

**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA (Revised 032524)**

March 28, 2024

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, Florida 34731

6:00 p.m.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Fred Miller, Mount Pleasant AME Church

Pledge of Allegiance – Police Chief Erik Luce

2. ROLL CALL

3. SPECIAL PRESENTATIONS (city clerk)

(a) Police Chief Swearing-In

Oath of office to be administered to the new police chief.

(b) Erik Luce Day – Appreciation Plaque and Proclamation

4. CONSENT AGENDA

Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote.

Approval of Minutes (city clerk)

March 14, 2024 regular minutes.

5. REGULAR AGENDA

Resolution 2024-016 National Pollutant Discharge Elimination System (NPDES) Program Coordination Agreement and Statement of Work – FY 2023-24 (city attorney/city manager/public works director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE AGREEMENT AND STATEMENT OF WORK CITY OF FRUITLAND PARK NPDES PROGRAM COORDINATION FISCAL YEAR 2023-2024 AND ADDENDUM THERETO BETWEEN THE CITY OF FRUITLAND PARK, FLORIDA AND SURFACE WATER PROFESSIONAL, LLC FOR A NOT TO EXCEED FEE OF \$9,000; AUTHORIZING EXECUTION OF THE AGREEMENT AND ADDENDUM; PROVIDING FOR AN EFFECTIVE DATE.

6. (a) **City Manager**
 - i. **Economic Development Status Update Report**
 - ii. **Commercial Developments Permits Issued Status Update Report**
 - iii. **Storm Debris - Lake County Interlocal Agreement**
Collection of storm debris from streets and right-of-way.
- (b) **City Attorney**
 - i. **Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628**
 - ii. **Code of Ordinances – Codification**

7. UNFINISHED BUSINESS

8. PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

9. COMMISSIONERS' COMMENTS

- (a) **Commissioner Mobilian**
- (b) **Commissioner Bell**
- (c) **Commissioner Gunter, Jr.**
- (d) **Vice Mayor DeGrave**

10. MAYOR'S COMMENTSs

11. ADJOURNMENT

DATES TO REMEMBER

- March 28, 2024 Attorney-Client Session at 7:00 p.m.,
- March 30, 2024, *Welcome Home Vietnam Veterans Day*, The Venetian Center, 1 Dozier Circle, Leesburg, Florida 34748 at 10:00 a.m.;
- March 30, 2024, Erik Luce's Retirement Celebration, Recreation Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 2:00 p.m.;
- April 10, 2024, *Reading Between the Wines*, Fruitland Park Library, 604 West Berckman Street, Fruitland Park, Florida 34731 at 4:00 p.m.;
- April 11, 2024, AARP Tax-Aide, Fruitland Park Library, 604 West Berckman Street, Fruitland Park, Florida 34731 at 9:00 a.m.;
- April 11, 2024, *Pieces of my Mind* Meet the Poet, Fruitland Park Library, 604 West Berckman Street, Fruitland Park, Florida 34731 at 2:00 p.m.;
- April 11, 2024, City Commission regular at 6:00 p.m.;
- April 12, 2024, *State of Elections*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at noon;
- April 13, 2024, Mommy and Son Mess, Northwest Lake Park Soccerfield, 300 Shiloh Street, Fruitland Park, Florida 34731 at 10:00 a.m.;
- April 24, 2024, Lake~Sumter Metropolitan Planning Organization Governing Board Meeting, 1300 Citizens Blvd., Suite 175, Leesburg, Florida 34748 at 2:00 p.m., and
- April 25, 2024, City Commission regular at 6:00 p.m.

For additional events, please visit [Calendar | City of Fruitland Park Florida](#).

Please note that in addition to the city commission meetings, more than one city commissioner may be present at the above-mentioned events.

Any person requiring special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 3a-b

ITEM TITLE: SPECIAL PRESENTATIONS

MEETING DATE: Thursday, March 28, 2024

DATE SUBMITTED: Monday, March 18, 2024

SUBMITTED BY: city clerk

BRIEF NARRATIVE:

(a) Police Chief - Swearing-In

Oath of office to be administered to the new police chief.

(b) Erik Luce Day – Appreciation Plaque and Proclamation

FUNDS BUDGETED: None

ATTACHMENTS: swearing-in and proclamation

RECOMMENDATION:

ACTION:



OATH OF OFFICE

“I, Gary Lee Barrett Jr., a citizen of the State of Florida and of the United States of America, and being employed by or an officer of the City of Fruitland Park and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

Signature of Appointed Official

Subscribed and sworn to before me this 28th day of March 2023

Signature of Person Administering Oath



Proclamation

WHEREAS, Erik Douglas Luce relocated from Michigan to Florida and has since been a resident for more than 50 years; and

WHEREAS, Chief Luce began his law enforcement profession in 1998 before starting his position in August 2012 as the City of Fruitland Park's Reserve Officer; and

WHEREAS, over the years, Erik steadily rose through the ranks, being promoted six times, before retaining his position as the city's chief; and

WHEREAS, Chief Luce has led the department by participating in fundraising activities; engaged the staff and surrounding organizations with various community-related events, and became involved with residents of all ages in competitions, amusements, and games; and

WHEREAS, Erik has independently and voluntarily worked with and assisted other jurisdictions, organizations and professional associations with police-related activities when needed; and

WHEREAS, Chief Luce has supported and publicly honored his former and current staff with accolades towards their law enforcement careers; and

WHEREAS, during Mr. Luce's tenure, he has witnessed many changes and opportunities within the department, the city and the community and has chosen to continue to dedicate his time and service to the citizens; and

WHEREAS, the chief's goal in moving forward and making progress in the department has been realized including his involvement with the construction of the new public safety building for the police and fire rescue personnel; and

WHEREAS, Mr. Luce is well respected by management and peers and has been described as *approachable* and *self-motivated* where his hands-on techniques, mild sense of humor and calm disposition will be missed; and

WHEREAS, the City of Fruitland Park wishes to express its heartfelt gratitude in honoring Chief Luce for his 11 years of devoted service to the community.

NOW, THEREFORE, be it proclaimed that I "Chris Cheshire, Mayor of the City of Fruitland Park, Florida", on behalf of the city commissioners and the citizens, do hereby proclaim "*March 28, 2024 as Erick Douglas Luce Day* in the City of Fruitland Park and extends the very best of wishes in his future endeavors.

DATED this 28th day of March 2024.

Chris Cheshire, Mayor

Attest:

Esther Coulson, City Clerk

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 4**

ITEM TITLE: Draft Meeting Minutes

MEETING DATE: Thursday, March 28, 2024

DATE SUBMITTED: Monday, March 18, 2024

SUBMITTED BY: city clerk

BRIEF NARRATIVE: Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s), and (3) Discuss each pulled item separately and vote.

Approval of Minutes

March 14, 2024 regular meeting minutes.

FUNDS BUDGETED: None

ATTACHMENTS: Draft minutes

RECOMMENDATION: Approve the minutes, if there are no corrections, as submitted.

ACTION: Approval

**FRUITLAND PARK CITY COMMISSION REGULAR
DRAFT MEETING MINUTES
March 14, 2024**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, March 14, 2024, at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Commissioners John L. Gunter Jr. and Chris Bell.

Members Absent: Vice Mayor Patrick DeGrave and Commissioner John Mobilian.

Also Present: City Manager Gary La Venia, City Attorney Anita Geraci-Carver; City Treasurer Gary Bachmann; Police Chief Erik Luce; Public Works Director Robb Dicus; Human Resources Director John Klein; Deputy Finance Director Dennis Bowers; Michael “Mike” Rankin, Interim Community Development Director, LPG Urban & Regional Planners Inc. (consultant retained by the city); Permit and Zoning Technician Kelli Fielder, Community Development Department; Lieutenant Jason Liska and Firefighter Codey Carpenser, Lake County Fire Rescue, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order and Pastor Mark LoGiudice, Life Church Assembly of God, gave the invocation, Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:01:41 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 recognized the absences of Vice Mayor DeGrave and Commissioner Mobilian and announced the change to item 6.(a), Resolution 2024-007, staff’s revised report as an addendum to this evening’s agenda:

ACTION: 6:02:55 p.m. Upon Mayor Cheshire’s recommendation, and **by unanimous consent, the city commission excused the absences of Vice Mayor Patrick DeGrave and Commissioner John Mobilian from this evening’s meeting and accepted the change to the agenda.**

3. SPECIAL PRESENTATION

(a) Irish American Heritage Month Proclamation

On behalf of the city commission, Mayor Cheshire read into the record a proclamation proclaiming the month of March 2024 as *Irish-American Heritage Month* and recognized the long history of Irish-American contributions to the State of Florida.

ACTION: 6:03:25 p.m. After Mr. Greg Seán Canning, Ancient Order of Hibernians, accepted with gratitude the proclamation on behalf of the Irish community of Florida, he gave an overview on the meaning of Hibernians; identified

countries around the world that celebrate St. Patrick's Day, and acknowledged the significant financial contributions from the Irish forebearers and other ethnic or racial groups all over the world who came to the United States to support education of all types.

(b) ***Love Week February 10-18, 2024 Check Presentation***

Ms. Yoder thanked the sponsors, volunteers, and 154 registered runners who participated in the February 10, 2024 5k Love Run and announced that the proceeds of \$2,092.24 will be donated to the City of Fruitland Park's Utility Charity Fund to assist users who cannot afford to pay their utility bills.

ACTION: 6:11:26 p.m. The check was presented to City Treasurer Gary Bachmann.

4. **RECESS TO THE COMMUNITY REDEVELOPMENT AGENCY**

On or before 6:15 p.m. recess to the community redevelopment agency.

ACTION: 6:14:02 p.m. **By unanimous consent, the city commission recessed its meeting at 6:14 p.m. to the Community Redevelopment Agency and reconvened at 6:22 p.m.**

5. **CONSENT AGENDA**

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

(a) **Approval of Minutes**

February 22, 2024 regular meeting minutes.

(b) **Resolution 2024-014 City Manager Recruitment Services Engagement Letter (Agreement) and Addendum - Colin Baenziger & Associates**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE ENGAGEMENT LETTER TO PROVIDE CITY MANAGER RECRUITMENT SERVICES AND ADDENDUM TO ENGAGEMENT LETTER DATED FEBRUARY 16, 2024 BETWEEN THE CITY OF FRUITLAND PARK, FLORIDA AND COLIN BAENZIGER & ASSOCIATES FOR A LUMP SUM FEE OF \$32,500; AUTHORIZING EXECUTION OF THE AGREEMENT AND ADDENDUM; PROVIDING FOR AN EFFECTIVE DATE.

(c) **Resolution 2024-015 Calling for Regular Election**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CALLING FOR A REGULAR ELECTION TO FILL VACANCIES ON THE CITY COMMISSION; SETTING AN ELECTION DATE; NAMING THE VACANCIES TO BE FILLED; ESTABLISHING A POLLING LOCATION; ESTABLISHING A QUALIFYING

PERIOD; ESTABLISHING ELECTION PROCEDURES;
PROVIDING FOR ELECTION ARRANGEMENTS; AND
PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:22:03 p.m. **On motion of Commissioner Bell, seconded by Commissioner Gunter and unanimously carried, the city commission approved the consent agenda as previously cited.**

5. REGULAR AGENDA

PUBLIC HEARING

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

(a) Second Reading and Public Hearing – Ordinance 2024-002 Solid Waste Rates Increase - 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 Ordinance 2024-002, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING RATES FOR THE PROVISION OF WASTE MANAGEMENT SERVICES TO THE RESIDENTS OF THE CITY OF FRUITLAND PARK; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on January 25, 2024 and continued from February 8, 2024.)

ACTION: 6:22:19 p.m. After Ms. Geraci-Carver recognized that the title changed from the first reading, **a motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission enact Ordinance 2024-002 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.

(c) Second Reading and Public Hearing Ordinance 2024-003 SRF Amendment No. 2 to Loan Agreement

It now being the time advertised to hold a public hearing, after Ms. Geraci-Carver read into the record the following title of Ordinance 2024-003, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF CITY OF FRUITLAND PARK, FLORIDA, APPROVING STATE REVOLVING FUND AMENDMENT 2 TO

LOAN AGREEMENT WW350821 AND GRANT AGREEMENT SG350822 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF FRUITLAND PARK, FLORIDA TO MAKE ADJUSTMENTS TO THE LOAN AMOUNT, SEMIANNUAL LOAN PAYMENT, LOAN SERVICE FEE AND PROJECT COSTS TO REFLECT ACTUAL COSTS AND REDUCTION OF THE LOAN AMOUNT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. (The first reading was held on February 8, 2024 and continued from February 22, 2024.)

ACTION: 6:23:40 p.m. A motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission enact Ordinance 2024-003 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) Quasi-Judicial Public Hearing - Resolution 2024-007 Major Site Plan Approval – 24,000 sq Private Garage – Petitioner: Ralph W. Thiele Revocable Trust

It now being the time advertised to hold a public hearing, after Ms. Geraci-Carver read into the record the following title of proposed Resolution 2024-002, Mayor Cheshire called for interested parties to be heard:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING MAJOR SITE PLAN APPROVAL WITH CONDITIONS TO ALLOW FOR CONSTRUCTION OF A 24,000 SQUARE FOOT PRIVATE GARAGE INCLUSIVE OF AN OFFICE AND RESTROOMS, ASSOCIATED PARKING AND STORMWATER; PROVIDING FOR CONDITIONS; AUTHORIZING THE CITY MANAGER TO ISSUE A NOTICE OF SITE PLAN APPROVAL UPON COMPLETION OF ALL CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rankin recognized Scout William “Billy” Campbell III and later acknowledged the presence of Mr. Chris Thompson, representing the applicant. He referred to the proposed major site plan approved at the February 15, 2024 Planning and Zoning Board meeting and relayed staff’s recommendations to strike the following languages under subsections 2.(a) and (b), conditions of approval of the proposed resolution:

- (a) *Prior to the issuance of a building permit, execute and delivery of a right of way deed for Micro Racetrack Road in favor of Lake County, Florida in the form provided by Lake County.*
- (b) *Prior to construction provide exemption from USFWS for a formal cover board survey, or follow requirements of USFWS relating to sand skink study and mitigation.*

ACTION: 6:25:02 p.m. After discussion and **by unanimous consent, the city commission accepted staff's recommendations to strike the previously cited languages under subsections 2.(a) and (b), conditions of approval of the proposed Resolution 2024-007.**

A motion was made by Commissioner Gunter and seconded by Commissioner Bell that the city commission adopt the previously cited Resolution 2024-007 as amended.

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.

END OF PUBLIC HEARING

END OF QUASI-JUDICIAL PUBLIC HEARING

5. (a) City Manager

i. Economic Development Status Update

Mr. La Venia did not address the status on economic development.

ACTION: 6:29:15 p.m. No action was taken.

ii. Commercial Developments Permits Issued Status Update

Mr. La Venia did not give the status of commercial development permits issued.

ACTION: 6:29:15 p.m. No action was taken.

iii. Police Chief

Later in the meeting, Mr. La Venia introduced Mr. Gary L. Barrett Jr., the incoming police chief to replace Chief Luce who will be retiring. Mr. Barrett highlighted his background and indicated that he looks forward to working with the city.

ACTION: 6:51:45 p.m. The city commission welcomed Mr. Barrett.

(b) City Attorney

i. U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845

Ms. Geraci-Carver referred to the stipulated order entered relating to the U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845. She reported that on March 12, 2024, the Lake County Clerk of the Circuit Court and Comptroller's registry will be disbursing a check to the city for \$16,223.19.

ACTION: 6:29:20 p.m. No action was taken.

ii. Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-001628

With respect to the Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-A-1628, Ms. Geraci-Craver recognized that mediation is scheduled for April 9, 2024. She addressed the need for the city commission's direction on litigation strategy and costs; announced the date of March 28, 2024 to hold a special session (closed to the public but open during a public meeting) at 7:00 p.m. to last for approximately an hour in the commission chambers, and identified the attendees to be the city commission members, city manager, city attorney and Litigation Counsel Mr. Donovan A. Roper, attorney at Roper and Roper P.A, where the proceedings would be recorded by court reporting services (to be identified) which will be posted on the agenda.

ACTION: 6:29:43 p.m. No action was taken.

iii. Code of Ordinances – Codification

Ms. Geraci-Carver did not address the code of ordinances codification at this time.

ACTION: 6:29:20 p.m. and 6:14:22 p.m. No action was taken.

6. UNFINISHED BUSINESS

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

ACTION: 6:31:00 p.m. No action was taken.

7. PUBLIC COMMENTS

After Mr. Joseph "Joe" Sharp, City of Fruitland Park resident, relayed conversations amongst individuals that free-range chickens are not allowed within the city limits, Ms. Geraci-Carver mentioned her review of the provisions under Lake County's Code of Ordinances and pointed out the separate language in the city's code noting that they are prohibited and enforced by the city and not the county.

In response to Mr. Sharp's inquiry as to what can be done to keep chickens, Ms. Geraci-Carver addressed Mayor Cheshire's question regarding the complaints received where she

outlined the code enforcement officer's process on the issuance of violation notices to individuals currently possessing chickens in the city within the time provided before it is considered before the special magistrate and the requirement to change the code by petition from the residents to which Mr. La Venia addressed staff's intent to review the properties where complaints were received.

Following Mr. Sharp's concerns regarding a dying tree by his driveway, Mr. Dicus gestured in the affirmative to Mr. La Venia's question that he would review the matter.

Mr. Sharp pointed out the Fruitland Park's former fire department *Harold Davenport Training building* located at Veterans Memorial Park which was dedicated in memory of the late Harold A. Davenport, a 43-year member of the city's former volunteer fire department, where said building is currently used as storage.

After Mr. Sharp questioned the naming of the proposed New Public Safety Complex in memory of Mr. Davenport, where Commissioner Gunter recalled the city commission's actions at its March 9, 2023 regular meeting to name the building in honor of former Fire Department Chief Thomas "Tommy" Lee Gamble who served the city for 54 years, he offered to provide assistance with the help of volunteer organizations in this regard.

Following some discussion, Commissioner Bell suggested combining the naming of the New Public Safety Complex building in memory or dedication of Harold A. Davenport and Thomas "Tommy" Lee Gamble.

Ms. Carol L. Renn, City of Fruitland Park resident, referred to the century old Pine Ridge Dairy Road; recognized the need for sidewalks on the west side in the city limits, and relayed the following concerns that she has been addressing with Lake County:

- fully loaded heavy trucks, a company from Bellview, Sumter County, constantly travelling approximately a month from 6:30 a.m. to 4:30 p.m. to unload and load sand/dirt ten miles away;
- the trucks' deterioration of the roadway, pavements and hedges as a result,
- the inability for emergency vehicles to access whilst the trucks are on the road, and
- the recent destruction of her garbage can by one of the trucks.

After Ms. Renn indicated that she anticipates a visit from Lake County Sheriff's Office to her home on March 15, 2024 and addressed her plan to travel to Bellview for a replacement can, Chief Luce mentioned his intent to monitor the roadway for routes and safety and contact the trucks' company for more information.

Following further discussion, Mayor Cheshire reassured that staff would review the issue.

Mr. Steven "Steve" Girard Stivlosky, City of Leesburg resident, referred to his previous appearances before the city commission on the possible concept to include with the city's charter review the inclusion of personhood cities and pro-life history and distributed information on same; a copy of which is filed with the supplemental papers to the minutes of this meeting.

Ms. Christian Nelson, City of Leesburg resident, cited a verse from the bible on the word “fruit” and her opinion on the unborn child and believed that the process ought to be considered.

ACTION: 6:31:04 p.m. No action was taken.

9. COMMISSIONERS’ COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian was absent from this evening’s meeting.

ACTION: 6:50:24 p.m. No action was taken.

(b) Commissioner Bell

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

ACTION: 6:50:33 p.m. No action was taken.

(c) Commissioner Gunter

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

ACTION: 6:50:38 p.m. No action was taken.

(d) Vice Mayor DeGrave

Vice Mayor DeGrave was absent from this evening’s meeting.

ACTION: 6:50:24 p.m. No action was taken.

10. MAYOR’S COMMENTS

(a) Dates to Remember

Mayor Cheshire announced the following dates:

- March 22 and 23, 2024 (Fruitland Park Day) *Bulls and Broncs Rodeo*, Windy Acres Arena, 1350 Miller Boulevard, Fruitland Park, Florida 34731 at 5:00 p.m.;
- March 23, 2024, Fruitland Park Day, 506 West Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.;
- March 28, 2024, City Commission regular at 6:00 p.m. with Closed-Session to follow;

- April 10, 2024, *Reading Between the Wines*, Fruitland Park Library, 604 West Berckman Street, Fruitland Park, Florida 34731 at 4:00 p.m.;
- April 11, 2024, AARP Tax-Aide, Fruitland Park Library, 604 West Berckman Street, Fruitland Park, Florida 34731 at 9:00 a.m.;
- April 11, 2024, *Pieces of my Mind* Meet the Poet, Fruitland Park Library, 604 West Berckman Street, Fruitland Park, Florida 34731 at 2:00 p.m.;
- April 11, 2024, City Commission regular at 6:00 p.m.;

- April 12, 2024, *State of Elections*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at noon;
- April 13, 2024, Mommy and Son Mess, Northwest Lake Park Soccerfield, 300 Shiloh Street, Fruitland Park, Florida 34731 at 10:00 a.m.;
- April 24, 2024, Lake~Sumter Metropolitan Planning Organization Governing Board Meeting, 1300 Citizens Blvd., Suite 175, Leesburg, Florida 34748 at 2:00 p.m., and
- April 25, 2024, City Commission regular at 6:00 p.m.

ACTION: 6:50:42 p.m. No action was taken.

11. ADJOURNMENT

The meeting adjourned at 6:54 p.m.

The minutes were approved at the March 28, 2024 regular meeting.

Signed
Esther B. Coulson, City Clerk, MMC

Signed
Chris Cheshire, Mayor

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET (revised)
Item Number: 5

ITEM TITLE: Resolution 2024-016 National Pollutant Discharge Elimination System (NPDES) Program Coordination Contract Replacement – FY 2023-24

MEETING DATE: Thursday, March 28, 2024

DATE SUBMITTED: Thursday, March 21, 2024

SUBMITTED BY: city attorney/city manager/public works director

BRIEF NARRATIVE: **Resolution 2024-016** The new NPDES program coordination contract with Surface Water Professionals LLC. This contract replaces a current contract the city has with MaryAnn Kristovich who is the owner of Surface Water Professionals. There are no changes in this new contract and is simply replacing the existing contract out of her personal name and into her company name.

FUNDS BUDGETED: \$9,000.00 - 01538-30340 Stormwater Contractual

ATTACHMENTS: proposed resolution, addendum, NPDES existing and proposed contracts

RECOMMENDATION: Approval of new contract with Surface Water Professionals LLC and repeal existing contract with Mary Ann Kristovich.

ACTION: Adopt Resolution 2024-016

RESOLUTION 2024-016

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE AGREEMENT AND STATEMENT OF WORK CITY OF FRUITLAND PARK NPDES PROGRAM COORDINATION FISCAL YEAR 2023-2024 AND ADDENDUM THERETO BETWEEN THE CITY OF FRUITLAND PARK, FLORIDA AND SURFACE WATER PROFESSIONAL, LLC FOR A NOT TO EXCEED FEE OF \$9,000; AUTHORIZING EXECUTION OF THE AGREEMENT AND ADDENDUM; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park operates under a Phase II permit issued by the Florida Department of Environmental Protection; and

WHEREAS, the City must perform certain activities under the terms of the permit, and the City desires assistance in performing required activities; and

WHEREAS, the City Commission of the City of Fruitland Park desires to contract with Surface Water Professionals, LLC for fiscal year 2023-2024; and

WHEREAS, the City Commission desires to authorize the Mayor to execute the Agreement between the parties and the addendum; and

WHEREAS, has home rule authority to take any action in the furtherance of the interest of the City that is not in conflict with general law, and taking action authorized in this resolution is not in conflict.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Agreement and Statement of Work City of Fruitland Park NPDES Program Coordinantion Fiscal Year 2023-2024 and Addendum to Agreement and Statement of Work City of Fruitland Park NPDES Program Coordinantion Fiscal Year 2023-2024 effective October 1, 2023 between the City of Fruitland Park and Surface Water Professionals, LLC, **copies of which are attached hereto**, are approved.

Section 2. The City Commission authorizes the mayor to execute the Agreement and Addendum.

Section 3. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 28th day of March, 2024, by the City Commission of the City of Fruitland Park, Florida.

CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

SEAL

ATTEST:

ESTHER COULSON, CITY CLERK

Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor DeGrave	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Mobilian	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Approved as to form:

Anita Geraci-Carver, City Attorney

**ADDENDUM NO. 1 TO AGREEMENT AND STATEMENT OF WORK
CITY OF FRUITLAND PARK
NPDES PROGRAM COORDINATION
FISCAL YEAR 2023-2024**

This Addendum No. 1 supplements the Agreement and Statement of Work City of Fruitland Park NPDES Program Coordination Fiscal Year 2023-2024.

1. This Agreement shall be governed and construed in accordance with the laws of the State of Florida, without regard to its choice of law rules, and jurisdiction shall lie only in Lake County, Florida.
2. This Agreement, including any exhibits attached hereto, constitutes the entire and final Agreement and understanding of the parties as to the matters contained herein, and supersedes all prior agreements relating to the dealings of the parties. This Agreement shall not be altered, amended or modified except by a writing executed by the duly authorized agents of both the City and the Contractor.
3. Any failure of a party to enforce the party's rights under any provision of this Agreement shall not be construed or act as a waiver of said party's subsequent right to enforce any of the provisions contained herein.
4. The Contractor agrees to provide the services set forth herein commencing the Effective Date of this document or as mutually agreeable.
5. The prevailing party in any dispute under this Agreement, or any provision under this Agreement, shall be entitled to all reasonable costs and expenses and attorneys' fees, including trial and appellate and bankruptcy proceedings in connection with any litigation or arbitration, if mutually agree, or threat thereof, pertaining to the interpretation, obstruction or enforcement of this Agreement.
6. Any individuals signing on behalf of legal entities represents, by their signature, that they have the authority to bind that legal entity.
7. Public Records.
 - A. Contractor shall maintain public records required by City to perform the services.
 - B. Upon request from City's custodian of public records, Contractor shall provide City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provide in Chapter 119, Florida Statutes or as otherwise provided by Law.
 - C. Contractor shall ensure that records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if Contractor does not transfer the records to City.
 - D. Upon completion of this contract, the Contractor shall transfer, at no cost, to City all public records in possession of Contractor or keep and maintain public records required

by City to perform the service. If the Contractor transfers all public records to City upon completion of the contract, Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Contractor keeps and maintains public records upon completion of the contract, Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to City upon request from City's custodian of public records, in a format that is compatible with the information technology systems of City.

E. IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT ESTHER COULSON, CITY CLERK, 506 WEST BERCKMAN STREET, FRUITLAND PARK, FLORIDA 34731, (352) 360-6790, ECOULSON@FRUITLANDPARK.ORG:

8. Neither party shall be responsible for failure or delay of performance if caused by: an act of war, hostility, or sabotage; act of God; electrical, internet or telecommunication outage that is not caused by the obligated party; government restrictions; or other event outside the reasonable control of the obligated party. Both parties will use reasonable efforts to mitigate the effect of such an event.
9. Any notices provided by one party to the other party pursuant to this Agreement shall be in writing and deemed given on (i) the date delivered, if delivered personally, by facsimile or e-mail (or the next business day if delivered on a weekend, legal holiday or after 5:00 pm on a business day); or (ii) the business day after dispatch if sent by overnight courier; or (iii) the third business day after dispatch if sent by US Mail. All notices shall be addressed as follows:

IF TO CONTRACTOR:

Surface Water Professionals, LLC
Attn: Maryann Krisovitch, President
6701 Lake Kirkland Dr.
Clermont, Florida 34714

IF TO CITY:

City of Fruitland Park
Attn: City Manager
506 West Berckman St.
Fruitland Park, Florida 34731

10. Contractor agrees that it will not discriminate against any employee or applicant for employment for work under this Agreement because of race, color, religion, sex, age or national origin and will take affirmative steps to ensure that applicants and employees are treated without regard to race, color, religion, sex, age or national origin. This provision

shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment, advertising; layoff or termination; rates of pay or their forms of compensation; and selection for training, including apprenticeship.

11. Contractor warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for Contractor to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, gift, or other communication contingent upon or resulting from the award or making of this Agreement. For the breach or violation of this provision, the City shall have the right to terminate the Agreement without liability, and, at its discretion, to deduct from the contract prices, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration in accordance with F.S. 287.055(6)(a).
12. This Agreement is subject to Chapter 112, Florida Statutes (2023), and Contractor shall disclose the name of any officer, director, employee, or other agent who is also an employee of the City. The Contractor shall also disclose the name of any City of Fruitland Park employee who owns, directly or indirectly, more than a five percent (5%) interest in the Contractor's, or its affiliates, business entity.
13. Effective January 1, 2021, public and private employers, contractors and subcontractors must require registration with, and use of the E-Verify system in order to verify the work authorization status of all newly hired employees. Contractor acknowledges and agrees to utilize the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of:
 - a) All persons employed by Contractor to perform employment duties within Florida during the term of the contract; and
 - b) All persons (including subvendors/subconsultants/subcontractors) assigned by Contractor to perform work pursuant to the contract with the City. The Contractor acknowledges and agrees that use of the U.S. Department of Homeland Security's E-Verify System during the term of the contract is a condition of the contract with the City.

By entering into this Agreement, the Contractor becomes obligated to comply with the provisions of Section 448.095 Florida Statutes, "Employee Eligibility," as amended from time to time. This includes, but is not limited to, utilization of the E-Verify System to verify the work authorization status of all newly hired employees, and requiring all subcontractors to provide an affidavit to Contractor attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. Contractor agrees to maintain a copy of such affidavit for the duration of this Agreement. Failure to comply with this paragraph will result in the termination of this Agreement as provided in Section 448.095, Florida Statutes, as amended, and Contractor may not be awarded a public contract for at least one (1) year after the date on which the Agreement was terminated. Contractor will also be liable for any additional costs to City incurred as a result of the termination of this Agreement in accordance with this Section.

14. Contractor hereby certifies that it: a) has not been placed on the Scrutinized Companies that Boycott Israel List, nor is engaged in a boycott of Israel; b) has not been placed on the Scrutinized Companies with Activities in Sudan List nor the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; and c) has not been engaged in business operations in Cuba or Syria. If City determines that Contractor has falsely certified facts under this paragraph or if Contractor is found to have been placed on the Scrutinized Companies Lists or is engaged in a boycott of Israel after the execution of this Agreement, City will have all rights and remedies to terminate this Agreement consistent with Section 287.135, Florida Statutes, as amended. The City reserves all rights to waive the certifications required by this paragraph on a case-by-case exemption basis pursuant to Section 287.135, Florida Statutes, as amended. See Sections 287.135 and 215.473, Florida Statutes.
15. Pursuant to Section 287.133(2)(a), Florida Statutes, as amended from time to time, Contractor hereby certifies that neither it nor its affiliates have been placed on the convicted vendor list following a conviction for a public entity crime. If placed on that list, Contractor must notify the City immediately and is prohibited from providing any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or Contractor under a contract with any public entity; and, may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 Florida Statutes, as amended from time to time, for Category Two (\$35,000) as may be amended, for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.
16. A person or an affiliate who has been placed on the antitrust violator vendor list following a conviction or being held civilly liable for an antitrust violation may not submit a bid, proposal, or reply for any new contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply for a new contract with a public entity for the construction or repair of a public building or public work; may not submit a bid, proposal, or reply on new leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or Contractor under a new contract with a public entity; and may not transact new business with a public entity. §287.137(2)(a) – (3)(a), Florida Statutes. Contractor has a continuing duty to disclose to the City if the Contractor or any of its affiliates are placed on the Antitrust Violator Vendor List.
17. Effective Date. This Agreement shall be effective as of October 1, 2023.

SIGNATURE PAGE FOLLOWING

*Agreement and Statement of Work
City of Fruitland Park
NPDES Program Coordination
Fiscal Year 2023-2024*

CITY OF FRUITLAND PARK, FLORIDA

By: Chris Cheshire, Mayor

Attest:

Esther Coulson, City Clerk

Date

SURFACE WATER PROFESSIONALS, LLC,
A Florida limited liability company,

Maryann Krisovitch, President

Date

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 6a**

ITEM TITLE: CITY MANAGER’S REPORT

MEETING DATE: Thursday, March 28, 2024

DATE SUBMITTED: Tuesday, March 19, 2024

SUBMITTED BY: City Manager

BRIEF NARRATIVE: City Manager’s Report

- i. Economic Development Status Update
- ii. Commercial Developments Permits Issued Status Update
- iii. Storm Debris – Lake County Interlocal Agreement
Collection of storm debris from streets and right-of-way.

FUNDS BUDGETED: None

ATTACHMENTS:

RECOMMENDATION:

ACTION: None

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 8

ITEM TITLE: Public Comments

MEETING DATE: Thursday, March 28, 2024

DATE SUBMITTED: Monday, March 18, 2024

SUBMITTED BY: City Clerk

BRIEF NARRATIVE: **Item Description:** This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the city commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the city commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

FUNDS BUDGETED: None

ATTACHMENTS:

RECOMMENDATION: None

ACTION: None