APPROVED: 8/5/2021

MINUTES
Regular City Commission Meeting

6:00 PM - Thursday, July 15, 2021 – Community Building
601 Northshore Drive

INVOCATION: REV. SKOTT JENSEN, EUSTIS FIRST ASSEMBLY OF GOD

PLEDGE OF ALLEGIANCE: COMMISSIONER LEHEUP-SMITH

CALL TO ORDER: 6:12 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

Mayor Holland announced that agenda items 6.1 and 6.2 would need to be postponed to the date certain of October 7th due to the new state statute requiring addition of a property rights element to the comprehensive plan. He asked for a motion on the continuance of the items.

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to continue agenda items 6.1 and 6.2 to the October 7th meeting. Motion carried by the following votes:

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

2. APPROVAL OF MINUTES

2.1 July 1, 2021 - Regular City Commission Meeting

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

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

3. PRESENTATIONS

3.1 Acceptance of Capital Improvement Plan (CIP) FY2022-2026

Mike Sheppard, Finance Director, reviewed the proposed Capital Improvement Plan for FY2022 - 2026. He explained how the projects are prioritized noting that only projects expected to cost $25,000 or greater are included in the plan. He further explained they also consider the financing for the projects. He reviewed some of the major projects as follows: 1) Holding pond improvements and 2) the

Eastern Wastewater Treatment Plant expansion. He noted a major project not on the list is expansion of the primary wastewater plant which will require financing. He then reviewed the funding sources for the capital projects including the additional 1% sales tax. He provided an overview of the anticipated revenues over the next five years and planned expenditures. He then commented on the Stormwater Fund stating those fees have not be increased since the mid 2000's. He stated the possibility that the Fund will have a negative balance in the end and reviewed what expenditures are funded by those fees. He reviewed the Water & Sewer Fund revenues and expenditures. He then explained the next step is for the Commission to accept the CIP and then, later in the meeting, they will consider the update to the Capital Improvement Element to the Comprehensive Plan.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to approve the CIP as submitted. Motion carried by the following votes:

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

4. AUDIENCE TO BE HEARD

4.1 Tim Totten, Amazing Race for Charity, noted their inability to hold the event in 2020 due to Covid-19 but funds were distributed from the donations. They were able to hold the actual event in 2021. He reported they just distributed $32,000 to the various charities. He explained the criteria for a charity to be included. He cited their primary sponsors - Advent Health and City of Eustis. He reported they have over 100 teams signed up for the 2022 event which will be held the first weekend in April.

Gail Isaac Thomas asked who needs to be notified in order to use the City park with Mr. Neibert responding the Parks & Recreation Director.

Darius Kerrison introduced himself and noted their upcoming comedy show on Sept. 11th which will be their 6th anniversary.

Yolanda Taylor explained she was directed to contact the Police Department and was required to submit an event application in order to use Palmetto Park. She expressed concern regarding the public not getting complete information. She then commented on her family business (Generations at 113 Kensington) that has been on Kensington Street for 25 years. She expressed concern that some businesses are not able to get beautification funds due to their locations.

Mr. Neibert explained that the Parks & Recreation Department rents the facility or park. If the size of the event is large, then they are directed to the Police Department to complete a special event application.

David Serdar addressed the Commission with various comments noting how he assists people in running for office.

George Doerfler addressed the Commission explaining that he is with Doerfler Manufacturing that manufactures soap products. He commented on their efforts to combine all of their divisions into one facility to be located at Cobb Commerce Park. He stated they will be asking the Commission for permission to build their facility.

George Asbate addressed the Commission regarding the previously approved ordinance regarding Conex boxes. He stated he had requested a waiver and expressed concern regarding how difficult the process is to obtain that waiver. He also stated that his property has now been forwarded to Code Enforcement. He explained that the property in question is the former Lake Mechanical property. He commented on the benefits to utilization of Conex boxes noting they are behind a fence with naturally growing vines partially hiding the boxes. He stated they are not visible from the gateway of Bay Street. He explained the boxes are being paid for by a donor and he is allowing the Conex boxes to be placed on his property for storage of donation items for the Mount Dora Children's Home. He indicated the Home currently operates with a negative balance of $200,000.

The Commission questioned the waiver process with Mr. Neibert explaining that he has two options. He can ask for an administrative waiver or a site plan review approval. He further explained that current code requires Conex boxes to be blocked by a concrete or block wall. It does allow for someone to apply for a waiver.

The Commission questioned the amount of paperwork the City requires for different things such as the park application with Commissioner LeHeup-Smith noting she has completed the event application and it is very simple.

Discussion was held regarding how long it takes to process things with Commissioner LeHeup-Smith offering to help someone complete the event application. Further discussion was held regarding Code Enforcement and City processes.

Mr. Neibert indicated that if the Commission wishes to amend the regulations regarding Conex boxes they have the purview to do so.

The Commission asked about the process with Lori Barnes, Development Services Director, explaining the applicant has two options: 1) Site plan approval with a waiver; or 2) a variance. She explained that staff is actively making an inventory of the Conex boxes within the City, their condition and whether or not they predate the ordinance. She further explained that the documents provided to Mr. Asbate included information on both types of processes and the applicable ordinance information. She reviewed the specifics of both processes. She noted that she also provided information regarding the fee waiver request due to an economic hardship. She stated she is perfectly happy to assist people where she feels she has the authority; however, the boxes in question are visible from the right-of-way.

Discussion was held regarding affiliated costs for a site plan review and the fees involved.

The Commission requested that the issue be brought back at the next Commission meeting. It was also requested that code enforcement also be brought back for discussion.

It was a consensus to have the issues added to the next workshop.

Ms. Barnes further explained the situation with Mr. Asbate noting that it came up prior to the ordinance amendment.

Mr. Neibert confirmed that staff would hold off on any enforcement actions on Conex boxes until the Commission meets and discusses.

Mr. Asbate commented on the previous Code Enforcement meeting and an issue that arose between the Code Enforcement Supervisor and a code violation defendant.

Mayor Holland asked the City Clerk to provide to the Commissioners a copy of the recording from the Code Enforcement meeting and the minutes.

Mike Cliburn, Friends of the Wekiwa River, addressed the Commission to express concern regarding proposed amendments to the comprehensive plan regarding high recharge areas.

5. CONSENT AGENDA

5.1 Mayor Holland asked if the Apiary development requested City sewer with Ms. Barnes explaining that sewer is not currently available at that location. The property is further away than the distance that mandates connection. She added that the County has approved the use of septic tanks for the development.

Mr. Neibert added that the County approved the development at 2.5 units per acre with septic tanks.

Commissioner Hawkins asked if 1704 Virginia Avenue was advertised for sale with Ms. Barnes explaining that there is a long history with that property. She explained the County obtained the property through tax escheatment and donated it to the City. There is an unsafe structure on the site that needs to be demolished which will cost the City approximately $15,000 to demolish due to the state requirement for asbestos surveys. She noted a previous agreement with the adjoining property owner which was approved by the Commission for the buyer to purchase the site in exchange for demolishing the structure; however, they ran into problems. She indicated it has been on the surplus list; however, no additional inquiries were obtained until the relative of the deceased former owner approached the City. She opined that the City would not see a return on investment if it demolishes the structure and then sells the land. She also explained that the property is buildable but is only 33 feet wide which does not provide the opportunity for a standard size home.

Mr. Neibert explained it would require $15,000 to demolish the building and the City would not be able to sell it for that and would receive no bids. He further explained the City does not advertise properties for sale but it does accept offers. The City did advertise when they implemented the mow-to-own program. He added that staff is currently keeping a list of available properties for a future mow-to-own program.

Further discussion was held regarding any affiliated fees and possibly requiring the purchaser to pay the recording fees. It was noted that it is more expensive for the City to demolish the unsafe structure due to a requirement that the City would have to have an asbestos survey done while a private property owner would not.

Discussion was held regarding how much the fees would be including preparation of the deed, recording fees and demolition permit.

It was a consensus of the Commission to have the memorandum of understanding amended to include payment of the fees by the purchaser.

5.2 Disposal of City-Owned Property at 1704 Virginia Avenue

5.3 Resolution Number 21-32: Eastern WWTF Spray Field Pump Station Improvements Engineering Construction Services

5.4 Resolution Number 21-46: Award of bid and approval of purchase in excess of $50,000 for the Bates Avenue Wastewater Treatment Facility Solids Disposal Process Refurbishment and Rehabilitation

5.5 Resolution Number 21-47: Award of bid and approval of purchase in excess of $50,000 for the Construction of the Eastern WWTF Spray Field Pump Station Improvements

5.6 Resolution Number 21-48: Annexation Agreement and Developers Agreement to Provide Water Service Outside the City Limits (Apiary Landing)

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

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

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

6.1 Ordinance Number 21-15: Voluntary Annexation of property located at the northeast corner of Estes Road and Lake Lincoln Lane
Ordinance Number 21-16: Comprehensive Plan Amendment for property located at the northeast corner of Estes Road and Lake Lincoln Lane
Ordinance Number 21-17: Design District Assignment property located at the northeast corner of Estes Road and Lake Lincoln Lane

This item was continued to the October 7, 2021, Commission meeting.

6.2 Ordinance Number 21-18: Voluntary Annexation of property located on west side of Estes Road (approximately 650 feet north of Bates Avenue)
Ordinance Number 21-19: Comprehensive Plan Amendment for property located on west side of Estes Road
Ordinance Number 21-20: Design District Assignment for property located on west side of Estes Road

This item was continued to the October 7, 2021, Commission meeting.

6.3 Ordinance Number 21-21: Annual update of the Five-Year Capital Improvement Element of the Comprehensive Plan Fiscal Year 2022-26

Mr. Schroth read Ordinance Number 21-21 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving the annual update of the Five-Year Capital Improvement Schedule of the

Comprehensive Plan pursuant to Florida Statutes 163.3177(3)5(b); providing for conflicting ordinances, severability and effective date.

Mr. Sheppard reviewed the proposed update to the Capital Improvement Schedule of the Comprehensive Plan. He explained state statute requiring the annual update.

Mr. Schroth opened the public hearing at 7:19 p.m. There being no public comment, the hearing was closed at 7:19 p.m.

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

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

7. OTHER BUSINESS

7.1 Acceptance of proposed millage rate for FY2021-2022 and date for first public budget hearing

Mr. Sheppard explained that the Commission must set the tentative millage rate to be transmitted to the Property Appraiser to be used for creation of the annual TRIM (Truth in Millage) notices to be mailed to property owners. He added they also need to set the date for the first official public hearing on the millage rate and budget. Staff is recommending the first date be set for Thursday, September 9, 2021.

The Commission asked what was the outcome of the County Commission meeting with Mr. Neibert explaining they are rolling one of their outstanding debt service into the millage rate.

Mayor Holland explained that the Commission agreed at the workshop to transfer an additional $300,000 from Water & Sewer to be able to hire six additional firefighters.

Commissioner LeHeup-Smith expressed concern as to whether or not that is sustainable with Mayor Holland stating staff's belief they will only need to do that for two or three years.

Discussion was held regarding not establishing a sustainable revenue source to fund the firefighters with Mr. Neibert explaining the thought that the already approved subdivisions will be coming in and create sufficiently more ad valorem taxes to cover the additional expense.

Commissioner Lee expressed concern regarding adding more fees and taxes on the residents.

Commissioner Hawkins expressed concern about pushing problems down the road.

Moved by Commissioner Cobb, seconded by Mayor Holland, to approve the tentative millage rate of 7.581 and date of the first public hearing be set for September 9, 2021. Motion carried by the following votes:

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

7.2 Discussion regarding Lake Community Action Agency Lease for 501 North Bay Street

Tom Carrino, Economic Development Director, explained that the LCAA lease expired 12/31/2020, although they are still paying monthly rent and they are current. He indicated it was a five year lease. He noted the acknowledgement of the fair market rent versus the actual rent and the annual payment from the City of $7,500 which helps them to leverage further funding from grants. He added that the City pays the building insurance. He indicated there is not currently a draft lease for consideration.

The Commission questioned who pays for maintenance of the building with Mr. Carrino indicating LCAA maintains the interior; however, the City handles the more major external repairs.

Mr. Neibert indicated LCAA paid for a new A/C unit previously with the City paying for the roof.

Commissioner Cobb commented on her belief that the City could do more for the community with the building and cited other possible uses for the building including an art center.

Discussion was held regarding use of the facility with Mr. Neibert indicating that the rent from the facility is used to fund the gateway grant program. He also noted they approached the City previously for a rent reduction and the City attempted to help them find a different facility.

Further discussion was held regarding use of the building and whether or not they could stay in part of the building and the City could rent out the rest of it to someone else.

CONSENSUS: It was a consensus of the Commission to allow them to continue month-to-month.

Mayor Holland asked Commissioner Cobb to continue to work on developing an arts program

7.3 Discussion of possible purchase of post office property

Mr. Neibert noted that the property is currently up for sale for $1.5 million; however, the Post Office still has a four year lease on the property. It was noted that it is the entire property that is for sale which is a full City block.

Discussion was held regarding the possibility of the Post Office expanding on that site and whether or not the City would have to pay for that. Discussion was also held regarding the City purchasing the property with funding from the CRA.

Mr. Neibert announced that the City would be closing on the sprayfield property on July 20th which will provide $1.75 million.

CONSENSUS: It was a consensus of the Commission for staff to approach the property owner and bring it back to the Commission on August 19th for discussion.

8. FUTURE AGENDA ITEMS

8.1 Vice Mayor Lee expressed concern about Greenwood Cemetery with Mayor Holland indicating he would be meeting with the City Manager about the cemetery and they would bring something back to the Commission. Vice Mayor Lee thanked everyone for their support during the loss of her granddaughter.

Commissioner Hawkins asked about doing something to assist the businesses in the Bates Avenue area.

Commissioner Cobb asked to have another workshop on the Comprehensive Plan. It was a consensus to hold the workshop on July 29th at 5 p.m.

9. COMMENTS

9.1 City Commission - None

9.2 City Manager - None

9.3 City Attorney - None

9.4 Mayor

Gail Isaac Thomas asked for prayers for Carole Martin due to the loss of her sister.

Mayor Holland announced that Emily Lee's granddaughter's funeral would be Saturday, July 24th. He noted that the Commission Room project is on track with plans to be back there by the first meeting in September. He expressed thanks to staff for their work on the budget.

10. ADJOURNMENT: 7:51 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