

**FRUITLAND PARK CITY COMMISSION SPECIAL
MEETING MINUTES
August 23, 2023**

A special meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Wednesday, August 23, 2023 at 3:00 p.m.

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

Also Present: City Manager Gary La Venia; City Treasurer Gary Bauchmann; City Attorney Anita Geraci-Carver; Parks and Recreation Director Michelle Yoder; Library Director JoAnn Glendinning, Assistant Library Director Terry Dohrn; Technology Assistant and Educator Gloria Perry, Library; Human Resources Director Betty McHale; Community Development Department, Interim Community Development Director Michael “Mike” Rankin, LPG Urban Regional Planners Inc. (consultant retained by the city); Dorothy “Dotty” F. Green (Latham, Shuker, Eden & Beaudine LLP) labor counsel retained by the city; Sharon Williams Community Development Administrative Manager, and City Clerk Esther B. Coulson,

1. CALL TO ORDER

Mayor Cheshire called the meeting to order at 3:07 p.m. and led in the pledge of allegiance to the flag.

2. ROLL CALL

Mayor Cheshire requested that Ms. Williams call the roll where a quorum was present.

3. CITY CLERK

The city commission addressed the course of action to be taken on the June 30, 2023 memorandum relating to the Investigation of Complaints Regarding the Conduct of Esther Coulson, City Clerk, from Ms. Green; a copy of which is filed with the supplemental papers to the minutes of this meeting.

After Ms. Green gave a brief overview of the investigation where she indicated that the majority of individuals she interviewed were upset based on how Ms. Coulson spoke to and treated them and her access to emails where said issues that arose in 2019 were unresolved.

After Mayor Cheshire outlined the city commission’s actions on the options of discipline, termination, and non-reappointment of the city clerk, Ms. Geraci-Carver, in response to Vice Mayor DeGrave’s inquiries outlined the city commission’s disciplinary actions to be taken at this day’s meeting; its decision to terminate and not reappoint her would commence on October 1, 2023 which would require a motion on the floor with an opportunity for Ms. Coulson and her legal counsel to speak followed by a second meeting on the vote on the commission’s action where a discharge and reappointment are a public hearing process.

Following extensive deliberations, a motion was made by Commissioner Bell to reappoint City Clerk Esther Coulson. The motion died for a lack of a second.

At Vie Mayor DeGrave's request, Ms. Geraci-Carver restated the option of not taking any action whereby the report would not warrant disciplinary action; impose disciplinary measure; terminate based on the city's charter with the vote at another meeting, or make a motion and second at this day's meeting to not to reappoint the city clerk for the term commencing October 1 with action to be taken at a subsequent meeting leaving her in the position until September 30 and no longer employed October 1, 2023.

After much discussion, Ms. Geraci-Carver suggested that the city commission desires to terminate Ms. Coulson, she should be allowed the due process under the charter; if there is a disciplinary action, an evaluation would be required and a behavior change that the city commission is concerned with. For the due process, if the reappointment is denied in September, Ms. Geraci-Carver indicated that the charter only refers to a termination with cause during the period of Ms. Coulson's appointment (October 1 to September 30) where she is entitled with a motion and second at one meeting and a subsequent meeting, and the city commission request a second meeting and public hearing. Ms. Geraci-Carver noted the time-period lapse between the motion on the action to be taken, the actual vote and the opportunity for Ms. Coulson to voice her position on the matter.

Ms. Geraci-Carver suggested that the city commission comply with whatever Ms. Green recommends which is counseling for Ms. Coulson and proposed that an ordinance be prepared for consideration that she reports to Mr. La Venia within the probationary period of six months or whether the commission wants to terminate.

In response to several questions posed by Commissioners Gunter and Mobilian on the opportunity to make adjustments and the termination to be harsh, Ms. Green addressed the issue of the October 1, 2023 decision and how the six-month probation would fit; questioned the message the commission's action sends and would affect other employees within the city, and noted her position as well as Ms. Geraci-Carver's view to be different from Ms. Coulson's perspective. After Ms. Green addressed the need for Ms. Coulson's contract to be renewed October 1, 2023 or renew in a tentative probationary short-term status which the charter does not allow, Ms. Geraci-Carver questioned implementation under six months.

Ms. Green relayed comments from individuals that no evaluations or examination performances on charter positions were conducted before decisions were made to renew and reappoint and that the charter positions without an evaluation was routine where she addressed the need for a mechanism on same. With the concept of six months against the contract on September 30, 2023, she gave reasons why the commission does not have such an option based on the 12 months concurrent with the fiscal year as referenced by Ms. Geraci-Carver.

Following further discussion, a motion was made by Commissioner Gunter that the city commission approve placing City Clerk Esther Coulson on a six-month probation period. The motion died for a lack of a second.

Answering Vice Mayor DeGrave's inquiries, Ms. Geraci-Carver explained that discipline would need to be ratified at a future meeting; discharge or not to reappoint would need to be seven days, and disciplinary suspension for 40 days need to be ratified at a future meeting and could not be considered at the August 24, 2023 regular meeting as an agenda item.

Following much discussion, **a motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission take no action on the city clerk at this day's meeting until the city commission address the reappointment and until that time, the clerk is to report to the city manager.**

Ms. Green indicated that by taking no action and contemplating no reappointment, it is left open-ended and that is a discharge under the charter; thus, there is a need to hold a public hearing.

By unanimous consent, and upon the city attorney's request, the city commission recessed its meeting at 4:17 p.m. and reconvened at 4:26 p.m.

Upon the city attorney's advice, **an amendment to the motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission approve taking no action on the city clerk at this day's meeting but consider the city clerk's appointment or reappointment at its September 14, 2023 regular meeting, and direct the city clerk to report daily and take direction from the city manager.**

Mr. G. Ware Cornell Jr., attorney representing Ms. Coulson, recognized the complaint as a personality matter; mentioned his review of the investigation report which referenced the people interviewed one being his client former City Commissioner Rick Ranize where his comments were excluded, and indicated that the issue in question is close to a termination which may be a liberty interest claim against the city which ought to be considered by Ms. Green noting that one does not fire individuals for personality reasons who are vested in their positions.

Ms. Green explained the definition of liberty interest where constitutional public employees have more rights than private employees; acknowledged Ms. Coulson's opportunity to refute and publicly address the charges, present her side (whether in person at a hearing -- most preferable -- or placing something in the file) as a forum to provide her with liberty interest (due process). She responded in the negative to Vice Mayor DeGrave's inquiry, to which Ms. Geraci-Carver concurred, that the opportunity was not at the podium at this day's meeting where if a decision is made later to not renew the city clerk's contract, she should be provided with an opportunity at a public hearing, according to the charter, to present her comments for the city commission's consideration.

Ms. Jeannine Racine, former City of Fruitland Park treasurer and City of Fruitland Park resident, explained, aside from public records requests, how she personally witnessed Ms. Coulson searching for documents and utilizing search words within emails; at her request, to assist her during investigations and indicated that she does not have time for emails but to seek specific records which are valid reasons as to why they are not public records requests.

Ms. Racine recalled, in 2011 the disorganization of records and mismanagement of paper documents; recognized Ms. Coulson's accomplishments of same as well as locating anything she needed; her tireless work in finding missing records, and her amazement on her going to outside agencies to obtain documents. With respect to "staying in your lane", Ms. Racine acknowledged Ms. Coulson's follow-up of proposed happenings and tracking the city commission's previous directions where she felt that maybe the commission ought to direct her not to do same.

In witnessing people's rudeness, Ms. Racine verified Ms. Coulson's attitude in-kind and the changes in her temperament; their difficulty in understanding her needs and her level of communication, and her searching until the document requested is found.

Ms. Glendinning explained that she started her employment with the city in 2009, has been acquainted with Ms. Coulson since 2013, and that no-one approached her to ask about Ms. Coulson whom she has worked with for 10 years. Ms. Glendinning indicated that the late Public Works Director Dale Bogle and Ms. Coulson had a level-headed mind with the library; acknowledged her tutoring and politeness to library staff, and expressed dismay as she knew nothing about the subject report as the woman described in the report is not Ms. Coulson at this evening's meeting.

Ms. Perry indicated that at the library, Ms. Coulson is respectful to and smiles with patrons. She expressed her surprise at the allegations and what is in the report which is not what she or anyone at the library has seen.

Ms. Kerrie Johnson, City of Fruitland Park resident for 27 years, shared her knowledge with Ms. Coulson as an athlete through events and training. She gave her background and experience as a career high school teacher. Ms. Johnson stated that she wants to speak to Ms. Coulson's personality as a culture, as an athlete, and as a professional where sometimes when it means that when you get something done and someone is not getting to you, her tone is going to change and she is working to get a job done and is there to protect everyone.

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

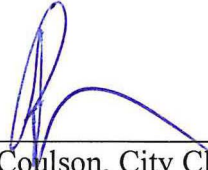
4. OTHER BUSINESS

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

5. ADJOURNMENT

The meeting adjourned at 4:28 p.m.

The minutes were approved at the September 14, 2023 regular meeting.

Signed 
Esther B. Coulson, City Clerk, MMC

Signed 
Chris Cheshire, Mayor

