of the discrepancies between what was stated before and what was put into the contract. We need to work on these prior to signing the contract.

Mayor Bell stated the interface with their system could be quite a bit of money, as well as the T-1 line needed. PSD Isom stated the day of the presentation the guy from ATS did state they would pay for all of that

Commissioner Gunter moved and Vice Mayor Kelly seconded to table Ordinance 2009-011 and the corresponding contract until October 8, 2009. The motion carried unanimously with all commissioners voting aye.

d. **ADOPTED ORDINANCE 2009-012 INCREASING THE CEMETERY, RECREATION AND BUSINESS LICENSE FEES.**

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 99 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES; SPECIFICALLY SECTION 99.50 ENTITLED "CEMETERY FEES;" SECTION 99.80 ENTITLED "BUSINESS TAX RECEIPT FEES;" AND SECTION 99.90 ENTITLED "RECREATION FEES;" PROVIDING FOR CONFLICT WITH EXISTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell questioned when the fees were updated last. CT Palmer stated the fees had not been increased since she began.

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

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

e. **ADOPTED ORDINANCE 2009-013 REGARDING LOCAL BIDDING PREFERENCE.**

CA Gerken read Ordinance 2009-013 by title only, as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, RELATING TO COMPETITIVE BIDDING FOR CITY PROJECTS; PROVIDING FOR PREFERENCE FOR LOCAL BIDDERS; CREATING SECTION 33.22 OF THE CODE OF ORDINANCES OF THE CITY OF FRUITLAND PARK; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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CA Gerken stated this gives the discretion to give up to a three percent preference to a local bidder (in Lake County and/or within 25 miles of Fruitland Park).

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

Vice Mayor Kelly moved and Commissioner Gunter seconded to adopt Ordinance 2009-013. The motion carried unanimously with Commissioner Goldberg, Commissioner Gunter, Vice Mayor Kelly, and Mayor Bell all voting aye.

f. ADOPTED ORDINANCE 2009-014 CREATING AND IMPLEMENTING FIRE AND POLICE SERVICE FEES.

CA Gerken read Ordinance 2009-014 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR POLICE AND FIRE SERVICE FEES; PROVIDING FOR THE AMOUNT OF THE FEES AND PROCEDURES FOR IMPLEMENTATION AND ENFORCEMENT; PROVIDING FOR ANNUAL REVIEW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

CA Gerken stated a few changes were made since the first reading – City Finance Director was changed to City Treasurer, and wording for the enforcement was revised.

Mayor Bell requested comments from the public. Lowell Mishoe, a concerned citizen from Hickory Avenue, questioned how the fees would be used. Mayor Bell stated the fees would be used to offset the cost to provide the police and fire services. CA Gerken stated the ordinance does call for the fees to be separated and only used for those services.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to adopt Ordinance 2009-014. The motion carried unanimously with Commissioner Gunter, Vice Mayor Kelly, Mayor Bell, and Commissioner Goldberg all voting aye.

g. ADOPTED ORDINANCE 2009-015 INCREASING THE WATER AND SEWER BASE RATES.

CA Gerken read Ordinance 2009-015 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 50, SECTION 50.30(A) AND (B), AND CHAPTER 99, SECTION 99.60(B)(d) OF THE CODE OF ORDINANCES TO PROVIDE FOR AN INCREASE IN WATER AND SEWER RATES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell stated this is a yearly adjustment to keep the rates current. This year the base rate is being added to the base rate for the water and the sewer rates.

Mayor Bell requested comments from the public. Mr. Mishoe questioned the sewer fees. CM Bowers stated only the people who have city sewer would pay this increase.

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Commissioner Goldberg moved and Vice Mayor Kelly seconded to adopt Ordinance 2009-015. The motion carried unanimously with Vice Mayor Kelly, Mayor Bell, Commissioner Goldberg, and Commissioner Gunter all voting aye.

04. CITY ATTORNEY'S REPORT

a. CA Gerken stated he attended the first hearing on litigation on sewer and the judge ruled in our favor on both motions. Yesterday, they looked at the system. He stated he is requesting a shade meeting to discuss the litigation. The purpose is to review strategies for the litigation. Should only last about a half an hour.

05. CITY MANAGER'S REPORT

a. CM Bowers stated he distributed a letter from Great Expectations of Lake County who deal with developmentally challenged people and want to throw a party and dance. They are requesting us to co-sponsorship and not charge the rental fee for the Casino building.

Vice Mayor Kelly noted her concerns about areas of the porch in need of repair. PWD John Bostic will take care of this.

Mayor Bell questioned how many people. Megan Holcomb, manager of Great Expectations, stated they represent 40 – 50 people. She stated they have been in business 10 years. This year they want to host a dance and will need more room.

Vice Mayor Kelly questioned the capacity at the Casino. PSD Isom stated the capacity is about 105. Ms. Holcomb noted they don't expect many more than the normal client, but definitely no more than 75.

The consensus of the commission was to allow them usage of the Casino at no charge.

b. CM Bowers stated CT Palmer made a recommendation to use Southwest Direct to do the mailings, but we did not give her the authorization. We need to authorize the usage.

Commissioner Gunter questioned the length of the contract. CT Palmer stated this is a contract that can be revoked with 30-day notice.

Commissioner Goldberg moved and Vice Mayor Kelly seconded approval of using Southwest Direct. The motion carried with all commissioners voting aye.

c. CM Bowers stated a business park going in near Phillips Buick has agreed to install a 12" water line in front of their location. We will give them a GPU for the first building and will only require them to put in the lift station when another building is built.

d. CM Bowers stated the concept for Plata Lago has been worked out and details are being put together.

e. CM Bowers stated we are working on the northern boundary route for Planet 5.

f. CM Bowers reported Lake County may help the Smart Fuel facility with infrastructure money. Last week CM Bowers gave specific guidance on what needed to be

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in place before CO's are given to Smart Fuel. Today there was a fire at the big facility in Osceola County where the entire facility was lost. We will have everything in place before the CO's are given for Smart Fuel.

Mayor Bell questioned how many employees will be on site. PWD Isom stated they will have about 12 employees.

g. CM Bowers stated the appraisals have been distributed. CM Bowers stated he needs authorization to begin negotiations to see what properties are available for purchase. He will then bring back any offers.

Mayor Bell stated this is the best time to try to purchase the properties. He stated he would like to start at 20% below the appraisal and then negotiate. Mayor Bell suggested sending certified letters with an offer.

CA Gerken stated this needs to be discussed. One question to discuss is the need for the property.

CM Bowers noted some of the parcels are very important to the design on the Public Safety Center.

CA Gerken stated we should contact the owners without a price to see if interested in selling and then negotiate. The offer can be made contingent on Commission approval. A cursory report will be made at the next meeting.

Vice Mayor Kelly moved and Commissioner Goldberg seconded for CM Bowers and PSD Isom begin the negotiations. The motion carried with all commissioners voting aye.

08. INTRODUCTION OF ORDINANCES

a. **APPROVED FIRST READING OF ORDINANCE 2009-007 REZONING APPROXIMATELY .25 ACRES FOR NEW LIFE PRESBYTERIAN CHURCH.**

CA Gerken read Ordinance 2009-007 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING APPROXIMATELY 0.25± ACRES OF PROPERTY GENERALLY LOCATED AT 115 SOUTH VILLA AVENUE FROM "R-P" (RESIDENTIAL PROFESSIONAL) TO "PFD" (PUBLIC FACILITIES DISTRICT) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to approve first reading of Ordinance 2009-007. The motion carried unanimously with Mayor Bell, Commissioner Goldberg, Commissioner Gunter, and Vice Mayor Kelly all voting aye.

b. **APPROVED FIRST READING OF ORDINANCE 2009-06 AMENDING THE COMPREHENSIVE PLAN FOR APPROXIMATELY .25 ACRES FOR NEW LIFE PRESBYTERIAN CHURCH.**

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CA Gerken read Ordinance 2009-006 by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AMENDING THE LAND USE DESIGNATION FROM CITY OF FRUITLAND PARK "MIXED COMMUNITY" TO "INSTITUTIONAL" ON THE FUTURE LAND USE MAP ELEMENT OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 0.25+/-ACRES OF PROPERTY GENERALLY KNOWN AS THE NEW LIFE PRESBYTERIAN CHURCH OR TREEN PROPERTY AND LOCATED AT 115 S. VILLA AVENUE IN LAKE COUNTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY CLERK TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bell stated the LPA recommended this ordinance.

Vice Mayor Kelly moved and Commissioner Goldberg seconded to approve first reading of Ordinance 2009-006. The motion carried unanimously with Commissioner Goldberg, Commissioner Gunter, Vice Mayor Kelly, and Mayor Bell all voting aye.

09. UNFINISHED BUSINESS - None

10. NEW BUSINESS

a. Tabled contract with ATS until October 8, 2009.

b. **ADOPTED RESOLUTION 2009-027 AUTHORIZING A BUDGET AMENDMENT MOVING FUNDS FROM FORFEITURE TO GENERAL FUND - LEGAL FEES**

CA Gerken read Resolution 2009-027 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 A TRANSFER OF \$2,467.15 FROM FORFEITURE TO THE GENERAL FUND LEGAL FEES, PROVIDING FOR THE AMENDMENT OF THE 2008-2009 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Gunter moved and Vice Mayor Kelly seconded to adopt Resolution 2009-027. The motion carried unanimously with Commissioner Gunter, Vice Mayor Kelly, Mayor Bell, and Commissioner Goldberg all voting aye.

c. Mayor Bell stated there are two reappointments for the Planning Board - Charlie Rector and John Schaller. Both have requested to be reappointed. All were in agreement.

Mayor Bell also stated Dwight Stoffel was also requesting reappointment to the Code Enforcement Board. All were in agreement with the reappointment.

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11. CITIZENS' COMMENTS - none

12. COMMISSIONERS' COMMENTS

a. Vice Mayor Kelly – stated she did not attend MPO. Mr. Bowers stated he also missed the meeting.

b. Commissioner Gunter – thanked everyone for prayers. Also thanked for response of Fruitland Park's finest for his father.

c. Commissioner Goldberg - none

13. MAYOR BELL'S COMMENTS. Mayor Bell questioned the fence at the Wastewater plant. CM Bowers stated they want to have a final inspection, but the fence was put three feet onto the County ROW. The County will give us the permission to build the rest. CM Bowers stated the contractor actually needs to just fill out a form to be able to finish the fence. The developer wants to come for final plat approval without a finished fence. Mayor Bell questioned the cost to finish the fence. Vice Mayor Kelly suggested completing the fence with the money being held. CM Bowers stated if they are not willing to fulfill their commitment, he is not willing to approve the final plat. CA Gerken noted ultimately, the money being held could be used to finish the fence.


Mayor Bell stated there are many unmowed yards around the city. PSD Isom stated he put out 38 door hangers. The vacant lots and pre-ordinance foreclosed houses are problems. Mayor Bell stated we could mow and then attach a lien on the property.

Mayor Bell announced the suggested dates for Fruitland Park Days are March 19 and 20, 2009. All were in agreement.

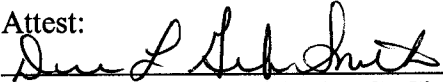
CA Gerken stated the County is sponsoring a class on Sunshine Laws in October. He is speaking at that class.

Mayor Bell stated he received a letter from a citizen thanking PSD Isom and his staff. The commission commended PSD Isom on his excellent work.

14. ADJOURNMENT. There being no further business to discuss, Commissioner Goldberg moved to adjourn. The meeting adjourned at 8:20 p.m.



Christopher J. Bell, Mayor

Attest:


Diane L. Gibson Smith, CMC, City Clerk