



APPROVED: 6/3/2021

MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, May 20, 2021 - City Hall

INVOCATION: BISHOP KELVIN COBARIS, EVERLASTING LIFE CHURCH 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

Ron Neibert, City Manager, announced that, due to the action of the Local Planning Agency (LPA), Ordinances 21-09 and 21-10 would not be considered at that meeting.

2. APPROVAL OF MINUTES

- 2.1 May 6, 2021 - City Commission Workshop
May 6, 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 LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins, Vice Mayor Lee and Mayor Holland

3. PRESENTATIONS

- 3.1 Proclamation recognizing Merry Jewelers on their 75th anniversary

Mayor Holland read a proclamation recognizing Merry Jewelers on its 75th anniversary and presented it to Guy "Smiley" Merry's great grandson.

- 3.2 Recognition of Capt. Ken Birkhofer upon his retirement

Mayor Holland introduced Police Chief Craig Capri who presented Capt. Birkhofer a commendation on his retirement after 30 years and with his service weapon.

Capt. Birkhofer expressed his thanks to his family, field training officers and former Chief Fred Cobb, and to his co-workers at the Eustis Police Department. He also recognized the City Manager and department heads for their teamwork and all of the City staff members and Commissioners. He cited the tough decisions facing

the Commission including those about public safety. He thanked the residents of the City for their support of the department.

3.3 Update regarding drive-in movie theater - Spencer Follmar

Spencer Follmar, SpenceTF LLC, provided an update on the progress for the drive-in movie theater. He announced that they have just concluded obtaining all the funding for the theater. He stated they have hired a site engineer, an architect and a surveyor and the surveying should begin the next week. He indicated he would be requesting to be placed on the agenda to make a request for an additional 120 day extension for submittal and approval of the site plan with the intent to break ground by the new year and to be open for business by the summer or fall of 2022.

The Commission confirmed that the final product will be the same as originally discussed with Mr. Follmar explaining the screens have been moved slightly so as not to intrude on the neighboring property. He explained they will build two screens first and then the remaining screens.

The Commission then confirmed they now have financing for the entire project with Mr. Follmar indicating they are working with a development company in Sanford called Flagship. He commented on how the drive-in theaters have become more popular during the pandemic with 30 new drive-ins built nationally in the past year.

Discussion was held regarding how soon the additional screens would be built.

The Commission expressed concern regarding how things have changed each time while the City has been holding the property all that time with Mr. Follmar explaining they now have the funding and have begun hiring and spending on hard costs. It was requested that he present something more tangible at his next presentation.

Mr. Neibert confirmed that he is requesting to have the extension request on the June 3rd agenda.

3.4 Presentation of Fire Assessment Fee Analysis Study by Government Services Group

Mike Sheppard, Finance Director, introduced Sandi Walker, Government Services Group.

Ms. Walker provided an overview of their fire assessment study. She explained what is a fire assessment stating the case law requirements as follows: 1) Special benefit to the property; and 2) Must be fairly and reasonably apportioned. She stated the purposes and goals for a fire assessment program. She assured the Commission that their methodology, known as historical demand methodology, is court tested and approved and is the most widely adopted. She explained the data components and what they look at to determine a reasonable fee. She then explained the five-year average assessable expenditures and reviewed what is included.

Ms. Walker then explained the cost apportionment and how they separate out the fire calls from the EMS calls and the parcel apportionment between residential and non-residential. She then reviewed the maximum rates the City could charge as

\$179 per single-family, \$0.15 per sq. ft. for commercial, \$0.02 for industrial/warehouse, and \$0.51 for institutional. She reviewed other levels of funding as follows: At 75% - \$135 per dwelling unit, \$0.12 for commercial, \$0.02 for industrial/warehouse and \$0.38 for institutional for a total revenue of approximately \$1,750,000. She further explained that the City can establish a policy decision to exempt government property; however, since it will be placed on the tax bill there is a problem since government properties do not get a tax bill.

Ms. Walker stated their recommendation that the City exempt government and institutional properties and explained the City would have to buy down those fees as those fees cannot be shifted over to the other properties. She stated her belief that staff is going to recommend the 55% rate and stated those fees as follows: \$100 per dwelling unit, \$.09 for commercial, \$0.02 per industrial/warehouse and \$0.28 for institutional. She stated that would net approximately \$1,063,000 after the buy downs.

Ms. Walker then reviewed the implementation schedule if they decide to move forward. She explained a procedural ordinance would be required. She further explained it does not actually implement the assessment. She indicated adoption of the ordinance starts the process for notification of the property owners. She stated that would go out on the TRIM notice which would restrict when they hold their public hearing for the final adoption of the final assessment resolution which would have to be held between Sept. 6th and 14th. She added that whatever rates and exemptions are included is the maximum that can be levied. She then explained the determination for which institutional properties would be exempt.

Mr. Neibert indicated that the only decision tonight would be whether or not to place an ordinance on the June 3rd agenda for first reading.

The Commission discussed whether or not to proceed with the initiating ordinance.

CONSENSUS: It was a consensus of the Commission to have the ordinance on the agenda for first reading on June 3rd and to hold a workshop at 5:30 p.m. on June 3rd to discuss.

4. APPOINTMENTS

4.1 Appointment to Police Pension Board of Trustees - Diane Thomas

Diane Thomas introduced herself to the audience and noted she just finished a two-year term on the board.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve the reappointment of Diane Thomas to the Eustis Police Officers Pension Board of Trustees. Motion carried by the following votes:

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

5. AUDIENCE TO BE HEARD

Lee Conger addressed the Commission regarding the proposed amendments to the Land Development Regulations. She noted there are no rural or agricultural designations contained in the Comprehensive Plan.

Cindy Newton addressed the Commission regarding a development on Lake Lincoln and stated their debris is blowing on the neighboring property. She cited the need to maintain the rural and agricultural areas.

6. CONSENT AGENDA

- 6.1** Resolution Number 21-33: Bid Award for Construction Services for the Woodward Avenue Roadway and Utility Improvements Project
- 6.2** Resolution Number 21-34: A resolution supporting pursuit of a small matching grant from the Department of State, Division of Historical Resources

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

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

FIRST READING

- 7.1** Explanation of Ordinances Regarding Textile Recycling (Clothing Donation) Bins: Ordinance Number 21-06 Amending Chapter 42 Code of Ordinances
Ordinance Number 21-07 Amending Chapter 34 Code of Ordinances

Derek Schroth, City Attorney, read Ordinance Number 21-06 by title only on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; amending Chapter 42, Franchises, of the City of Eustis Code of Ordinances, adding an additional article to provide for franchise agreements for textile recycling collection bins (clothing donation bins) located within the City limits; providing for repeal of conflicting ordinances; providing for codification, severability and effective date.

Mr. Schroth noted this previously came before the Commission and he worked with Lori Barnes to develop the ordinance as this seemed to be the best way to handle the issue.

The Commission confirmed that a current business tax receipt could be required on the property whether occupied or not and if the total number of bins allowed in the City could be limited.

Discussion was held regarding how many should be allowed. It was noted that some of the property owners have indicated that the bins just appeared and the companies did not have permission to place the bins.

Mr. Schroth suggested that he include a limitation of ten but allow a waiver process. Following further discussion, it was agreed to limit the number to four.

Mr. Schroth opened the public hearing at 7:13 p.m. There being no public comment, the hearing was closed at 7:13 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to approve Ordinance Number 21-06 on first reading with the addition of the requirement for a current business tax receipt and a citywide limitation of four. Motion carried by the following votes:

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

7.2 Ordinance Number 21-07 amending Chapter 34 Code of Ordinances

Mr. Schroth read Ordinance Number 21-07 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending Chapter 34, Article II, by adding the regulation of textile recycling collection bins (clothing donation bins) to the Code of Ordinances; repealing all prior Eustis ordinances inconsistent herewith; and providing for codification, severability, and an effective date.

Mr. Schroth opened the public hearing at 7:14 p.m. There being no public comment, the hearing was closed at 7:14 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Ordinance Number 21-07 on first reading. Motion carried by the following votes:

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

7.3 Ordinance Number 21-09: Amendments to Chapters 110 and 115 of the Land Development Regulations Ordinance Number 21-10: Comprehensive Plan Text Amendment

Mr. Schroth noted that the LPA had continued consideration of Ordinances Number 21-09 and 21-10 to June 3, 2021. He recommended that the Commission also postpone consideration of the ordinances to June 3rd so they would not need to be re-advertised.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue Ordinances 21-09 and 21-10 to the June 3, 2021, Commission meeting for first reading. Motion carried by the following votes:

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

8. OTHER BUSINESS

8.1 Discussion regarding progress by Joint City/County Planning Work Group and appointment of City representative to the Work Group

Mr. Neibert noted that Mayor Holland had resigned as the City's appointee to the working group; therefore, the Commission needs to appoint someone to serve on the working group.

Commissioner Cobb asked Mayor Holland to reconsider with Mayor Holland agreeing to continue serving on the working group if the Commission desired him to.

The Commission asked about the update on the working group with Mayor Holland noting that the City Clerk had sent everyone the notes from the two working group meetings.

Mr. Neibert stated his recollection that Development Services Director Lori Barnes would review the proposal presented at the last working group meeting and then the Commission would schedule a workshop for her to review that proposal with them and provide her input.

CONSENSUS: It was a consensus of the Commission to proceed as Mr. Neibert indicated.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to approve the reappointment of Mayor Holland as the City's designee to the joint planning working group. Motion carried by the following votes:

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

9. FUTURE AGENDA ITEMS

- 9.1** Commissioner Cobb noted a program that the City of Tavares has called See - Click - Fix and asked to have a presentation to the Commission by Mark O'Keefe from Tavares. She asked about the United In Praise property with Mr. Neibert indicating he has not reached them yet. She then commented on the number of small stick-in signs around the City and asked what is the City's policy.

Mr. Neibert indicated they are not allowed, particularly in the right-of-way, and stated that staff typically pulls them up and throws them away. He indicated that enforcement is a problem since any enforcement would go back on the property owner instead. He stated staff could call the sign owner; however, normally they just pull them up and destroy them. He indicated they are an ongoing problem. He confirmed that placement on telephone poles is also illegal.

Commissioner Hawkins suggested putting code enforcement under the police department with Mr. Neibert indicating that is an administrative policy decision and that he would be discussing that with the Police Chief. Mr. Hawkins then expressed concern regarding the traffic around the schools and on Bates Avenue. He noted someone speeding on Bates Avenue who hit a tree. He asked about the monitors for the dais with Mr. Neibert indicating that is included in the Commission Room renovations.

Vice Mayor Lee commented on all of the issues facing the City and asked the residents to understand the Commission is doing its best to make good decisions. She asked everyone to try to work together and put any animosity behind them.

She cited the need for the Commission, residents and County to work together to find the right development for Eustis.

10. COMMENTS

10.1 City Commission

Commissioner Cobb commented on her efforts to get Mahindra to film a national commercial in Lake County. She stated they filmed instead in St. Augustine and Palatka; however, they used Lake County residents and children. She indicated they paid approximately \$25,000 to those residents. She noted a child from 4-H was in the commercial and just shot her first Marco's Pizza commercial.

Commissioner Hawkins complimented Police Chief Craig Capri on his work in the community.

Commissioner LeHeup-Smith noted the passing of Marcia Arnold, a former City staff member. She also noted the passing of James Calvin from Eustis.

Vice Mayor Lee encouraged everyone to attend the grand re-opening of the Eustis Resource Center on Saturday, May 22nd. She stated it will be operated by the Eustis Community Alliance and commented on the number of programs they have planned.

10.2 City Manager

Mr. Neibert reported that Cardinal Lane is on the schedule to be repaved between Bates and Orange Avenue in the next fiscal year.

10.3 City Attorney

Mr. Schroth explained for egregious situations on homestead property that the City does have the ability to get an injunction.

10.4 Mayor

Ann Ivey, Library Director, reported there is another week of the Food for Fines program. She added they also allow people to just donate food and waive someone else's fines. She noted she had distributed to the Commissioners information on all of their summer programs. She stated they have already had to expand the passport program. She announced that Gatorland will be coming to Ferran Park on June 11th and cited other upcoming outdoor programs.

Craig Dolan, Parks & Recreation Director, announced two staff members have been certified to teach archery. He indicated they are expanding the summer program from 45 slots to 55. He reported on other recent and upcoming programs.

Vice Mayor Lee asked about the Golden Seniors with Mr. Dolan indicating the building is already used one Tuesday per month but they could do three Tuesdays per month during the summer at the Woman's Club facility.

Fire Chief Mike Swanson reported on the Covid 19 vaccination program. He added that the City location vaccinated approximately 3000 people. He indicated anyone seeking a vaccine can contact him and he will help them find a location. He noted that the Health Department will be doing vaccinations at the First Friday events.

Mayor Holland extended his condolences to Kevin Saxton on the loss of his mother. He thanked Chief Capri for keeping him informed about incidents in the City.

Police Chief Craig Capri commented on programs they have planned for summer. He emphasized they will be coming down hard on anyone committing gun violence in the City. He cited the upcoming bike ride with the Chief. He complimented the City on its great teamwork.

The Commission complimented Chief Capri on his communication skills and thanked him for keeping them informed.

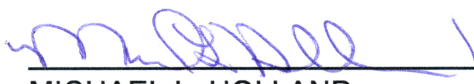
Mayor Holland announced that the Eustis High School's (EHS) girls' softball team won that day 2-0 and would be playing for the state championship the next day. He congratulated the EHS Class of 2021 and noted graduation would be the following Friday. He expressed thanks to the Commission and staff.

11. ADJOURNMENT: 7:45 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
City Clerk



MICHAEL L. HOLLAND
Mayor/Commissioner