

**FRUITLAND PARK CITY COMMISSION SPECIAL
MEETING MINUTES
November 18, 2021**

A special meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, November 18, 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; Community Development Director Dwyane Williams; Human Resources Director Jabari Hopkins, and City Clerk Esther B. Coulson.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order, Mr. Hopkins gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:00:19 p.m. No action was taken.

2. ROLL CALL

After Mayor Cheshire requested that Ms. Coulson call the roll where a quorum was declared present, he outlined the decorum for this evening's meeting:

ACTION: 6:01:23: p.m. No action was necessary.

3. ELECTION OF OFFICERS

(a) Mayor

Mayor Cheshire recognized the annual election of the position of mayor to be in order at this time and called for nominations for the mayor.

ACTION: 6:02:07 p.m. **Commissioner Mobilian placed in nomination the name of Chris Cheshire as mayor for 2021-2022. The nomination was seconded by Vice Mayor Gunter.**

There being no further names placed for nomination, by unanimous consent, it was declared closed.

Mayor Cheshire called for a roll call vote to appoint Chris Cheshire as mayor for 2021-22 with the city commission members voting as follows:

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

After Commissioner Bell cited reasons for his “no” vote, **the motion was declared carried with a four to one (4-1) vote.**

(b) Vice Mayor

Mayor Cheshire called for nominations for the vice mayor.

ACTION: 6:03:33 p.m. Commissioner Mobilian placed in nomination the name of John L. Gunter Jr. as vice mayor for 2021-2022. The nomination was seconded by Commissioner DeGrave.

There being no further names placed for nomination, by unanimous consent, it was declared closed.

Mayor Cheshire called for a roll call vote to appoint John L. Gunter Jr. as vice mayor for 2021-22 with the city commission members voting as follows:

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

After Commissioner Bell pointed out his reasons cited under agenda 3.(a) for his “no” vote, **the motion was declared carried with a four to one (4-1) vote.**

4. SPECIAL AGENDA

(a) Resolution 2021-049 – Logo

Ms. Geraci-Carver read into the record proposed Resolution 2021-049, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING A NEW LOGO OF THE CITY OF FRUITLAND PARK; RATIFYING USE OF PREVIOUSLY ADOPTED LOGO BUT TRANSITIONING TO USE OF NEW LOGO; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:04:48 p.m. By unanimous consent, the city commission accepted Commissioner Bell’s suggestion for the new logo to include the slogan’s language “The Friendly City”.

After discussion, **a motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission adopt the aforementioned Resolution 2021-049 with the slogan as previously cited.**

Mr. Carl Yauk, Villages of Fruitland Park (Pine Hills) resident, questioned the need to spend funds for a different logo and its design which he believes is similar to a turkey.

After Mayor Cheshire referred to the city commission's discussions on the transition which would not require expenditure of funds, **Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.**

(b) Resolution 2021-050 – City Manager's Employment Agreement First Am.

Ms. Geraci-Carver read into the record proposed Resolution 2021-050, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FIRST AMENDMENT TO CITY OF FRUITLAND PARK CITY MANAGER'S EMPLOYMENT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:10:52 p.m. After discussion and upon Vice Mayor Gunter's suggestion, **the city commission, by unanimous consent, agreed to remove the relocation expenses language under Section 15. A. and B. from the City Manager's Employment Agreement dated October 17, 2013.**

After discussion, **a motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission adopt the aforementioned Resolution 2021-050 as amended to include the removal of the relocation expenses language as previously cited.**

After discussion, Mr. Yauk referred to Section 2 of the agreement; questioned whether the annual performance evaluation is available to the public and if the goals and objectives on same are realistic and have been met.

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

Mr. La Venia expressed his gratitude to the city commission.

(c) Budget Am. BT2022-001 City Manager's Compensation FY 2021-22

The city commission considered its action to approve the transfer of funds to cover the city manager's proposed salary increase.

ACTION: 6:13:56 p.m. After discussion, and **on motion of Commissioner DeGrave, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved Budget Amendment BT2022-001, City Manager's Compensation for FY 2021-22.**

(d) Financial Report - August 2021

The city commission considered its action to accept the August 2021 financial report.

ACTION: 6:14:56 p.m. On motion of Commissioner DeGrave, seconded by Vice Mayor Gunter, and unanimously carried, the city commission approved the August 2021 financial report as submitted.

(e) 2022 Proposed Meeting Schedule

The city commission considered its action to approve the proposed 2022 city commission meeting schedule.

ACTION: 6:16:58 p.m. By unanimous consent, the city commission accepted Mayor Cheshire's suggestion to cancel the August 11 and December 22, 2022 regular meetings.

On motion of Commissioner Mobilian, seconded Vice Mayor Gunter and unanimously carried, the city commission approved the 2022 meeting schedule with the cancellations as previously cited.

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

PUBLIC HEARING

(f) Second Reading and Public Hearing – Ordinance 2021-016 Third Extension Solid Waste Collection Franchise Agreement – Waste Management Inc.

It now being the time advertised to hold a public hearing, after Ms. Geraci-Carver read into the record the following title of proposed Ordinance 2021-016, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING A THIRD EXTENSION OF ITS SOLID WASTE COLLECTION FRANCHISE AGREEMENT WITH WASTE MANAGEMENT, INC. OF FLORIDA; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on October 28, 2021.)

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

ACTION: 6:18:13 p.m. A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission enact Ordinance 2021-016 as previously cited to become effective immediately as provided by law.

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

(g) First Reading and Public Hearing – Ordinance 2021-017 Municipal Firemen’s Pension Trust Fund - Repeal

After Ms. Geraci-Carver read into the record the following title of proposed Ordinance 2021-017, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, REPEALING ORDINANCE 204-1974 WHICH IMPOSED A LEVY AND ADDITIONAL TAX UPON INSURANCE COMPANIES, CORPORATION OR OTHER INSURER ENGAGING IN THE BUSINESS OF PROPERTY INSURANCE THAT FUNDED THE MUNICIPAL FIREMEN’S PENSION TRUST FUND; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on December 9, 2021.)

Following some discussion Ms. Racine acknowledged the receipt of the Fruitland Park Firefighters’ Retirement Trust Fund payment distribution of approximately \$28,000 from the State of Florida Department of Management Services, Division of Retirement, Bureau of Local Retirement Systems and relayed the actuary’s request to repeal the board of trustees’ firefighters pension trust fund. After Ms. Racine indicated that she is still waiting for the outcome to be submitted in writing; thus, recognizing that that about \$734,000 is available in the pension fund account, Ms. Geraci-Carver suggested that the city commission proceed with the approval of the subject ordinance in this regard and addressed her intent to identify what additional funds could be utilized for restricted funds.

Following further discussion, Mr. LaVenia suggested that the Mses. Racine or Geraci-Carver ought to send a letter to the actuary for a response on the portion or costs associated with the subject issue.

ACTION: 6:19:21 p.m. Earlier in the meeting, a motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission approve Ordinance 2021-017 as previously cited. (The city commission accepted the city treasurer’s suggestion to wait on the process and not collect any funds until a determination is made by the state).

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

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

QUASI-JUDICIAL PUBLIC HEARING

(h) First Reading and Quasi-Judicial Public Hearing – Rezoning Ordinance 2021-015 – New Elementary Replacement School - Olive Avenue-Urick Street – R1-PFD – Petitioner: School Board of Lake County

After Ms. Geraci-Carver read into the record the following title of proposed Ordinance 2021-015, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 18.99± ACRES OF PROPERTY LOCATED ON OLIVE AVENUE, FRUITLAND PARK, FLORIDA FROM CITY OF FRUITLAND PARK R-1 ZONING TO THE CITY OF FRUITLAND PARK DESIGNATION OF PUBLIC FACILITIES DISTRICT WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on December 9, 2021.)

Earlier in the meeting, Vice Mayor Gunter disclosed that he serves on the Lake County School Board Annual Educational Concurrency Review Committee who has been holding discussions over the past four years on the subject matter.

Commissioner Bell announced that school board members have appeared before the city commission at previous meetings to address the proposed construction of the Fruitland Park Elementary School.

Mayor Cheshire disclosed recent ex-parte communications with constituents who made previous inquiries on the issue in question.

Ms. Geraci-Carver swore in the individuals at this evening's meeting who intended to testify on the item in question.

Mr. Williams, who was sworn, described the subject rezoning; recognized the school district's representatives present at this evening's meeting; relayed their willingness to make exceptions to any concerns on the proposed project, and conveyed the recommendations of approval.

After Mr. Williams disclosed a member of the public's opposition to the proposed rezoning in question, he understood Commissioner DeGrave's request that whilst progressing forward with said project, that noise and activities such as trespassing would be mitigated as much as and as soon as possible and that the school district representatives agreed to appear before the city commission at a future meeting to make a presentation on traffic studies and any other related conceptual planning.

Ms. Kelly C. Randall, Lake County School Board District, Growth Planning Department who was previously sworn, addressed the opportunity, as the applicant, to build a new replacement elementary school in the area; noted that the subject property was owned by the district since the 1970's, and relayed the plan to go through the process of retaining an architect and engineer in spring of 2022 with a site plan to be before the city commission for a courtesy review.

ACTION: 6:28:21 p.m. After much discussion, **a motion was made by Vice Mayor Gutner and seconded by Commissioner Bell that the city commission approve Ordinance 2021-015 as previously cited.**

With respect to safety, Mr. Yauk questioned the significant traffic and lack of sidewalks in the existing neighborhoods.

By unanimous consent, Mayor Cheshire closed the public hearing.

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

END OF QUASI-JUDICIAL PUBLIC HEARING

END OF PUBLIC HEARING

5. (a) **City Manager**
Economic Development Status Update
Mr. La Venia announced that he has no status update on economic development.

ACTION: 6:39:53 p.m. No action was necessary.

- (b) **City Attorney**
i. City of Fruitland Park v. State of Florida Department of Management Services
Ms. Geraci-Carver announced that she has nothing to report on the State of Florida Department of Management Services case.

ACTION: 6:40:01 p.m. No action was necessary.

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

Ms. Geraci-Carver announced that she has nothing to report on the Michael and Laurie Fewless case.

ACTION: 6:40:01 p.m. No action was necessary.

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

Ms. Geraci-Carver announced that she has nothing to report on the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case,

ACTION: 6:40:01 p.m. No action was necessary.

6. UNFINISHED BUSINESS

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

ACTION: 6:40:14 p.m.. No action was taken.

7. PUBLIC COMMENTS

Mr. Yauk referred to the election of the mayor and vice mayor and suggested that the city commission review term limits on same. He pointed out the budget showing repeat and duplication of stormwater management items.

ACTION: 6:40:14 p.m. No action was taken.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian – Beyond the Walls Food Pantry

Commissioner Mobilian announced that his wife Mary Ann has worked diligently with Beyond the Walls Ministry (food bank at Heritage Community Church); reported that from the quarter auction, an amount of \$9,000 was raised last year and \$40,000 was raised this year to support the area and surrounding communities extended to the Cities of Leesburg and Wildwood.

ACTION: 6:41:41 p.m. The city commission expressed heartfelt appreciation.

(b) Commissioner DeGrave

Commissioner DeGrave announced that he has nothing to report at this time.

ACTION: 6:42:41 p.m. No action was necessary.

(c) Commissioner Bell

Commissioner Bell acknowledged the November 17, 2021 Thanksgiving Luncheon and expressed appreciation.

ACTION: 6:42:46 p.m. No action was necessary.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter gave a report on his and Ms. Coulson's attendance at the November 11 Veterans Day Ceremony held at the American Legion which went very well and his presence at the November 17, 2021 Thanksgiving luncheon.

ACTION: 6:43:07 p.m. No action was necessary.

9. MAYOR'S COMMENTS

(a) Mayor

Mayor Cheshire thanked the city commission for allowing him to serve another year as mayor and addressed his plan to do his best as chair.

ACTION: 6:43:39 p.m. No action was necessary.

0

(b) Brother in Blue Salute

Mayor Cheshire reported on the *Brother in Blue Salute* honoring Officer Steve Rothlein (former Broward County Sheriff's deputy; Miami-Dade County Police Department Deputy Director and longtime resident of the Fruitland Park Unincorporated Area) where he together with Vice Mayor Gunter; Commissioner Bell, Mr. La Venia and Chief Luce stopped by to recognize him who, with his family, was appreciative. Mayor Cheshire anticipated that The Daily Sun would write a story of such an occasion.

ACTION: 6:43:51 p.m. No action was necessary.

(c) Dates To Remember

Mayor Cheshire recognized the following events:

- November 19, 2021, *Sponsor's Day Event*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:30 p.m.;
- November 19, 2021, *Comedy Night*, 205 W Berckman Street, Fruitland Park, Florida 34731 at 8:00 p.m.;
- November 20, 2021, *Brews Blues & BBQ*, 506 W Berckman Street, Fruitland Park, Florida 34731 at 5:00 p.m.;
- November 25, 2021, *Thanksgiving – City Hall Closed*;
- November 25, 2021, *City Commission regular at 6:00 p.m. – Cancelled*
- November 26, 2021, *Day After Thanksgiving – City Hall Closed*;

- December 3, 2021 *Employee Christmas Party*, 205 W Berckman Street, Fruitland Park, Florida 34731 at 7:00 p.m.;
- December 8, 2021, *Lake County School Board Annual Educational Concurrency Review Committee Meeting*, Lake County District Office Board Room, 201 West Burleigh Boulevard, Tavares, Florida 32778 at 10:00 a.m.;

- December 8, 2021, LS~MPO Governing Board Meeting, MPO Board Room Suite 175, 1300 Citizens Boulevard, Leesburg, Florida 34748 at 2:00 p.m.;
- December 9, 2021, City Commission regular at 6:00 p.m.;
- December 10, 2021 – LCLC *Housing and Transportation Presentation and Year-End Wrap-Up*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- December 10, 2021, *Hometown Christmas*, outside City Hall, 506 W Berckman Street, Fruitland Park, Florida 34731 at 5:30 p.m.;
- December 15, 2021, Boy Scouts of America *Central Florida Council Salute to Veterans Breakfast*, Venetian Center, City of Leesburg Recreation Complex, 1851 Griffin Road, Leesburg, Florida 34748 at 8:00 a.m.;
- December 16, 2021 City Employee Appreciation Luncheon, Heritage Community Church, Berckman Street Fruitland Park, Florida 34731 at 11:00 a.m.;
- December 18, 2021, 9th Annual *Wreaths Across America Day* Ceremony, Shiloh Cemetery, Fruitland Park, Florida 34731 at 12:00 p.m.;
- December 23, 2021, City Commission regular at 6:00 p.m. – Cancelled;
- December 24, 2021, Christmas Eve – City Hall Closed
- December 25, 2021, Christmas Day
- December 27, 2021, Public Holiday – City Hall Closed

ACTION: 6:45:01 p.m. No action was necessary.

10. 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 6:47 p.m.

The minutes were approved at the December 9, 2021 regular meeting.

Signed _____
Esther B. Coulson, City Clerk, MMC

Signed _____
Chris Cheshire, Mayor

