APPROVED: 12/2/2021

MINUTES
Regular City Commission Meeting
6:00 PM - Thursday, November 4, 2021 - City Hall

INVOCATION: PASTOR RENEE HILL, W.I.N. 1 MINISTRIES

PLEDGE OF ALLEGIANCE: VICE MAYOR LEE

CALL TO ORDER: 6:03 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Vice Mayor Emily Lee, Commissioner Karen LeHeup-Smith, Commissioner Nan Cobb, Commissioner Willie Hawkins and Mayor Michael Holland

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

2.1 September 23, 2021 - Regular City Commission Meeting
October 7, 2021 - Regular City Commission Meeting

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve the Minutes as submitted. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

3. PRESENTATIONS

3.1 Quarterly update on housing rehabilitation program by Lake Community Action Agency (LCAA)

Michael Roberson, LCAA, provided a report on the status of the housing rehabilitation program stating they are still having challenges with the delay in receiving materials. He provided a written report showing 16 applications had been received with two currently under construction and four having been completed. He indicated the majority of the homes are needing roof repairs. He reported they have expended $48,063.54 on the program. He added that some additional invoices would be submitted to the City the following Monday totaling $21,093.40 for an overall total of $69,156.81 as of Monday.

The Commission asked about the two properties with significant structural problems with Mr. Roberson stating they were not going to do those as the issues are beyond the scope of the program.

Commissioner Hawkins noted he is on the LCAA Board and reported that he had requested a list of homes in the program indicating he never received it with Mr. Roberson stating he had sent it twice to Mr. Hawkins City email.

The Commission expressed concern regarding the following issues: 1) Total expenses to date; 2) Why some of the homes still have not been inspected; 3) Status of some of the homes as indicated in the report; and 4) The amount of the administrative fee.

Commissioner Hawkins indicated he would like to meet with all of the property owners for the completed homes and asked Mr. Roberson to set that up. He asked the Commission to put a hold on the rest of the program until that is done.

Mr. Roberson noted they are in the middle of construction on 603 Cricket Hollow and 716 N. Kensington so they can't stop with those.

The Commission confirmed that the addresses on the list were applications received prior to the City directing them to not accept any further applications.

Mayor Holland asked Commissioner Hawkins to meet with the completed homeowners, inspect those homes and review the additional applications.

Mr. Roberson indicated he would get the meetings scheduled. He commented on how highly their program is ranked in the State of Florida. He added that a lot of things got delayed because of Covid 19 and state regulations.

Tom Carrino, Acting City Manager, explained the administrative fees under the contract.

The Commission confirmed two additional addresses will be removed since they did not respond after their second and final notices.

Discussion was held regarding the email issue and the Commission requested that the list of homes be updated to remove the closed cases.

4. AUDIENCE TO BE HEARD

4.1 Mayor Holland explained that speakers on agenda items would be limited to three minutes. He asked that audience members refrain from cheering, yelling or clapping and indicated that individuals could be removed from the chamber if necessary.

Cindy Newton addressed the Commission regarding trees removed from the Bates Subdivision and commented on how the remaining trees have been compromised. She further commented on the affects that may occur from the proposed comprehensive plan changes.

Nayana Patel read a prepared statement to the Commission regarding the Colonial Inn Motel and thanked the City and Police Department for their patience with her father and the situation at the motel. She cited their willingness to try and negotiate an end to the foreclosure lawsuit and assured the Commission she would be assuming responsibility for the motel along with her brother and sister-in-law. She explained what they have undertaken so far and the progress they have made.

Mayor Holland informed Ms. Patel that the City Attorney would be addressing the Commission at the end of the meeting regarding that issue and she was welcome to stay and hear what is said.

Dee Bretzler announced that there is free Covid testing available at the fairgrounds.

Daniel DiVenanzo asked if the Commission likes the new clock and they confirmed they did.

Roe Balindo thanked the City for all of the changes that have been made.

5. CONSENT AGENDA

5.1 Resolution Number 21-86: Approval of purchase in excess of $50,000 for information technology consulting services with Verteks Consulting, Inc.

5.2 Resolution Number 21-88: Approval of annual purchases in excess of $50,000

Moved by Vice Mayor Lee, seconded by Commissioner Hawkins, to approve the Consent Agenda as submitted. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

6.1 Resolution Number 21-77: Amending Personnel Rules and Regulations to add Emergency Paid Sick Leave and Personal Holiday

Derek Schroth, City Attorney, announced Resolution Number 21-77: A Resolution by the City Commission of the City of Eustis, Lake County, Florida; amending the Personnel Rules and Regulations of the City of Eustis Section 6.06 Holidays and 6.09 Emergency Paid Sick Leave.

Bill Howe, Human Resources Director, explained they are proposing to re-implement the emergency paid sick leave program stating the various other cities and county that have re-instituted that program. He cited the number of employees that have suffered from Covid 19 in 2021. He then stated they are also recommending the addition of a personal day for employees. He indicated the number of other cities that offer personal days.

Mr. Schroth opened the public hearing at 6:35 p.m. There being no public comment, the hearing was closed at 6:35 p.m.

Moved by Commissioner Hawkins, seconded by Vice Mayor Lee, to approve Resolution Number 21-77. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

6.2 Resolution Number 21-85: Site Plan with Waivers for a Convenience Store with Gas at 36536 South Fish Camp Road

Mr. Schroth announced Resolution Number 21-85: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan with waivers for a 4,992 square foot convenience store with gas on approximately +/- 2.47 acres located at 36536 South Fish Camp Road.

Heather Croney, Senior Planner, reviewed the proposed site plan and the related waivers for a convenience store with gas station to be located at 36536 South Fish Camp Road. She indicated that the convenience store with gas station is permitted by right under the land use designation. She explained it is only coming before the Commission for consideration of the waivers requested. She explained they are requesting waivers to the lot width and size, front setback, frontage buildout percentage and landscape buffer width. She explained the reason for the request for the waivers noting that it is a redevelopment of the site. She presented a map of the site, reviewed the surrounding land use designations and explained what is permitted under the Mixed Commercial Residential designation. She cited the surrounding Lake County designations as well.

Ms. Croney then reviewed more indepth the requested waivers as follows: 1) Increase in the maximum lot width from 300 feet to 350 feet; 2) Increase in maximum lot size from 90,000 sq.ft. to 95,522 sq. ft. She noted that the City does not have a design district that specifically considers the requirements for gas stations. 3) Increase in both street setbacks from a maximum of 75 feet to 131 feet on CR 44 and 103 feet on Fish Camp Road. 4) Reduction in minimum frontage buildout percentage from 50% to 26% and 21%; and 5) Reduction in the landscape buffer from 15 ft. to 10 ft. along CR 44. She stated they are donating right-of-way to the County as well. She noted the stormwater pond would also be landscaped.

Ms. Croney confirmed the notifications, reported that the City received approximately 50 emails as of 4 p.m. expressing opposition, and stated staff's recommendation for approval. She indicated the applicant was present to answer any questions.

Mr. Schroth opened the public hearing at 6:45 p.m.

The following individuals addressed the Commission to either express opposition or concerns primarily regarding parking, noise, fuel tanks and their possible effect on wells, whether or not there would be a wall to reduce sound; whether or not they would be on sewer, loitering, how close other convenience stores are, possible increase in crime, effect on property values, preservation of the existing small businesses, speeding by existing traffic, need for sidewalks and speed tables on Fish Camp Road, what studies have been done such as feasibility and environmental studies, the number of waivers requested, why they are not being required to tie in to the sewer system, issues with runoff, the amount of time the existing businesses may be given to vacate, drug addicts frequenting the nearby Sunoco, number of accidents occurring in that area, and the size of the landscape buffer: 1) Joseph Pello; 2) Janie Uglione; 3) Bonnie Brobst; 4) Mary Alderton; 5) Bonnie Garbarini; 6) Dawn Luciano; 7) Jim Picking; 8) Michael Hesson; 9) Patricia Sword; 10) Dewana McAfee; 11) David Steele; 12) Sarah Sebree; 13) Ann

Deatherage; 14) David Williams; 15) Kathleen Farrugia Gable (owner of A Wish or Two Ago bakery); 16) Antonio Gonzalez; 17) Charles Carnes (works at bakery); 18) Leah Norris; 19) Steve Waters; 20) Jeff Baron; 21) Beth Chambers; 22) Charlene Kirchman; 23) Nancy Eckle; 24) Lori Blake; 25) Rose Schneiderman; and 26) Adam Sumner.

Ms. Eckle questioned the land use designation stating the Property Appraiser shows the property as agricultural. She asked about improvements to CR 44 to address the traffic concerns.

Mr. Sumner requested that, if approved, they require the installation of a turn lane at time of construction and that they plant trees to help improve the buffer.

Herb Green, CadJazz Engineering, stated they submitted a traffic statement and analysis to both the City and County. He stated they would not be generating any additional traffic since they are not a destination business. He explained they are donating the right-of-way for turn lanes but they do not trip the requirement for a turn lane. He noted the other gas station wasn't required to do anything. He indicated they are increasing the right-of-way width and installing sidewalk on Fish Camp. He cited the additional right-of-way they are also providing on CR 44. He stated they would also be providing additional drainage. He acknowledged they are installing septic but 2600 feet would be excessive for only two bathrooms. He indicated there are existing septic systems on the site but they would be moving the septic away from the residences. He added they would also be utilizing a well. He explained the difficulty in providing a canopy for the gas pumps under City code.

There being no further public comment, the hearing was closed at 7:47 p.m.

The Commission asked about installation of a wall with Mr. Green indicating they could probably install a pvc fence in addition to the landscape buffer. He explained the enhancement of the rear buffer.

The Commission asked why the businesses are being given such a short time to vacate with Butch Blanchard, attorney for Asbury College, responding that the property has been for sale for ten years. He explained that the college has a problem in that they don't want to notify them to vacate unless the project is approved.

The Commission suggested giving them 90 days from the date of closure with Mr. Blanchard explaining that it will be the determination of the buyer at that point, not them.

The Commission asked Mr. Blanchard if he could communicate with the college about allowing them 90 days with Mr. Blanchard explaining that the closing is scheduled for less than 90 days. He noted that both businesses are on a month-to-month basis and don't have a lease.

Chris DeRoches, representing the buyer, stated he could be flexible on closing. He indicated they are the college's tenants, not his. He stated he could push the closing out 30 days and close in January instead of December.

The Commission asked if the County indicated when they might put in the turn lanes with Mr. Green indicating they did not but they were very happy to have the extra right-of-way which gives them flexibility.

The Commission asked for additional information regarding the septic with Mr. Green explaining that they only will need a septic for two bathrooms and he is moving the drain field away from the residents. He indicated they would connect to City sewer when it is available.

The Commission asked why they are not connecting to City sewer with Lori Barnes, Development Services Director, explaining that Florida statutes provide that sewer is not deemed available unless it is right at the property line if the septic load is less than 1,000 gallons per day; therefore, the City cannot mandate connection.

The Commission questioned what would constitute an "undue burden" with Rick Gierok, Public Works Director, indicating the cost to run sewer 2600 feet would be about $45 per foot. He noted that if the sewer is extended anyone adjoining would have to tie in as well. He said there is not sufficient demand to justify extension at this time.

The Commission expressed support for the installation of the pvc fence to prevent car lights from going into the homes. Comments were made regarding personal property rights and expressing support for both businesses to relocate within the City.

The Commission asked why the City allows waivers with Commissioner LeHeup-Smith explaining the City does not have a gas station lot typology and there are requirements they have that the code does not address.

The Commission thanked the audience for their comments and the respect they have shown to everyone and how they presented their comments. They offered support to the businesses to help them relocate.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to approve Resolution Number 21-85. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

Nays: Commissioner Hawkins

6.3 Resolution Number 21-87: Increasing rental rates for City facilities

Recess: 8:07 p.m. Reconvene: 8:12 p.m.

Mayor Holland confirmed the Commission wanted to continue since they were at two hours.

Mr. Schroth announced Resolution Number 21-87: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; adopting new facility rental fees; setting an effective date.

Craig Dolan, Parks and Recreation Director, explained the need to increase the facility rental fees in order to better cover the City's cost for maintenance and operations. He noted that the last time the rates were increased was in 2013 and they were increased by $5 at that time. He stated the City's rates are significantly lower than surrounding cities. He confirmed that the rates would not increase until January and would only apply to new rentals not already booked rentals.

Mr. Schroth opened the public hearing at 8:15 p.m.

Darius Kerrison asked about doing some upgrades at the Community Building such as the sound system.

Mr. Dolan confirmed they are looking to upgrade the equipment.

There being no further public comment, the hearing was closed at 8:17 p.m.

Moved by Commissioner Hawkins, seconded by Vice Mayor Lee, to approve Resolution Number 21-87. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

6.4 <u>Second Reading of Ordinances for Property Located at 1704 Virginia Avenue:</u>
<u>Ordinance Number 21-30 - Voluntary Annexation</u>
<u>Ordinance Number 21-31 - Comprehensive Plan Amendment</u>
<u>Ordinance Number 21-32 - Design District Assignment</u>

Mr. Schroth read Ordinance Number 21-30 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 0.06 acres of real property at 1704 Virginia Avenue.

Mr. Schroth opened the public hearing at 8:17 p.m. There being no public comment, the hearing was closed at 8:17 p.m.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to adopt Ordinance Number 21-30 on final reading. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

6.5 <u>Ordinance Number 21-31 - Comprehensive Plan Amendment - 1704 Virginia Avenue</u>

Mr. Schroth read Ordinance Number 21-31 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3187 F.S.; changing the future land use designation of approximately 0.06 acres of recently annexed real property at 1704 Virginia Avenue from Urban Medium in Lake County to Urban Residential in the City of Eustis.

Mr. Schroth opened the public hearing at 8:18 p.m. There being no public comment, the hearing was closed at 8:18 p.m.

Moved by Commissioner Hawkins, seconded by Vice Mayor Lee, to adopt Ordinance Number 21-31 on final reading. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

6.6 Ordinance Number 21-32 - Design District Assignment - 1704 Virginia Avenue

Mr. Schroth read Ordinance Number 21-32 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood design district designation to approximately 0.06 acres of real property at 1704 Virginia Avenue.

Mr. Schroth opened the public hearing at 8:19 p.m. There being no public comment, the hearing was closed at 8:19 p.m.

Moved by Commissioner Hawkins, seconded by Vice Mayor Lee, to adopt Ordinance Number 21-32 on final reading. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

6.7 Ordinance Number 21-33: Amending Chapter 70, Pensions and Retirement, Article IV, Municipal Police Officers' Pension and Retirement System

Mr. Schroth read Ordinance Number 21-33 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending and restating Chapter 70, Pensions and Retirement, Article IV, Municipal Police Officers' Pension and Retirement System, Sections 70-102, 70-108 and 70-112, inclusive, of the Code of Ordinances of the City of Eustis; restating a "local law" pension plan for police officers to be known as the City of Eustis Municipal Police Officers' Pension and Retirement System; providing for codification; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

Mike Sheppard, Finance Director, explained the history of the proposed changes to Chapter 70 pertaining to the Municipal Police Officers' Pension and Retirement System. He further explained that following first reading, the actuarial statement and ordinance would be sent to the state for review with second reading to occur at the second meeting in December. He then reviewed the proposed changes stating it would benefit both the members and the City. He explained that any members hired after April 16, 2020, when the 2020 collective bargaining agreement was ratified, would not receive a COLA increase each year but current officers would continue to get a 3% COLA increase.

Mr. Schroth opened the public hearing at 8:23 p.m. There being no public comment, the hearing was closed at 8:23 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to approve Ordinance Number 21-33 on first reading. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

7. OTHER BUSINESS

7.1 Consideration of Organization and Support Grants for FY2021-2022

Mike Sheppard, Finance Director, reviewed the proposed Organization and Support Grants for FY2021-2022. He stated there were nine new applicants for a total of 16 and cited the increase in the total amount requested. He explained the City budgets $30,000 annually for grants and reviewed the grant award process. He provided an overview of the requests and stated the criteria the review committee used to evaluate the applications. He provided a list of changes the committee is recommending for the process as follows: 1) Funding will be on a reimbursement basis for any organization capable of handling its expenses; 2) Applicants will be required to include a list of specific expenditures paid for with the City's grant for any future funding requests; and 3) Smaller organizations may request funding prior to funds being expended.

Mr. Sheppard then reviewed the committee's recommendations for award. He noted that Lake Cares received funding the previous year outside of the normal grant process but had applied this year for a grant.

The Commission requested that financial statements be required with Mr. Carrino noting that all applicants do submit some type of financials. It was requested that those financials be provided to the Commissioners.

Commissioner Hawkins asked for the City to provide some grant funds that individual Commissioners would be able to award.

Commissioner LeHeup-Smith responded that those organizations should be encouraged to apply for the City's grant funding.

Discussion was held regarding requiring a report after-the-fact on the use of the funds with Mr. Carrino explaining that is one of the requirements recommended by the Review Committee.

Discussion was held regarding reallocating some of the funds with Mr. Sheppard noting there was a 75% increase in applications so each organization received less funding.

Discussion was held regarding the Amazing Race with a representative of the organization stating they have provided funds to Lake Cares and Trout Lake Nature Center.

Discussion was held regarding changing the requirements for next year and possibly increasing funding.

CONSENSUS: It was a consensus of the Commission for staff to move forward with the awards as recommended.

7.2 Discussion regarding amendments to Section 110 of the Land Development Regulations - Portable Storage Units/Long-Term Storage Containers

Lori Barnes, Development Services Director, stated staff is looking for direction from the Commission on how to amend Section 110 of the LDR's pertaining to the portable storage and long-term storage containers. She cited two additional containers that were discovered by staff since the last presentation. She provided photographs of additional nonconforming containers placed after the ordinance. She indicated that the Prime Plumbing containers would soon be compliant due to construction of a wall to screen them.

Ms. Barnes then recommended changing the designations to short-term, mid-term and long-term. She further recommended that noncompliant containers be given six months to be removed and cited the amount of storage units available in the City and the ability of the property owners to construct a storage building or install appropriate screening. She then reviewed the criteria suggested for each type of storage as follows: 1) Short term would be allowed for 30 days one time per year for either residential or nonresidential property; 2) Mid-term would apply on active construction sites and could remain as long as a permit is active and construction is ongoing; and 3) Long term storage containers could be placed on General Industrial, Mixed Commercial/Industrial and Agricultural with screening requirements including a wall of sufficient height and opacity to fully screen them from the public right-of-way and could be approved on the staff level; and 4) Long term storage without screening would require a Conditional Use Permit and approval by the Commission. The Commission could impose specific conditions based on the specific site characteristics and what they feel is appropriate.

Ms. Barnes explained that maximum fencing height is six feet; however, the storage containers are typically eight feet therefore the fencing may be insufficient to screen the containers. She stated that staff is recommending that DRC be allowed to approve alternative screening as long as they are not visible from the public right-of-way or an adjacent property. She emphasized that the containers are not aesthetically pleasing and should be screened from view by the public.

Ms. Barnes then reviewed the maintenance requirements stating those would remain in place; however, if the containers are properly screened the City may not be able to see if they are not maintained. She noted they also are required to be locked and that no hazardous materials are stored within the containers. She cited one instance in the City where nothing has been stored in the boxes for a number of years and they are not locked causing a safety hazard. She commented that the no hazardous materials requirement was probably included to protect the City from liability.

Ms. Barnes then cited other regulations to be considered: 1) Metal buildings are prohibited except on industrial lot types; 2) Building architectural standards are required for all nonresidential construction; and 3) City now permits accessory structures such as a shed for nonresidential lot typologies. She commented on the use of conditional use permits noting that the current application fee is $800. She explained that the code is designed to provide the City with an aesthetically pleasing, livable environment so they only want serious applicants to apply.

CONSENSUS: It was a consensus of the Commission for staff to bring back an ordinance as recommended.

8. FUTURE AGENDA ITEMS

8.1 Commissioner Cobb commented on the heavy traffic through town such as trucks that are not going to stop in town. She asked for discussion on how the City can encourage that type of traffic to use the bypass.

9. COMMENTS

9.1 City Commission

Commissioner LeHeup-Smith wished Stephanie Carder a happy birthday.

Commissioner Cobb commented on how great VetFest was. She cited the "Soup for Good" fundraiser that Lifestream usually holds and announced they will hold the next one on Feb. 2, 2022.

Commissioner Hawkins reported on a meeting he attended with Chief Capri and Chief Swanson. He stated they are working on doing a community outreach with the area group homes at the Community Building on December 1st with police and fire. He invited the rest of the Commission to attend. He then reported on a visit they had with the ROTC at the high school. He stated they would like to become more involved with the City. He then reported that the football game for Tyler would be January 9th and stated it would also be a fundraiser for Runway to Hope. He expressed support for slowing down the search for a new City Manager. He stated his desire to give Tom Carrino the opportunity to prove himself rather than going through an expensive search.

Discussion was held regarding whether or not to move forward with the executive search as well as the need for the City to seek an assistant Economic Development Director if they hold off on the City Manager search.

Discussion was also held regarding compensation with agreement to discuss further at the next Commission meeting along with how to get him some help.

Commissioner Hawkins asked for further clarification of Map #19 by the City Attorney.

Mr. Schroth reported that he spoke with Melanie Marsh, County Attorney, the day after the last meeting and confirmed that there is a JPA in place with a map attached so removing Map #19 would not eliminate the City's JPA.

CONSENSUS: It was a consensus for him to discuss it at the next Commission meeting.

Commissioner Cobb complimented the Public Works staff for the cleanup after the VetFest.

Vice Mayor Lee thanked everyone for helping her mom celebrate her birthday.

9.2 City Manager

Mr. Carrino announced that all City offices would be closed for Veterans' Day and there would be a service in Ferran Park that day. He stated the Employee Appreciation BBQ would be November 9th at the Community Building at 11:15 a.m. He asked about scheduling the first CRA Review Committee meeting. He asked the Commission to check their calendars for Thursday, December 9th at 5 p.m. He indicated he would check with all the appointees.

Mr. Carrino then reminded the Commission about the need to ask the State for an extension of the approval period for the Thrill Hill area annexations and future land use amendments. He indicated it would be on the next Commission agenda for discussion. He also reported that staff is continuing to research the viability of hiring or contracting for a grantwriter and would be bringing something back to the Commission in the future.

9.3 City Attorney

Mr. Schroth reported on the Colonial Inn Motel foreclosure case and stated they have filed an extension to allow more time for them to respond. He indicated that they currently owe $104,500 in fines which continue to accrue at $250 per day. He stated that the Commission has total discretion in settling a lawsuit and indicated that currently it will probably take nine to twelve months for the foreclosure sale to be held. He commented on the number of code violations and noted the offer submitted to the Commission by Ms. Patel.

The Commission discussed the situation with the motel noting Ms. Patel's presentation to the Commission with Commissioner Hawkins expressing support for giving them some time to make the improvements. He commented on the owner's behavior during the Code Enforcement hearings.

Ms. Patel stated that everything that needs to be done can be done within six months, except for the windows. She indicated that she has been told it will take six to eight months to get the windows delivered. She indicated they are putting in all new windows. She asked if the rear windows could be blocked off.

Ms. Barnes recommended that the Patels have the property inspected by a professional inspector to make recommendations on what needs to be fixed; otherwise the building, fire and code enforcement departments would need to inspect. She cited the following items as not being addressed in Ms. Patel's letter: 1) Issues with the air conditioning units condensating inside the walls where there is electric; 2) Interconnected fire alarm system so the occupants cannot remove batteries from the fire alarms and the office would be notified if they were tampered with; and 3) Plumbing issues that need to be addressed. She explained that in order to close off the rear windows, the City would need to receive a life safety plan prepared by an architect and if they determine per the code that they have adequate egress to insure life safety, then the City could issue a permit for that.

The Commission questioned who would be managing the motel with Ms. Patel responding that her mother and father would continue to live there as it is their only residence. She stated that her brother and sister-in-law would be managing the motel.

The Commission asked for Ms. Patel's brother to come before the Commission at the November 18th meeting with Ms. Patel agreeing. They confirmed that her brother is aware of the severity of the situation.

Mr. Schroth recommended that they direct him to stop the foreclosure proceeding until they speak with her brother.

CONSENSUS: It was a consensus of the Commission for the City Attorney to put the foreclosure proceeding on hold indefinitely.

9.4 Mayor

Mayor Holland announced that Light Up would be November 26th and complimented staff on VetFest.

10. ADJOURNMENT: 9:35 P.M.

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording or verbatim transcript of the meeting can be obtained from the office of the City Clerk for a fee.*

Mary C. Montez

MARY C. MONTEZ
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner