

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
February 25, 2021**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, February 25, 2021 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Chris Bell, Patrick DeGrave and John Mobilian.

Also Present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Lieutenant Timothy “Tim” Ross, Police Department; Public Works Director Robb Dicus; Human Resources Director Diane Kolcun; Parks and Recreation Director Michelle Yoder; Lake County Firefighters/Paramedics L Herbler, Raymond Brittan and Benjamin “Ben” Green, and City Clerk Esther B. Coulson.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order, Reverend Joseph “Joey” B. Willis, Eagles Nest Baptist Church gave the invocation and Lieutenant Ross led in the Pledge of Allegiance to the flag.

ACTION: 6:00:00 p.m. No action was taken.

2. ROLL CALL

Mayor Cheshire requested that Ms. Coulson call the roll and a quorum was declared present.

Agenda Change

Mayor Cheshire announced the change to this evening’s agenda item 4.(b), Resolution 2021-007 Mirror Lake Nutrient Separating Baffle Box and referred to the addendum, Chapter 119 Florida Statutes, public records law.

ACTION: 6:01:11 p.m. **By unanimous consent, the city commission accepted the change to this evening’s agenda to accept including the addendum as previously cited.**

3. CONSENT AGENDA

The city commission considered its action to approve the following consent agenda items:

(a) **Approval of Minutes - February 11, 2021 Regular Meeting**

(b) **Resolution 2021-004 Lake County Fire Contractual Expense FY 2020-21 Budget Amendment**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FRUITLAND PARK, FLORIDA, AMENDING THE
2020/2021 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07
OF THE CITY CHARTER TO INCREASES TRANSFER IN

FROM VARIOUS FUNDS AND LAKE COUNTY FIRE REVENUE BUDGET AND INCREASE THE LAKE COUNTY FIRE CONTRACTUAL EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

(c) **Resolution 2021-005 Recreation Scholarship Fund**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ESTABLISHING A RECREATION SCHOLARSHIP FUND WITHIN THE RECREATION FUND; PROVIDING DIRECTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:01:48 p.m. **On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda as previously cited.**

4. **REGULAR AGENDA**

(a) **Resolution 2021-002 Lien Foreclosure**

Ms. Geraci-Carver read into the record proposed Resolution 2021-022, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING LIEN FORECLOSURE ATTORNEY RETAINER AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.
(Postponed from the January 28, 2021 regular meeting.)

Mr. La Venia recalled the city commission's actions at its January 28, 2021 regular meeting to submit changes on the lien foreclosure attorney retainer agreement to Mr. Matthew D. Weidner PA, after receiving favorable references and gathering information from municipalities who have retained his services.

ACTION: 6:02:04 p.m. After discussion and **by unanimous consent, the city commission accepted Commissioner DeGrave's suggestion to change the following provisions under the Lien Foreclosure Attorney Retainer Agreement:**

- **First page, second sentence of the first paragraph . . . *All communication with the city by the attorney related to the matters herein shall be through the city manager designee. . . to reflect that the city commission would not be prohibited from communicating.***
- **Section 1, . . . *The City Manager or his designee may assign cases . . . for foreclosure . . . to read: . . . The city commission may authorize the city manager or designee to assign cases . . . for foreclosure.***

A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-002, as previously cited and as amended accepting the aforementioned changes under the Lien Foreclosure Attorney Retainer Agreement.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(b) Resolution 2021-007 – Mirror Lake NSBB™ Project – BESH-Halff Proposal Agreement

Ms. Geraci-Carver read into the record proposed Resolution 2021-007, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE CIVIL ENGINEERING AND SURVEYING SERVICES PROPOSAL/AGREEMENT FOR MIRROR LAKE BAFFLE BOXES PROJECT BETWEEN BESH HALFF AND THE CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.

After Mr. Brett Tobias, BESH-Halff (land planners and surveying engineers retained by the city) described how each combined boxes are individually engineered, designed, surveyed and calculated for the different locations along east Mirror Lake Drive, he recommended the immediate engineering of three (shovel-ready) boxes; requested that Ms. Geraci-Carver review the 2020 Lake County Water Authority (LCWA) Stormwater Grant, and suggested that the city pursue additional future LCWA funds for the ensuing years.

After Mr. La Venia relayed, in response to Commissioner DeGrave's inquiry, the recommendation from Ms. Maryann Krisovitch, Florida Lake Management Society, to utilize LCWA's grant funds for stormwater projects, Mayor Cheshire referred to LCWA's Stormwater Grant Program Agreement to fund the Mirror Lake Nutrient Separating Baffle Box Construction consisting of engineering design and construction of three nutrient separating baffle boxes to reduce the sediments and nutrient loadings to Mirror Lake and outlined the cost estimates with the requested total of \$400,000.

ACTION: 6:07:03 p.m. Following further discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-007, as previously cited, with the proviso that the city manager and city attorney follow-up with the Lake County Water Authority to determine the ability to proceed with the simultaneous engineering design and construction of three nutrient separating baffle boxes

from the 2020 Stormwater Grant of \$400,000 (recognizing that said funding would be adequate for one or two boxes); **otherwise report back to the city commission.**

With reference to Vice Mayor Gunter's suggestion, Mr. Carl Yauk, Villages of Fruitland Park (Pine Hills) resident, addressed the cost effectiveness of the \$15,000 design per baffle box; the selection and engineering of the largest required box, and the utilization of same in different locations.

After Mr. Dennis Fontanez, City of Fruitland Park resident, voiced his concurrence with Mr. Yauk's comments, Mr. Tobias outlined the engineering and surveying and roadway connection costs determined for all three separate watersheds identified in the grant.

Following much discussion, and upon Mayor Cheshire's suggestion, **the city commission, by unanimous consent, accepted the addendum, (Florida Statutes Chapter 119, Public Records) to be incorporated as part of the motion on the floor.**

Mayor Cheshire called for a roll call vote on the motion, as amended, and declared it carried unanimously.

(c) Superior (Solutions) LLC – CentralSquare Technologies Discussion

Mr. La Venia gave a report on outstanding issues experienced with the TRAKIT/Superion (Solutions) LLC Citizens' Engagement, CentralSquare Technologies software program which has not been used since it was purchased on March 12, 2020; its invoice for annual maintenance for March 1, 2021 for \$5,178.44 and the city's likelihood of challenging the obligation to remit any funds until such time Superion covers the city's costs already paid for said program.

Ms. Geraci-Carver referred to her February 18, 2021 letter regarding the March 12, 2020 Superion Solutions Maintenance Agreement and default notice requesting correction within the next 30 days; otherwise, the contract would be terminated. She relayed recent conversations she had with Superion's attorney -- who met its technical staff regarding issues believed to have been resolved on February 10, the assurance of rectifying same on February 26, 2021 and outstanding matters of which they were unaware where they ought to be informed to cure same. Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.

Ms. Geraci-Carver conveyed Superion's attorney's remarks that he could not make a decision -- on the city's inability to utilize the program over the past year and its desire to not pay the current invoice but apply the funds paid in 2020 to same if the program becomes usable -- and his request that he would address the city's concerns to Superion's vice president. She addressed her intent to provide a list of problems to Superion's attorney on the week of February 29, 2021; subsequently hold further

discussions on whether the issues would be resolved within the 30-day period and review the provisions in the contract to recover the funds.

ACTION: 6:48:29 p.m. After extensive discussions and, **by unanimous consent, the city commission agreed to make no further payments to TRAKIT/Superion (Solutions) LLC Citizens' Engagement, CentralSquare Technologies; seek the recovery of monies previously paid for services not rendered, and to remit payment towards the future use of its software program once the issues have been resolved; or otherwise, cancel the maintenance agreement; recover funds already expended, and seek another company to service the city.** (The city commission agreed to consider taking action at its April 9, 2021 regular meeting.)

PUBLIC HEARING

(d) First Reading and Public Hearing – Ordinance 2021-002 Alcoholic Beverages Consumption Policy

Ms. Geraci-Carver read into the record proposed Ordinance 2021-002, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES TO CREATE A POLICY RELATING TO POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND ISSUANCE OF ALCOHOLIC BEVERAGE PERMIT; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Continued from the February 11, 2021 regular meeting.)

After discussion, Mr. Jonathan “Jon” Riveria, Public Risk Management of Florida (World Risk Management), addressed the broad definition of liquor liability policies. He referred to Ms. Geraci-Carver’s statement regarding the online Tenant Users Liability Insurance Program (TULIP) – a primary liability insurance program for users (above and beyond and separate from the city’s) endorsed as a liquor liability insurance coverage protection -- where the city would be named as an additional insured which he recommended for less than 500 individuals.

Following further discussion, Ms. Yoder referred to the alcohol waiver and alcohol consumption, sale or distribution provisions for small groups of less than thirty persons and the required insurance coverage as outlined in the Fruitland Park Community Center Reservation Request and Rental Agreement forms (adopted by Resolution 2021-003 at the February 11, 2021 regular meeting). After Mr. La Venia concurred with Ms. Yoder’s recommendation citing reasons to remove the number of individuals under the alcohol waiver provision, she suggested revising

the reservations, fee payments, and facility rental agreement provisions to reflect that during the parks and recreation department office hours, the consumption or sale of alcohol be prohibited.

After much discussion, and in response to Vice Mayor Gunter's inquiry regarding subsection 33.60.(B)c., he questioned the special events sponsored by the city at the library with more than 30 persons during business hours, Ms. Geraci-Carver pointed out the provisions under subsection 33.60(B)b., Fruitland Park Community Center . . . *No alcoholic beverages may be sold or consumed in the Fruitland Park Community Center without an alcoholic beverage permit issued by the city. Application for such a permit shall be made through the parks and recreation department and approved by the city manager. . . .*

Commissioner Bell cited to subsection 33.60(C)d., Prohibitions . . . *Public place for purposes of this chapter includes all parks, walks, alleys, streets, boulevards, avenues, lanes, roads, highways, or other ways or thoroughfares dedicated to public use or owned or maintained by the city; and all grounds and buildings owned, leased by, operated, or maintained by the city. . . .* He suggested the inclusion of special events for the library facility and recognized the city's annual Fruitland Park Day and Hometown Christmas events.

ACTION: 7:00:29 p.m. After considerable debate, and **upon Commissioner DeGrave's suggestion the city commission by unanimous consent, agreed with the city attorney's suggestion to change the title in proposed Ordinance 2021-002 to reflect city special events and to revise the following language, acceptable by the insurance provider:**

- **subsection 33.60.(B)e., Fruitland Park Community Center . . . retain the language . . . *small groups of less than 30 people . . . and insert language holding the individual serving or selling alcohol to be licensed and adhere to applicable laws.***
- **subsection 33.60(C)a., Public places - prohibition., replacing the words. . . *The city manager . . . with the words . . . *The city commission . . . by permit, may approve the consumption of alcoholic beverages in public places for special events . . . and indicated that said language would include the library (noting that the language ought to relate to specific and type of insurance) and****
- **subsection 33.60(C)d., Prohibitions would be defined to reflect that the city may choose to serve and consume alcohol in the areas previously cited to apply to city-sponsored events (noting that the language relates to the location holding the city-event).**

After Mayor Cheshire referred to the existing enacted Special Events Ordinance 2015-002, **on motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission continued its action to**

consider proposed Ordinance 2021-002 to a future meeting and directed the city attorney to report back to the commission with more information.

5. (a) **City Manager**

i. **Economic Development Status Update**

Mr. La Venia reported on the plan to hold a March 2, 2021 Technical Review Committee meeting to address the proposed development applications in the city.

ACTION: 7:31:41 p.m. No action was taken.

ii. **COVID-19 Status Update**

Mr. La Venia reported that he has nothing to report regarding COVID-19.

ACTION: 7:34:04 p.m. No action was taken.

iii. **Conceptual Floor Plan – WWTP Building – GatorSkitch**

Mr. La Venia referred to the conceptual floor plan for the proposed public works (operations) building and recognized the exclusion of the mezzanine and architect design costs. If the plan is satisfactory to the city commission, he mentioned utilizing the construction management at-risk request for qualifications procurement process and he agreed to meet with BESH-Halff to address cost-effective options.

Following some discussion, Mr. La Venia addressed the alternatives in the future for additional storage space and to separate with a constructed wall the single locker rooms for men and women to be erected at both sides of the proposed building.

ACTION: 7:34:09 p.m. After discussion and by unanimous consent, the city commission accepted the conceptual floor plan for the proposed public works (operations) building. Additionally, the city commission accepted Commissioner DeGrave's request for staff to present the elevation plans to the city commission before proceeding with the procurement process and earmark as a separate line item in the proposed FY 2021-22 budget the purchase of new furniture for said building.

(b) **City Attorney**

i. **City of Fruitland Park v. State of Florida Department of Management Services**

Ms. Geraci-Carver referred to email communication received earlier this day from Mr. Glenn E. Thomas, attorney retained by the city, that the State of Florida Department of Management Services case has been rescheduled for the June 7 to 9, 2021 administrative hearing.

ACTION: 7:42:32 p.m. No action was taken.

ii. Michael and Laurie Fewless v. City of Fruitland Park

Ms. Geraci-Carver referred to communication received earlier this day from Mr. Thomas regarding Michael and Laurie Fewless' attorney's additional requests for discovery and production and interrogatories in writing. Once fulfilled, she addressed Mr. Thomas' intent to schedule a hearing before the judge on the pending motion to dismiss.

ACTION: 7:42:49 p.m. No action was taken.

iii. Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026

Ms. Geraci-Carver explained that she has nothing to report on the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park case.

ACTION: 7:43:08 p.m. No action was taken.

6. UNFINISHED BUSINESS

There was no unfinished business to come before the city commission at this time.

ACTION: 7:43:15 p.m. No action was taken.

7. PUBLIC COMMENTS

Mr. Yauk voiced his anticipation that the city would ensure that potential problems with the proposed public works building would be resolved prior to completion.

Mr. Yauk indicated that earlier this day, he drove by the steel structure of the old mercury thermometer incinerator plant located on US SR 441/Highway 27; noticed the longtime missing roof and the existing sheet metal seemingly caught by the wind to be precarious and a potential hazard to which Mr. La Venia recognized the matter as the pending Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case addressed earlier on this evening's agenda. .

ACTION: 7:43:16 p.m. No action was taken.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian reported that he attended the February 24, 2021 Lake~Sumter Metropolitan Planning Organization (LSMPO) meeting and that the roadway improvement project CR 466 (Phase 3B, from Poinsettia Avenue to Timbertop Lane, with a proposed construction cost of \$7,223,131) is ranked number one on the top 20 – tier 1 of the 2020 list of LSMPO's approved priority projects. He explained that said project is earmarked for funding for fiscal year 2023 to which Mr. La Venia noted the construction phases to commence July 2023

which is funded in the State of Florida Department of Transportation's tentative work program.

ACTION: 7:45:01 p.m. No action was taken.

(b) Commissioner DeGrave

Commissioner DeGrave stated that he had no comments at this time.

ACTION: 7:48:22 p.m. No action was taken.

(c) Commissioner Bell

Commissioner Bell relayed the complaints received from individuals who were disappointed about the postponement of the annual Fruitland Park Day event. Mr. La Venia, in response to the question posed on the commencement of summer programs at the library, recognized the number of virtual programs administered through the Lake County Library System and addressed his plan to communicate with Library Director JoAnn Glendinning on the library advisory board's views relative to same.

ACTION: 7:48:23 p.m. No action was taken.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter stated that he had no comments at this time.

ACTION: 7:49:24 p.m. No action was taken.

9. MAYOR'S COMMENTS - DATES TO REMEMBER

Mayor Cheshire announced the following events:

- March 11, 2021, City Commission Regular at 6:00 p.m.;
- March 12, 2021, Lake County League of Cities (LCLC), Joint Presentation *St. John's River Water Management District* and *Lake County Water Authority*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- March 12, 2021, *Public Safety Complex Dedication*, 6825 SR 50 Groveland, Florida 34736 at 3:00 p.m.;
Mayor Cheshire recognized the interest to attend as the proposed public safety complex is designed by GatorSkch.
- March 18, 2021, City Commission/Planning and Zoning Joint Workshop at 6:00 p.m. or immediately after the P&Z Board meeting which may occur at 6:00 p.m.;
- March 25, 2021, City Commission Regular at 6:00 p.m.,
- April 8, 2021, City Commission Regular at 6:00 p.m., and
- April 22, 2021, City Commission Regular at 6:00 p.m.


ACTION: 7:49:26 p.m. No action was taken.

10. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 7:50 p.m.

The minutes were approved at the March 11, 2021 regular meeting.


Signed _____
Esther B. Coulson, City Clerk, MMC


Signed _____
Chris Cheshire, Mayor