

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

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, March 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; Police Chief Erik Luce; Public Works Director Robb Dicus; Library Director Jo-Ann Glendinning; Community Development Department Director Tracy Kelley; Deputy City Clerk Jabari Hopkins and City Clerk Esther B. Coulson.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order, Pastor Gregory Brown, Leesburg Church of the Nazarene, gave the invocation and Chief Luce 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, where a quorum was declared present.

ACTION: 6:01:47 p.m. No action was taken.

3. PROCLAMATION - National Library Week and Days

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming the following events; welcomed everyone to use the library's services and become involved in celebrating library outreach and recognized the valuable contributions made by all dedicated library workers and professionals who are meeting their patrons where they are:

- April 4 to 10, *National Library Week*;
- April 6, *National Library Workers' Day*,
- April 7, *National Library Outreach Day* and
- April 8, 2021 *Take Action for Libraries Day*

ACTION: 6:02:03 p.m. Ms. Glendinning accepted the proclamation with appreciation and gave a statistical report of the library's activities, involvement and forthcoming programs planned for the above captioned events.

4. RECESS TO THE COMMUNITY REDEVELOPMENT AGENCY

As soon as practical, recess to the Community Redevelopment Agency meeting.

ACTION: 6:09:16 p.m. **By unanimous consent, the city commission recessed its meeting at 6:09 p.m. to the Community Redevelopment Agency and reconvened at 6:44 p.m.**

5. CONSENT AGENDA

(a) Approval of Minutes

March 11, 2021 regular meeting

(b) Resolution 2021-010 – Charter Review - 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 INCREASE EXECUTIVE CONTRACT SERVICES BUDGET AND DECREASE THE CONTINGENCY BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:43:44 p.m. **On motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda as previously cited.**

6. REGULAR AGENDA

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

Discussion regarding TRAKiT/Superion (Solutions) LLC Citizens' Engagement, CentralSquare Technologies.

Ms. Geraci-Carver referred to her March 19 communication and subsequent discussions with Superior/CentralSquare's attorney on:

- remaining issues relating to the subject matter that:testing would be in place by the week commencing March 28 and problems presented at the February 25 regular meeting would all be resolved;
- the subsequent reviewed, with Superior/CentralSquare's internal team, on continuous outstanding matters and the list of TRAKiT's persistent deficiencies, previously provided by Ms. Kelley;
- confirmation that such difficulties needed to be addressed with the intent to follow-up on same.

At Mr. La Venia's request, Mr. Jeff Gerling, Alpha International I LLC, described his function as "backdoor, behind-the scenes" administrator for the TRAKiT (software maintenance support) program; gave a historical background and

overview of Superior/CentralSquare's contract, and outlined its erroneous online permitting experimental program and the tradeoff to provide TRAKiT at no cost where he explained is an extensive and comprehensive process, currently being finalized; thus, his assurance that the system will work.

Following extensive discussions, the city commission discussed

- the payment of a monthly maintenance fee, based on speculative legal issues;
- the alternative to utilize a complete integration system which include permits by Munis®, Tyler Technologies (currently retained by the city whereby Mr. Hopkins pointed out its March 10, 2020 sales quotation totalling \$7,000),
- the option to remain with Superior/CentralSquare with the anticipation of resolving the outstanding TRAKiT issues recognizing the problems experienced by the City of Groveland and the March 25, 2021 email from Mr. Mike Fitzgerald, City of Tavares Community Development Department, who addressed concerns on said system, and
- its direction at the February 25 regular meeting, to make no further payments; to seek recovery of monies previously paid for services not rendered, and to remit payment towards the future use of the 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.

Ms. Geraci-Carver pointed out her February 18 letter on Superior/CentralSquare's breach of its agreement requesting to correct the default within 30 days. and Superior/CentralSquare's attorney subsequently reaching out to her on March 23, 2021. (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

ACTION: 6:44:09 p.m. After extensive discussion and **by unanimous consent, the city commission:**

- **requested that staff invite Tyler Technologies Inc. representative to demonstrate and identify other users implementing the Munis' online permits and code enforcement (centralized system integration) to staff and Mr. Jeff Gerling, Alpha International I LLC., and in the meantime require staff to work with TRAKiT system and determine the compatibility of both programs;**
- **recommended that the city attorney require from TRAKiT/Superion (Solutions) LLC Citizens' Engagement, CentralSquare Technologies incremental measured goals resolving all outstanding issues identified in the list of deficiencies before staff training is implemented, and**

- **directed the city attorney to submit in writing to Superior/Central Square that Superior outlines such deficiencies as incremental measured goals on all issues before training is implemented and that the city reserves the right to terminate the maintenance agreement after the ninety (90)-day period if problems are not rectified and the system not fully functional to the city's satisfaction.**

(b) Wastewater Impact Fee Study Proposal

Consider the wastewater impact fee study proposal.

Mr. La Venia referred to a previous email received from Mr. Bryan A. Mantz, GovRates Inc., regarding the wastewater impact fee.

Mr. La Venia reviewed the contract/proposal totalling \$2,500 which he requested be considered on next regular agenda with a draft resolution to proceed.

ACTION: 7:21:54: p.m. By unanimous consent, the city commission accepted the city manager's request.

(c) February 2021 Financial Report

Consider the February 2021 Financial Report, reviewed by Ms. Racine. She addressed the problem of the current utility fund debt of \$618,134 -- an increase of \$55,842 from FY 2019-20. After outlining the process utilized in transferring \$200,000 monthly from utility funds to SBA Investments, she requested transferring another \$300,000 to reduce \$437,000 in the utility account.

Following ensued discussions, Ms. Racine accepted Commissioner DeGrave's suggestion to combine the monthly transfer costs to the Town of Lady Lake's Water and Wastewater Project -- not reflected in financials and audit -- be paid for as a debt from utilizes to the general fund without using the investment account.

ACTION: 7:22:38: p.m. and 7:37:45 p.m. After much discussion and on motion of Commissioner Bell, seconded by Commissioner DeGrave and unanimously carried, the city commission accepted the previously cited report as submitted.

By unanimous consent, Mayor Cheshire opened the public hearings at this evening's meeting.

PUBLIC HEARING

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

It now being the time advertised to hold a public hearing on proposed Ordinance 2021-002, after Ms. Geraci-Carver read the following title, Mayor Cheshire called for interested parties to be heard:

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. (First reading was held on March 11, 2021.)

In response to a question posed by Mayor Cheshire, Ms. Geraci-Carver recognized the additional revision under subsection 33.60(c)(a), Public Places - Prohibitions: . . . *for special events hosted by the city* . . . as the only change since the first reading.

ACTION: 7:37:46 p.m. **A motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission enact Ordinance 2021-002 as previously cited to become effective immediately as provided by law.**

There being no comments from the public and **by unanimous consent, Mayor Cheshire closed the public hearing.**

Mayor Cheshire called for a roll call vote on the motion with the city commission members voting as follows:

Commissioner Bell	No
Vice Mayor Gunter	Yes
Commissioner DeGrave	Yes
Commissioner Mobilian	Yes
Mayor Cheshire	Yes

The motion was declared carried on a four to one (4-1) vote.

7. (a) City Manager

i. Economic Development Status Update

There was no economic development status update to submit at this time.

ACTION: 7:39:13 p.m. No action was taken.

ii. COVID-19 Status Update

There was no COVID-19 status update to submit at this time.

ACTION: 7:39:13 p.m. No action was taken.

iii. Waste Management Contract Discussion

Mr. La Venia referred to previous discussions he had with Waste Management Inc. on the preparation of a proforma and its future service plans and anticipated Waste Management's representatives appearing before the city commission at its April 8, 2021 regular meeting; otherwise, he will provide a report at that time.

ACTION: 7:39:13 p.m. No action was taken.

iv. Affordable Housing Discussion

Lake County Affordable Housing Advisory Committee Chairperson's request for municipal representation.

Mr. La Venia referred to the March 15, 2021 letter received from District 4 Lake County Board of County Commissioners Leslie Campione seeking a municipal representative to attend the above-captioned advisory committee and requested that Mr. Hopkins be nominated.

ACTION: 7:40:11 p.m. By unanimous consent, the city commission **appointed Deputy City Clerk Jabari Hopkins to serve on the above-captioned committee.**

(b) City Attorney

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

Ms. Geraci-Carver stated that there are no updates to provide on the State of Florida Department of Management Services at this time.

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

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

Ms. Geraci-Carver stated that there are no updates to provide on the Michael and Laurie Fewless at this time.

ACTION: 7:41:41 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 stated that there are no updates to provide on the Norman C. Cummins v. Stephen P. Angelillo at this time.

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

8. UNFINISHED BUSINESS – Mirror Lake NSBB™ Project

Earlier in the meeting and at Vice Mayor Gunter’s request, Mr. La Venia gave a status update report received earlier this day and:

- relayed Mr. Discus’ conversation held earlier this day, regarding the Lake County Water Authority’s (LCWA’s) position on the engineering design and construction of the nutrient separating baffle boxes and comments from Ms. Maryann Krisovitch, Florida Lake Management Society (National Pollutant Discharge Elimination System, (contractor retained by the city), to build one baffle box utilizing stormwater grants;
- addressed the plan to submit a new proposal from BESH-Halff regarding the engineering for the next regular meeting,
- conveyed that if additional LCWA funds are available and engineering is paid, it would be necessary to build a second baffle box utilizing separate grant funds;
- confirmed finding out more information, if applying for the second grant recognizes reimbursement for “soft costs”, and
- questioned the costs of the baffle box and the worthiness of one and using additional available funding, if any, to construct a second baffle box.

ACTION: 7:34:53 p.m. and 7:41:53 p.m. No action was taken.

9. PUBLIC COMMENTS

There were no public comments at this time.

ACTION: 7:41:54 p.m. No action was taken.

10. COMMISSIONERS’ COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian stated that he has nothing to report at this time.

ACTION: 7:42:13: p.m. No action was taken.

(b) Commissioner DeGrave

i. CR 466A Speed Reduction

Commissioner DeGrave referred to a constituent’s concerns (who reside on Yoder Drive, Villages of Fruitland Park (Pine Ridge), regarding speeding and noise and described the Micro Racetrack Road location in his district. He reported on the request relayed to the county, as it is a county arterial, for CR-466 roadway to be reduced to a speed limit of 35 miles per hour, whereby District 5 Lake County Commissioner Joshua “Josh” Blake suggested that said matter ought to be considered by the city commission.

After Commissioner DeGrave recognized that municipal governments do not use speed to abate noise, a position that he believes the city commission out to take which is a law enforcement problem, he pointed out his conversations with Chief Luce on same and conveyed his conversations with the constituent in that regard.

ACTION: 7:42:15: p.m. No action was taken.

ii. Solar Tubes

Commissioner DeGrave expressed gratitude to Ms. Kelly regarding the city's process on solar tubes and pointed out the recent charge of approximately \$75 for solar tube installation by a contractor at his residence at that time without a permit where the requirement for a photograph, submitted with a subsequent issued permit, was sufficient as proof of satisfactory work.

Commissioner DeGrave referred to the city commission's discussions, at its July 25, 2018 regular meeting in this regard; relayed his conversations with Mr. La Venia and Ms. Kelley on the city's requirement on the issuance of a permit with no returns to the city and believed that there is no value due to the lack of site inspection which could cost more. He questioned the necessity of same, conveyed Ms. Kelley's statements on the implementation of conducting other virtual inspections and pointed out the \$79 compensation to the building official, contracted by the city, which he believes to be excessive.

Mayor Cheshire pointed out previous discussions on same and his suggestions made at the July 12, 2018 regular meeting on his dissent on the requirements for a fee and relayed the remarks by Mr. Jeff Gerling, Building Official retained by the city, that the city's current methods on solar tube permits is acceptable.

Commissioner DeGrave recognized the present implementation changing it to charging a fee and the correctness of notation in filing pictures and the solar tubes for doors, windows air conditioning, 'water heater changeouts conducted virtually to be more expensive than \$79 which he believes to be excessive; thus, ensuring that work conducted to be a licensed individual.

ACTION: 7:43:55 p.m. **By unanimous consent, the city commission placed on the next agenda discussion on solar tubes and virtual permitting and directed staff and invited Mr. Jeff Gerling, Alpha International I LLC, to appear before the city commission with more information.**

(c) **Commissioner Bell – Former Community Development Director Charlie Rector**

Commissioner Bell relayed a text message he received regarding the status of former Community Development Department Director Charlie Rector who is currently being hospitalized.

ACTION: 7:50:03: p.m. No action was taken.

(d) **Vice Mayor Gunter, Jr.**

Vice Mayor Gunter gave a report on his and Mr. Lavenia's attendance to the City of Groveland's March 12, 2021 Public Safety Complex Ribbon-Cutting and Dedication Ceremony to which Mr. La Venia identified the new building's specifications; population growth and the city's substations.

ACTION: 7:51:19 p.m. No action was taken.

11. MAYOR'S COMMENTS

Dates to Remember

Mayor Cheshire announced the following events:

- April 6 (7-17), 2021, *Celebrate 100* – 100th Annual Lake County Fair, Lake County Fairgrounds, 2101 County Road 452, Eustis, Florida 32726 at 6:30 p.m.
 - April 8, 2021 City Commission Regular at 6:00 p.m.
 - April 9, 2021 Lake County League of Cities (LCLC), TBD, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
 - April 22, 2021 City Commission Regular at 6:00 p.m.
 - April 28, 2021 Lake~Sumter Metropolitan Planning Organization Governing Board, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida 34748 at 2:00 p.m.;
 - April 29, 2021, 2021 Lake County Trails Forum, 1 Dozier Court, The Venetian Center, Leesburg, Florida 34748 at 5:30 p.m.;

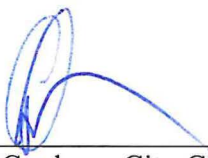
 - May 10, 2021, Lake County Parks, Recreation and Trails Advisory Board, Office of Parks and Trails Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;
- In response to Mayor Cheshire's inquiry, Commissioner Bell addressed his inability to attend.
- May 13, 2021 City Commission Regular at 6:00 p.m.;
 - May 14, 2021, LCLC, TBD, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m. and
 - May 27, 2021 City Commission Regular at 6:00 p.m.

ACTION: 7:55:41 p.m. **By unanimous consent, the city commission authorized Deputy City Clerk Jabari Hopkins to attend the aforementioned Lake County Parks, Recreation and Trails advisory Board meeting.**

12. ADJOURNMENT

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 7:40 p.m.

The minutes were approved at the May 13, 2021 regular meeting.

Signed 

Esther B. Coulson, City Clerk, MMC

Signed 

Chris Cheshire, Mayor