APPROVED: 7/1/2021

MINUTES
Regular City Commission Meeting
6:00 PM - Thursday, June 17, 2021 - City Hall

INVOCATION: MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: ETHAN AND CHLOE CONGER

CALL TO ORDER: 6:11 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

1.1 Ron Neibert, City Manager, announced that Ordinance Number 21-10 would be removed from the agenda due to the action of the Local Planning Agency.

2. APPROVAL OF MINUTES

2.1 June 3, 2021 - City Commission Workshop - Fire Assessment Fee
June 3, 2021 - Regular City Commission Meeting

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

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

3. AUDIENCE TO BE HEARD

3.1 Alan Rosen, Lake County Manager, stated he was just there to observe and noted that the ICMA would be recognizing the City of Eustis for the number of years it has had a City Manager form of government.

Jane Hepting and Carole Martin addressed the Commission as members of the Tri-City Branch of the NAACP. Ms. Hepting noted that she chairs the Environmental and Climate Justice committee. She commented on the effect of climate disasters such as hurricanes and floods on the community, especially residents of color.

Ms. Martin noted she is chair of the NAACP Health Committee. She explained they have developed a disaster preparedness flyer, printed in both English and Spanish. She stated it includes contact information for various emergency agencies and what to do in an emergency situation. She asked if the City would consider putting the flyer in the City's utility bills.

Mayor Holland and Mr. Neibert indicated the City could do that.

Ms. Martin explained that the Health Committee is a newly formed committee of the NAACP and they will be sponsoring various events.

Cindy Newton addressed the Commission regarding the need for the City to develop other means of raising revenues instead of just expansion. She expressed support for the City succeeding and cited specific subdivision roads that are County maintained instead of City maintained. She cited other characteristics needed for the City to succeed and encouraged the City to look at other options.

David Serdar addressed the Commission on various issues and thanked the City Manager, Mayor and Governor for their work on behalf of the residents.

Tammi Roundtree, Lake Eustis Chamber of Commerce, noted that she had spoken with the Parks & Recreation Director and stated their desire to assist with the City's backpack program. She indicated they want to provide 100 backpacks with school supplies for the children enrolled in the City's summer program. She invited everyone to participate in their August 4th breakfast and sponsor a backpack. She stated they welcome monetary donations as well as donations of backpacks and supplies.

Gail Isaac Thomas thanked the Commission for listening to the residents.

4. CONSENT AGENDA

4.1 Resolution Number 21-42: Renewal of Automatic Aid Agreement with City of Tavares

4.2 Resolution Number 21-43: Renewal of Automatic Aid Agreement with City of Mount Dora

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

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

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

5.1 Resolution Number 21-36: Site Plan with Waivers for Prime Plumbing

Derek Schroth, City Attorney, announced Resolution Number 21-36: A Resolution of the City Commission of the City of Eustis, Florida; approving a modification to a previously approved development plan via site plan with waivers for Prime Plumbing office, showroom, maintenance building and warehousing buildings totaling approximately 15,441 square feet on 5.82-acres at 37136 State Road 19.

Lori Barnes, Development Services Director, explained the history of the project and reviewed the site plan and requested waivers as follows: 1) Allow a 16-inch common lot setback in lieu of the required 10-feet for placement of an 8-foot wall; and 2) Allow a 7.5 foot landscape buffer in lieu of the required 10-foot buffer and allow that buffer to be placed on the applicant's side of the proposed 8-foot wall instead of between the property and the adjacent parcel. She reviewed the location of the property, cited the wetlands onsite, and the surrounding land use and design district designations. She noted the intended placement of the wall. She indicated the wall would be over 200 feet from State Road 19. She stated staff's recommendation for approval and indicated the waivers would have no negative impacts on the health and well-being of the public. She introduced Steve Vaughn to answer any questions.

Mr. Schroth opened the public hearing at 6:33 p.m.

Gus Heim addressed the Commission regarding the proposal stating that the site could not be developed in the County but it was developed in the City. He expressed concern regarding the wetlands and drainage. He commented on the City forcing people to annex and Mayor Holland responded that the City is not forcing anyone to annex.

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

The Commission commented that what is being done is a significant improvement to that area. It was also noted that Prime Plumbing is partnering with Lake Sumter to provide training for plumbers. The Commission concurred with the Mayor in stating that the City does not force people to annex.

Moved by Commissioner Hawkins, seconded by Commissioner Cobb, to approve Resolution Number 21-36. Motion carried by the following votes:

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

5.2 <u>Resolution Number 21-41: Trout Landing Concept Plan</u>

Mr. Schroth announced Resolution Number 21-41: A Resolution of the City Commission of the City of Eustis, Florida; approving a concept plan for Trout Landing, a proposed residential subdivision (single-family attached/townhouse lots) on approximately 6.08 acres of property located on the northwest corner of CR 452 and N. SR 19, east of Northshore Dr.

Ms. Barnes reviewed the concept plan for a residential subdivision to be called Trout Landing. She stated the applicant is LPG Urban & Regional Planners on behalf of Build REI, LLC and Donald L. Driggers Trust. She indicated the plan is for a 62-home single family residential subdivision using the townhome lot typology. She noted that the concept plan is optional and does not provide any entitlements. She indicated, if the developer proceeds, a full preliminary plat review will come before the Commission at a later date. She stated it is approximately 6 acres with a Mixed Commercial/Residential future land use designation and a Suburban Corridor design district designation. She compared the plan versus what could be allowed stating the density is 10.8 du/ac versus the allowed 12 du/ac, has 1.24 acres of park space versus the minimum of 1 acre and 66% open space versus the minimum of 25%. She stated there would be a landscape buffer around all of the existing perimeter roadway. She provided a map showing the proposed plan noting the plan proposes rear-loading garages off the internal street so the front of the units will face Northshore and CR 452. She stated sidewalks will be provided on all external streets and cited the various amenities including a dog park, central plaza and half-acre park area along the canal to the south. She indicated that if Ordinance 21-09 is approved, there will be no waivers requested; however, if it is not, then there may be a future waiver request for the street setback. She reported on comments provided at the optional community meeting with ten residents attending. She stated the primary concern was access to Northshore which, on the plan, is limited to emergency access only. She added they were also concerned about the possibility of parking along Northshore and explained that would not be allowed. She indicated that the property is considered a high recharge area; however, it is considered infill and is within regulations. She indicated that waivers to the Land Development Regulations may be requested at time of preliminary subdivision plat and stated Greg Beliveau is present to answer any questions.

The Commission asked about the entrance off of CR 452 and if there would be a turning lane with Ms. Barnes indicating that traffic requirements would be determined at time of preliminary subdivision plat.

Greg Beliveau indicated they have already performed their environmental study and preliminary traffic analysis. He explained they sited the property based on the distance between the intersections. He further explained a more in-depth traffic analysis would be conducted prior to preliminary plat approval and that would determine turning lanes, etc. He added that the homes would face Northshore Drive with the garages behind so parking would not be along Northshore Drive. He indicated that when the final stormwater study is conducted they may lose some units. He confirmed that the access off Northshore would be gated and for emergency access only. He stated the units are proposed to be approximately 2,000 sq.ft. and are two-story. He noted they already completed a tree survey and are endeavoring to save as many as possible.

The Commission discussed use of the canal for fishing and boating, prices for the units, location of the dog park and other amenities, and traffic concerns.

Mr. Schroth opened the public hearing at 6:54 p.m.

Gus Heim questioned the current zoning of the property and how long it has been so zoned with Ms. Barnes explaining the property is designated Mixed Commercial/Residential with an allowed density of 12 units per acre and, if developed as commercial, the floor area ratio could be as much as 2. Mr. Beliveau responded the land use designation was changed approximately 12 to 18 months previous.

Ms. Barnes stated it was previously Suburban Residential and due to the frontage on to State Road 19 and the county road, the Mixed Commercial/Residential was appropriate.

Mr. Heim asked about the increase in density with Ms. Barnes responding that the allowable density under Suburban Residential is 5 units per acre so the change allowed 12 units per acre or commercial or a mix of uses.

Mr. Heim then asked if the property would be raised when developed with Ms. Barnes responding that the full engineering plans have not been prepared but would be done at the time of preliminary subdivision plat.

Mr. Heim continued stating he had reported the property to the St. John's Water Management District with Mayor Holland directing him to submit any additional questions to Development Services and they would respond prior to consideration of the preliminary plat.

There being no further public comment, the hearing was closed at 6:58 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner Hawkins, to approve Resolution Number 21-41. Motion carried by the following votes:

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

5.3 Resolution Number 21-45: Sixth Amendment to Purchase and Sale Agreement for City sprayfield property

Mr. Schroth announced Resolution Number 21-45: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; approving the sixth addendum to the real estate purchase and sale agreement with CR 437 Land Investments, LLC, for the purchase of City-owned property located east and south of Cardinal Lane; authorizing the City Manager to execute said agreement.

Mr. Neibert explained CR 437 Land Investments LLC is still working through some closing issues so they have requested to extend the final closing date to July 20, 2021, and offered to provide an additional $100,000 nonrefundable earnest money in exchange for that extension.

Mr. Schroth opened the public hearing at 7:00 p.m. There being no public comment, the hearing was closed at 7:00 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to approve Resolution Number 21-45. Motion carried by the following votes:

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

5.4 Ordinance Number 21-09: Amendments to Chapters 110 and 115 of the Land Development Regulations

Mr. Schroth read Ordinance Number 21-09 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the Land Development Regulations, Section 110, Development Standards and Chapter 115, General Building and Site Standards; providing for codification, severability and an effective date.

Mr. Schroth opened the public hearing at 7:01 p.m.

Cindy Newton expressed concern regarding amendments to Section 115-3 - Residential compatibility and design transition - stating that it takes away protections from abutting property.

Tammy Pena expressed opposition to the amendments and encouraged that the Commission not proceed with the amendments.

There being no further public comments, the hearing was closed at 7:05 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to approve Ordinance Number 21-09 on first reading. Motion carried by the following votes:

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

5.5 Ordinance Number 21-14: Establishing a fire assessment fee procedure

Mr. Schroth read Ordinance Number 21-14 by title on second and final reading: An Ordinance by the City Commission of the City of Eustis, Lake County, Florida; amending Chapter 86 of the Code of Ordinances; creating Article VI – Fire Services Special Assessment; providing for the implementation of a fire services special assessment; providing definitions for the proposed fire assessment and collection method; providing for legislative determinations of special benefit, general authority, and applicability throughout the city; providing for initial proceedings; directing imposition of initial assessment roll; providing notice by publication and mail; providing for adoption and effect of final assessment resolution; providing annual adoption procedures; providing liens for and revisions to fire services assessments; providing for procedural irregularities and correction of errors and omissions; providing for interim assessments and an alternative method of collection; providing for conflicts, codification, and severability; providing an effective date.

Mr. Schroth opened the public hearing at 7:06 p.m.

Kress Muenzmay noted the email he previously sent to the Commission regarding the proposed ordinance. He commented on his experience with a fire assessment within the City of Mount Dora and cited how it increased rapidly from $50 to over $1,000. He stated it is a way to circumvent the cap on the allowed increases to ad valorem taxes. He questioned what is the definition of "institutional" as it pertains to the fire assessment fee.

Sandi Walker, Government Services Group, explained they have to look how a property is designated by the Property Appraiser in order to determine how they are assessed.

Mr. Muenzmay expressed concern regarding the budget process.

Mark Fisher expressed concern regarding the amount of the assessment and the increase to the fire department budget and what the freed up general fund revenues would be utilized for. He further commented on the types of emergencies the Fire Department actually responds to.

George Asbate expressed concern regarding the square foot charges versus the flat fee for residential and the effect on businesses within the City. He expressed support for a flat fee across the board rather than a square foot charge for commercial.

Bill Gay noted that the City has cited in the past how it does not have a fire assessment fee. He commented on the number of businesses struggling and those going out of business. He encouraged them to wait and reconsider in a few years. He cited increases in costs.

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

The Commission discussed where other funds can come from, how many calls the Fire Department responds to, the need to review the budget first, the small Fund Balance anticipated for the current fiscal year-end, and where else the budget could be cut.

Mayor Holland noted that the Commission will be holding in-depth budget workshops. He commented on how much the Police and Fire Departments have done with their funding.

The Commission asked Fire Chief Mike Swanson about the staffing levels for the department. Chief Swanson explained the City has three shifts of seven with two trucks on the road. He stated they work 24 hour shifts and work 24 on and 48 off. The Commission questioned the amount of overtime with Chief Swanson responding they can work with six on but beyond that will require mandatory overtime.

The Commission asked how many fires the department has responded to in the past year with Chief Swanson responding they average about one per week. He noted they also respond to fires outside City limits. He acknowledged that the majority of calls they run are medical calls. He added that the fire calls are the high risk calls. He commented on the amount of decontamination the department had to do during the past year due to Covid 19 and noted they also assisted with vaccinations.

The Commission questioned how the fire assessment would benefit the department with Chief Swanson responding that the City needs to get a third truck on the road. He commented on the difficulty with running concurrent calls and the impact of the auto aid agreements. He explained that it costs approximately $1,000,000 per year for the additional truck, equipment and staffing. He stated that the fire assessment if approved would allow them to get their rescue truck back on the road so it could respond to more of the medical calls and free up the other two trucks to respond to auto accidents and fires. He cited the number of assisted living facilities in the City and the need for another fire station on the north side of the City.

The Commission asked about the possibility of the City taking over the County fire station in Dona Vista with Chief Swanson stating that would not help the call volume since the City truck would just take over for the County truck. He stated the $500,000 would get the rescue truck back on the road and provide six additional personnel which would reduce his overtime.

Discussion was held regarding the amount of growth anticipated for the north end of town.

The Commission questioned whether or not $500,000 could be moved from Water and Sewer with Mr. Neibert explaining he could not commit to that at that time. He stated that the surplus in Water & Sewer is already committed for various capital projects in that department. If the funds are re-allocated, they would have to borrow money to fund the capital projects. He explained they have to justify the transfers under the indirect cost analysis. He explained other communities justify transfers using methods he is not entirely comfortable with such as payment in lieu of taxes or return on investment. He stated that he tries to operate the water and sewer system as close as they can to keep the cost low while maintaining the capital integrity of the system. He indicated that staff has already committed to transferring an additional $200,000 from Water & Sewer to the General Fund bringing the total transfer to $2,000,000. He explained that the ordinance only sets the procedure for implementation of an assessment. He indicated that the resolution begins the process but final approval would not be until September. He stated they would not be committing to the assessment at that time, only to the process.

The Commission expressed concern regarding what is asked of the City's first responders.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to adopt Ordinance Number 21-14 on final reading. Defeated by the following votes:

Ayes: Commissioner LeHeup-Smith and Commissioner Hawkins

Nays: Vice Mayor Lee, Commissioner Cobb and Mayor Holland

5.6 Resolution Number 21-44: Initiating Fire Assessment Fee Process

Mr. Schroth stated that, based on the Commission's action, the resolution would not be heard.

5.7 Ordinance Number 21-10: Comprehensive Plan Text Amendment

Mr. Schroth stated Ordinance Number 21-10 was removed from the agenda.

6. FUTURE AGENDA ITEMS

6.1 Commissioner Hawkins asked to receive a list of properties owned by the City. He further asked that, when the City attempts to sell property, for staff to provide a list of interested buyers with Mr. Neibert explaining the City does not typically advertise its property for sale.

Commissioners Hawkins and Cobb then asked to see the names of businesses bidding on City purchases and projects with Mr. Neibert asking if there is a dollar threshold they would like to see.

Commissioner Cobb explained they are concerned about keeping the City's business local.

Commissioner Hawkins commented on the issue of the donation bins and recommended they be required to be removed. It was noted that Commissioner Cobb had sent photographs to the City Attorney of the garbage strewn around them and he indicated those would be helpful.

Mr. Neibert stated that staff would do everything they can under the law.

The Commission commented on the number and issues surrounding the collection bins. They then asked about the agreement with Atrium for development of the downtown property.

Mr. Neibert explained that the Commission as the CRA Board authorized staff to negotiate solely with Atrium regarding development of the three downtown lots. He indicated his intent to have a draft agreement before the CRA Board sometime in July. He explained that the City sent out information to a large number of development entities regarding the sites and only received one proposal which was from Atrium. Subsequently, the CRA authorized staff to negotiate with Atrium. He indicated he would be happy to meet with individual Commissioners regarding the draft agreement if they wished.

Mr. Schroth explained that there is currently only a draft agreement which will be presented to the CRA Board and they will have full discretion to approve or deny the agreement.

The Commission asked about Lulu's Candles with Chief Swanson reporting the City has issued a Temporary Certificate of Occupancy so that equipment and stock could be moved in. He explained he would be inspecting the hoods on Monday.

Mr. Neibert reported that a grand opening ribbon cutting would be scheduled.

Vice Mayor Lee requested that any copies requested by other Commissioners be copied to all with Mr. Neibert indicating that is typically what staff does.

7. COMMENTS

7.1 City Commission

Vice Mayor Lee thanked the Library for the previous program and announced there would be a Library program in Ferran Park on Friday.

Commissioner Hawkins encouraged everyone to participate in the water aerobics being offered at the City pool.

Commissioner Cobb thanked Alan Rosen for partnering with the City and Chamber on the Home & Garden Expo at the Fairgrounds.

7.2 City Manager

Mr. Neibert announced this would be the last meeting in the Commission Room and the next meetings would be held at the Community Building. He cited the comments made during Audience to be Heard regarding County maintenance of roads in certain subdivisions. He explained the Brookshire Subdivision roads were constructed privately and then accepted and are under City maintenance. Blue Lake Estates roads were constructed privately and are under private maintenance. Park Place roads were built privately under County regulations. The reason the County continues to maintain the roads is because the roads and stormwater were not built to City standards so the City did not accept maintenance.

Mr. Neibert then asked the Commission to look at dates for the budget workshop beginning the week of June 21st. It was agreed to meet on Monday, June 28th at 4 p.m. at the Community Building.

7.3 City Attorney

Mr. Schroth announced he would send the Commissioners a copy of the draft Atrium agreement.

7.4 Mayor

Mayor Holland thanked the audience for attending and the Commission for their efforts to work together. He thanked City staff for their work on behalf of the Commission and community.

8. ADJOURNMENT: 8:01 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