

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
December 9, 2021**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, December 9, 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; Chief Erik Luce; Community Development Director Dwyane Williams; Public Works Director Robb Dicus, and City Clerk Esther B. Coulson.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order, Commander Larry Miller, John Gella Memorial Unit 219 American Legion, 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

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

ACTION: 6:02:34 p.m. No action was taken.

3. SPECIAL PRESENTATIONS

a. Ninth Annual Wreaths Across America Proclamation

On behalf of the city commission, Mayor Cheshire read into the record a proclamation declaring Saturday, December 18, 2021, as the official *Wreaths Across America Day* in Fruitland Park in memory of our fallen heroes and in honor of our living veterans and commending the American Legion Family of 219 for sharing this patriotic tribute to America's veterans.

ACTION: 6:02:52 p.m. The proclamation was accepted with gratitude by Commander Larry Miller and Auxiliary President Joyce Storckman, John Gella Memorial Unit 219, and invited everyone to attend the Wreaths Across America Day ceremony and lunch.

b. Board of Trustees Firefighters Pension Trust Fund Members Presentations

On behalf of the city commission, Mayor Cheshire recognized the following Board of Trustees Firefighter Pension Trust Fund Members and presented them with a plaque in appreciation of their years of service:

- Edgar J. “Jerry” Elton, Secretary, 1999-2021
- Charles F. “Chuck” Themm, Member, 2001-2021, and
- Jeannine Racine, 2016-2021, Alternate, 2016-2021

ACTION: 6:06:19 p.m. The members accepted the plaque with much appreciation.

4. RECESS TO THE COMMUNITY REDEVELOPMENT AGENCY

As soon as practical at 6:15 p.m., recess to the Community Redevelopment Agency meeting.

ACTION: **By unanimous consent, the city commission recessed its meeting at 6:10 p.m. to the Community Redevelopment Agency meeting and reconvened at 6:34 p.m.**

5. CONSENT AGENDA

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

(a) Approval of Meeting Minutes

- November 18, 2021, special
- October 28, 2021 regular, and
- October 14, 2021, regular

(b) Resolution 2021-051 - Election Polling Places - SOE – MOA

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE MEMORANDUM OF AGREEMENT FOR POLLING PLACE – 2022 – PRECINCT #25 BETWEEN LAKE COUNTY SUPERVISOR OF ELECTIONS & CITY OF FRUITLAND PARK FOR USE OF FRUITLAND PARK COMMUNITY CENTER FOR AUGUST 23, 2022, PRIMARY ELECTION AND NOVEMBER 8, 2022, GENERAL ELECTION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:34:32 p.m. **On motion of Commissioner Bell seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the consent agenda as previously cited.**

6. REGULAR AGENDA

(a) Resolution 2021-052 Munis Software Am.

Ms. Geraci-Carver read into the record the following title of proposed Resolution 2021-052:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AMENDMENT BETWEEN TYLER TECHNOLOGIES, INC. AND CITY OF FRUITLAND PARK, FLORIDA IN THE AMOUNT OF \$6,964.00 ANNUALLY AND ONE-TIME FEES IN THE AMOUNT OF \$36,821.00; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE.

After Mr. La Venia gave a background on the software in question and referred to the December 8, 2021, email from Rob Kennedy-Jensen, Tyler regarding the inclusion of the public records language, the 11/10 software version and his comments updating the subject amendment, Ms. Geraci-Carver indicated that she has not had an opportunity to review same. (A copy of the respective document is filed with the supplemental papers to the minutes of this meeting.)

With respect to receiving funds due back from TRAKiT/Superion (Solutions) LLC Citizens' Engagement, CentralSquare Technologies, on its maintenance agreement, Mr. Williams addressed his intent to review same and noted the timeframe to commence with Tyler Technologies software.

After Mr. La Venia confirmed that the subject Munis Software is already allocated in the FY 2021-22 budget where Mayor Cheshire recognized that the maintenance agreement annual subscription expires on April 30, 2022, he addressed the desire to not renew services with TRAKiT

ACTION: 6:34:43 p.m. After discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the city commission adopt Resolution 2021-052 as previously cited contingent upon the city attorney's request from Tyler Technologies for responses on the annual SaaS fees and payment and the payment due for one-time charges shown in Exhibit 1 of the amendment.

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

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

PUBLIC HEARING

(b) Second Reading and Public Hearing – Ordinance 2021-017 Municipal Firemen's Pension Trust Fund - Repeal

It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2021-017, after Ms. Geraci-Carver read into the record 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, 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 first reading was held on November 18, 2021.)

ACTION: 6:42:34 p.m. A motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that the city commission enact Ordinance 2021-017 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.

QUASI-JUDICIAL PUBLIC HEARING

- (c) **Second Reading and Quasi-Judicial Public Hearing – Rezoning Ordinance 2021-015 - Olive Avenue – R1-PFD – Petitioner: School Board of Lake County**
It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2021-015, after Ms. Geraci-Carver read into the record the following title, 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 first reading was held on November 18, 2021.)

ACTION: 6:44:00 p.m. A motion was made by Vice Mayor Gunter and seconded by Commissioner DeGrave that the city commission enact

Ordinance 2021-015, as previously cited, to become effective immediately as provided by law.

At Mayor Cheshire's request, Vice Mayor Gunter disclosed that he serves as a member of the Lake County School Board Annual Educational Concurrency Review Committee where the subject issue has been addressed before the respective body.

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

7. (a) **City Manager**
 - i. **Economic Development Status Update**

Messrs. La Venia and Williams described the forthcoming proposed developments to occur in 2022.

ACTION: 6:45:44 p.m. No action was taken.
 - ii. **CUP – SJRWMD Status Update Report**

Mr. La Venia reported on the plans to invite Ms. Jennifer “Jen” Bolling, Jacobs - Boling Engineering LLC (fka CH2M Hill Companies Inc.) consultant retained by the city -- to address the approval of the St. Johns River Water Management District's consumptive use permit at a future meeting.

ACTION: 6:57:35 p.m. No action was taken.
 - iii. **Lake County CDBG Grant Program Status Update Report**

Mr. La Venia pointed out that the Patricia Avenue Water Line Replacement Project improvements was approved for an award of funding for \$140,000 by the Lake County Community Development Block Grant program

ACTION: 6:57:52 p.m. No action was taken.
 - iv. **Public Works Building - GatorSktech Corporation Status Update Report**

Mr. La Venia referred to the drawings (elevations) layout of the public works building from GatorSktech Corporation and gave a status update on the review process prior to procuring same.

ACTION: 6:58:17 p.m. No action was taken.

v. **ITBs**

Mr. La Venia gave a report on the plans to issue public legal re-advertisement on Invitation to Bid (ITB) 2021-03 Mirror Lake Baffle Box: advertisement on 2021-04. Urick Street Force Main Extension on December 10, 2021, and the intent to procure the State Revolving Fund (SRF) project and bid the public works and public safety building in early 2022.

ACTION: 6:59:17 p.m. No action was taken.

vi. **Codification - Municode**

Mr. La Venia relayed discussions he had earlier this day with Ms. Coulson on the location of the official code documents, the intent to proceed with Municode's codification of same and if the code documents materialize after publishing, whether to follow-up on the process.

In response, Ms. Geraci-Carver explained that after Municode completes the codification and update, the city commission would update same and language would be incorporated to specify that anything that is excluded would be repealed and if documents surface later, legal counsel would bring it back into the code for consideration and recommend enacting an ordinance or to put it back into or excluding it from being codified.

ACTION: 7:03:36 p.m. After discussion and by **unanimous consent, the city attorney concurred with Commissioner DeGrave's suggestion for the city clerk to share the list of outstanding documents for her review, with supporting information to substantiate same, before making a recommendation to codify and report back at a future meeting.**

(b) **City Attorney**

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

Ms. Geraci-Carver referred to Final Order No. 21-0044 relating to the State of Florida, Department of Management Services Division of Retirement case regarding Michael and Laurie Fewless; noted that Attorney Glenn E. Thomas, Lewis, Longman & Waler, retained by the city, would be filing an appeal where the deadline is December 16, 2021, and recognized that the city would have 70 days to file the appellate petition. (A copy of the respective document is filed with the supplemental papers to the minutes of this meeting.)

After discussing the subject issue with Mr. La Venia, Ms. Geraci-Carver relayed the recommendation to authorize Mr. Thomas to file the notice of appeal; not to proceed at this time with the petition -- however reserve the

option to do so in the event it would become necessary -- and in the meantime staff would work with the city's insurance company.

ACTION: 6:59:51 p.m. By unanimous consent, the city commission accepted the city attorney's recommendation as previously cited and requested a 30-day update report be given to the commission in case a decision is required to file an appeal.

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

Ms. Geraci-Carver did not address the Michael and Laurie Fewless case at this time.

ACTION: 6:59:51 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 announced that the hearing in the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026 is still set for March 2022.

ACTION: 7:03:27 p.m. No action was taken.

iv. Opioid Litigation

With reference to the Opioid Litigation, Ms. Geraci-Carver explained that the respective settlement agreements have been released; described how the city would not be eligible to enter into said agreement but release its rights where it would not be counted in the number to make the settlement proceed. She explained that if the city does not want to participate to receive the settlement funding of \$21,000 paid over an 18-year period and decides not to proceed to utilize the opioid mitigation program funding, the funds would roll over to Lake County to receive the city's share of funds where discussions are presumably being held to implement a drug court in the county's court system.

Ms. Geraci-Carver relayed her recommendation to not proceed in entering into the Florida Opioid Allocation and Statement Response Agreement -- among the State of Florida Department of Legal Affairs, Office of the Attorney General and Certain Florida Local Governments -- but allow said settlement funds to roll into Lake County.

ACTION: 7:01:38 p.m. After discussion and by unanimous consent, the city commission accepted the city attorney's recommendation to not proceed in entering in into the Florida Opioid Allocation and Statement Response Agreement as previously cited.

8. UNFINISHED BUSINESS

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

ACTION: 7:08:02 p.m. No action was taken.

9. PUBLIC COMMENTS

The following City of Leesburg residents cited reasons in support of the prochoice life:

(Brother) Steven Gerard, also resident of Lorain, Ohio, recalled his appearance before the city commission at its March 11, 2021, regular meeting and Mses. Phyllis Ryder and Kristen Nelson who advocated prolife and prochoice cited biblical scriptures to support same.

ACTION: 7:08:03 p.m. No action was taken .

10. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian extended well wishes to everyone for the holiday season.

ACTION: 7:18:52 p.m. No action was taken.

(b) Commissioner DeGrave

Commissioner DeGrave shared Commissioner Mobilian's comments in wishing everyone the same.

ACTION: 7:19:02 p.m. No action was taken.

(c) Commissioner Bell

Commissioner Bell, in agreement, relayed well wishes for the forthcoming holidays.

ACTION: 7:19:13 p.m. No action was taken.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter referred to the December 8, 2021, school concurrency annual management report and gave a historical overview on its mandate; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Vice Mayor Gunter addressed the concerns on the new elementary school scheduled to open in the fall of 2024 at a predicted cost of approximately \$24,750,000; the proposed vehicle stacking and potential developments.

Vice Mayor Gunter relayed happy holidays to everyone and reminded those of the December 10, 2021, Hometown Christmas event.

ACTION: 7:19:21 p.m. No action was taken.

ii. Employee Luncheon

The elected officials extended appreciation to Ms. Michelle Yoder, Parks and Recreation Director, on manner in which the Employee luncheon was prepared.

ACTION: 7:28:25 p.m. No action was taken.

11. MAYOR'S COMMENTS

(a) Solid Waste Contract

Mayor Cheshire reported on the December 8, 2021, meeting he had with Mr. La Venia and representatives from Waste Management Inc. to review and negotiate the proposed solid waste collection contract, the services, residential rates and the division of the commercial prices over two years where said contract would be considered at the January 13, 2022, regular meeting.

ACTION: 7:22:50 p.m. After discussion, and **by unanimous consent, the city manager agreed that price comparisons for solid waste collection with like-sized communities around the area would be shared prior to approving the solid waste collection franchise agreement with Waste Management Inc.**

(b) Dates to Remember

Mayor Cheshire announced the following dates:

- 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, and
- December 27, 2021, Public Holiday – City Hall Closed

ACTION: 7:27:26 p.m. No action was taken.

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 7:29 p.m.

The minutes were approved at the January 13, 2022, regular meeting.

Signed _____
Esther B. Coulson, City Clerk, MMC



Signed _____
Chris Cheshire, Mayor

