APPROVED: 5/6/2021

MINUTES
Regular City Commission Meeting
6:00 PM - Thursday, April 15, 2021 - City Hall

INVOCATION: MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: JACOB AND CHLOE DOLAN

CALL TO ORDER: 6:01 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 L. Holland

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

2.1 March 29, 2021 - Special City Commission Meeting
March 31, 2021 - Joint City/County Commission Meeting

Moved by Commissioner Cobb, 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. PRESENTATIONS

3.1 Presentation regarding the American Recovery Act funds and allowable expenditures

Ron Neibert, City Manager, announced that under the American Recovery Act the City would receive $8.95 million. He explained that the funds will be used to cover costs incurred by December 31, 2024. He stated the allowable uses are as follows: 1) response to the Covid-19 emergency and its economic effects through aid to households, small businesses, nonprofits and industries such as tourism and hospitality; 2) provide premium pay to essential employees or grants to their employers, not to exceed $13 per hour or $25,000 per worker; 3) provide government services affected by a revenue reduction resulting from covid-19; 4) make investments in water, sewer and broadband infrastructure; 5) state and local governments cannot use the funds toward pensions or to offset revenue resulting from a tax cut enacted since March 3, 2021; and 6) local governments may transfer funds to private nonprofit groups, public benefit corporations involved in passenger or cargo transportation and special purpose units of state or local governments.

Mr. Neibert stated staff's recommendation for use of the funds as follows: 1) provide funds to the new Bates Avenue Sewer Plant Expansion in the amount of $5 million which will lower the debt service for the project; and 2) direct funding to the CRA to support CRA projects such as the parking garage for the Atrium project, community center upgrades, Carver Park gym, or other building improvements in the amount of $3.95 million.

Mr. Neibert commented on other possible uses of the funds and stated they don't have to provide a use plan for the funds or make a final decision at that time. He stated staff is intending to submit an application for a loan for the $7 million for the wastewater treatment plant expansion.

Rick Gierok, Public Services Director, explained they are beginning the engineering process and stated their intent to make the next state revolving fund cycle with Mr. Neibert stating that probably in midsummer a determination would need to be made regarding applying the funds to the treatment plant expansion.

3.2 Presentation of City water rate study

Mike Sheppard, Finance Director, presented the water rate study and thanked Deputy Director Nelly Harnisch for her work on the study which saved the City $40,000. He stated the recommended rate increases are 2.5% per year for the next five years. He stated, due to the City's adequate funding of the utility system, the City obtains better rates for loans. He noted that the rate increase would be reflected on the July bills for June. He reviewed objectives of the utility system and the need for the increases.

Mr. Sheppard then reviewed the future challenges as follows: 1) Consumer Price Index increases; 2) Increases in labor costs over the next five years; and 3) Need to provide adequate revenue to meet bond requirements, operational needs and environmental issues. He commented on impact fee waivers which must be covered by the Water/Sewer Fund. He reviewed the water, wastewater and stormwater budget forecast. He noted that the proposed utility rate increase does not affect the stormwater fees at this time; however, those have not been increased since at least 2008. He added that staff may bring that back to the Commission in the future. He stated that a resolution adopting the rate increases would be presented at the May 6th Commission meeting.

Mr. Sheppard provided a comparison of the utility rates among the Lake County cities noting that the City is number four in the listing. He stated the City's cost for water is $.01 per gallon. He provided a projection of the utility revenues and reviewed the revenue requirements and debt service noting some of the debt service would be retired in the next year. He stated the rate resolution would be brought back each year for Commission consideration. He indicated that the ordinance to be considered on first reading would allow all of the utility rates to be adopted in the future by resolution.

The Commission asked what was the previous year's rate increase with Mr. Sheppard indicating it was 1.7%. The Commission then asked about the stormwater fee and how the City ranks on that with Mr. Sheppard responding it is now $6 for residential and $12 for commercial. He stated he would probably bring something back in October.

4. AUDIENCE TO BE HEARD

4.1 Horace Jones, Eustis Housing Authority Executive Director, thanked the Commission for the City's letter of support for a grant application they submitted. He stated they were recently awarded the $250,000 grant.

Brian Broomfield asked how is water supplied to the residences and explained his concern regarding contamination. Mr. Neibert responded stating that the City has several wells and the water is pumped primarily through pvc pipes although there are some galvanized pipes that are being replaced. He emphasized that there is no lead piping.

Darius Kerrison announced that April 24th will be the next "clean comedy" show. He commented on the good comments he receives from the comedians on how beautiful the City is and the hometown feel.

5. CONSENT AGENDA

5.1 Resolution Number 21-27: Umatilla Wastewater Interconnection with City of Eustis

Moved by Vice Mayor Lee, 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

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

6.1 Resolution Number 21-24: Approval of Police Benevolent Association collective bargaining agreement amendment

Derek Schroth, City Attorney, announced Resolution Number 21-24: A Resolution of the City Commission of the City of Eustis, Lake County, Florida, approving a modification of the collective bargaining agreement between the City of Eustis and the Police Benevolent Association (PBA) for the period October 1, 2018 through September 30, 2021 as set forth in Exhibit "A" and authorizing the City Manager to sign said agreement.

Bill Howe, Human Resources Director, explained the amendment to the collective bargaining agreement and stated staff's recommendation for approval. He commented on the negotiations held on the agreement and stated that the union approved the proposed amendment by a vote of 27 to 1. He reviewed the modifications as follows: 1) Police Officer II positions will be eliminated. All Police Officer II's will be reclassified as police officers; 2) Each bargaining unit member will receive a 2% increase in wages plus additional individual equity adjustments. Those raises will be retroactive to October 1, 2020; 3) Pay ranges have been changed starting with the maximum salaries for each position; and 4) No additional bargaining unit member may be eligible for 40 hours of vacation leave in lieu of pay.

Mr. Howe explained that the City has had a program allowing employees to choose to receive an extra week of vacation instead of receiving a pay increase. He stated the last change to the agreement increases the reimbursement for footwear from

$100 to $125. He stated that the total cost of the modification is $161,000. He stated that 2% was already included in the budget and that the additional funds would come from the CARES act funds.

Mr. Schroth opened the public hearing at 6:36 p.m. There being no public comment, the hearing was closed at 6:36 p.m.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to approve Resolution Number 21-24. Motion carried by the following votes:

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

6.2 Resolution Number 21-25: Approving revised legal services agreement with City Attorney

Mr. Schroth announced Resolution Number 21-25: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; approving the Eustis City Attorney agreement.

Mr. Neibert reviewed the history of the City Attorney agreement and noted that his rates for services to the City had not been increased since his original agreement in 2008. He reviewed the proposed increases: 1) Retainer from $2083 per month to $3,500 per month; 2) Hourly rate for non-retainer items from $160 to $250 per hour; and 3) Paralegal hourly rate from $60 to $130 per hour.

The Commission discussed whether or not an annual evaluation should be performed for the City Attorney with Mr. Neibert indicating none of the area cities conduct evaluations of their contract employees.

The Commission then asked what is included in the retainer with Mr. Schroth reviewing what is included in the retainer and Mr. Neibert indicating that all of the phone calls received from the Commissioners will now be included in the retainer.

The Commission discussed the possibility of having individual discussions with the City Attorney prior to approving the contract.

Mr. Schroth opened the public hearing at 6:44 p.m. There being no public comment, the hearing was closed at 6:44 p.m.

Mr. Schroth indicated his willingness to have conversations with the individual Commissioners and to incorporate an evaluation process into the contract. He also requested that the Commission make a decision regarding the contract at that time.

Mr. Howe noted it is very rare to conduct evaluations of contract employees.

Mr. Neibert suggested that the Commission approve the resolution with the changes requiring an annual evaluation and an agreement by Mr. Schroth to meet with the individual Commissioners to discuss any issues moving forward.

Moved by Vice Mayor Lee, seconded by Commissioner Hawkins, to approve Resolution Number 21-25 to include an annual evaluation of the City Attorney and for the City Attorney to meet individually with the Commissioners to discuss any issues. Motion carried by the following votes:

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

RECESSED: 6:50 p.m. RECONVENED: 6:53 p.m.

6.3 Resolution Number 21-26: Amending the current FY2020-2021 Budget to recognize revenue and expenditures in the general fund to accommodate projects and expenditures not previously budgeted and covered by additional revenues received from the Cares Act Grant

Mr. Schroth announced Resolution Number 21-26: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, authorizing a budget amendment to the current FY2020-2021 budget to recognize revenue and expenditures in the General Fund accommodating projects and expenditures not previously budgeted and funding will be from additional monies received by the City of Eustis as a sub-recipient of Coronavirus Aid Relief and Economic Security Acts (CARES Act) for reimbursements from Lake County to cover cost of current and future needs incurred as a result of pandemics; providing for an effective date.

Mike Sheppard, Finance Director, explained the history of the CARES Act funds and how the County wanted the funds accounted for and then changes to that process. He reviewed projects that will be funded through the money.

Mr. Schroth opened the public hearing at 6:56 p.m. There being no public comment, the hearing was closed at 6:56 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Resolution Number 21-26. Motion carried by the following votes:

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

6.4 Ordinance Number 21-03: Voluntary Annexation - 19701 CR 44

Mr. Schroth read Ordinance Number 21-03 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately one acre of real property at 19701 County Road 44.

Mr. Schroth opened the public hearing at 6:57 p.m. There being no public comment, the hearing was closed at 6:57 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to adopt Ordinance Number 21-03 on final reading. Motion carried by the following votes:

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

6.5 Ordinance Number 21-04: Comprehensive Plan Amendment - 19701 CR 44

Mr. Schroth read Ordinance Number 21-04 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 one acre of recently annexed real property at 19701 County Road 44 from Rural Transition in Lake County to General Commercial (GC) in the City of Eustis.

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

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to adopt Ordinance Number 21-04 on final reading. Motion carried by the following votes:

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

6.6 Ordinance Number 21-05: Design District Assignment - 19701 CR 44

Mr. Schroth read Ordinance Number 21-05 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Corridor design district designation to approximately one acre of recently annexed real property at 19701 County Road 44.

Mr. Schroth opened the public hearing at 6:59 p.m. There being no public comment, the hearing was closed at 6:59 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to adopt Ordinance 21-05 on final reading. Motion carried by the following votes:

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

6.7 Ordinance Number 21-08: Amending Chapter 94 to provide that all utility rates will be set by resolution

Mr. Schroth read Ordinance Number 21-08 by title on first reading: An Ordinance by the City Commission of the City of Eustis, Lake County, Florida; adopting an amendment to Chapter 94 of the Code of Ordinances to provide for water, wastewater, and reclaimed water rate adjustments to all be consistent and to be made by resolution; repealing any and all conflicting ordinances; providing for severability; codification; an effective date; and publication according to law.

Mr. Sheppard explained staff discovered an inconsistency in the City code which allowed the sewer and stormwater rates to be adopted by resolution; however, the water had to be adopted by ordinance. He stated the ordinance would allow the water rates to also be adopted by resolution.

Mr. Schroth opened the public hearing at 7:01 p.m. There being no public comment, the hearing was closed at 7:01 p.m.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve Ordinance Number 21-08 on first reading. Motion carried by the following votes:

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

7. OTHER BUSINESS

7.1 Discussion regarding Barbed Wire Fence Regulations

Lori Barnes, Development Services Director, presented options for consideration regarding barbed wire fencing based on Commission direction at the March 18th Commission meeting. She explained the three options as follows: 1) The first option provides that any barbed wire fencing installed prior to December 15, 2016, shall be deemed legally non-conforming and permits it to be repaired or replaced as needed. 2) The second option includes the addition of the non-conforming language as well as adds the allowance of the fencing in the General Industrial (GI) land use districts atop fences 6-feet or taller; and 3) The third option includes the non-conformancy and would allow barbed wire on any properties using an Industrial Building or Industrial Complex lot typology. She reviewed areas designated as General Industrial and where there are the Industrial Building or Industrial Complex lot types. She stated Commission could approve any of the suggestions or a combination thereof or a fourth option would be to make no changes. She noted that there are alternative no-climb fences available that provide for security and that also provide improved aesthetics.

The Commission discussed the various options with a suggestion to use option #3 with the addition of the General Industrial land use. They also discussed the higher cost for the other types of security fencing.

Ms. Barnes confirmed that the existing barbed wire fences installed before December 2016 would be allowed to remain regardless of the land use district or lot typology. Existing GI properties and existing properties using an Industrial lot type would be allowed to install new barbed wire fences. Any future properties designated GI or with Industrial lot types would be allowed to install barbed wire fences.

Discussion was held regarding where Industrial lot types would be permitted and elsewhere in the City where the barbed wire would be allowed with Ms. Barnes indicating that, if the ordinance is approved, her staff would confirm the locations of the legally non-conforming fences.

CONSENSUS: It was a consensus of the Commission for staff to bring back an ordinance to change the regulations per Option #3 with the addition of General Industrial.

7.2 Consideration: Amendments to Section 110 and 115 of the Land Development Regulations

Ms. Barnes presented a proposed amendment to Chapters 110 and 115 of the Land Development Regulations. She reviewed the proposed changes as follows: 1) Sec. 110-2 Measurement of Standards pertaining to exemptions from the height limitations to provide some administrative authority to the Development Services

Director; 2) Clarification of secondary street setbacks and elimination of wording regarding "non-ingress/egress easement"; 3) Clarification of docks within the lot line vs. riparian lines; 4) Clarification of accessory structures and uses; 5) Allow alternate screening for storage containers in commercial or industrial areas under certain circumstances; and 6) Revision of two lot typologies - Duplex lot - lot width is shown as 35 feet and staff believes that was intended to be one side only. The intent is to increase the minimum lot width so that it is actually sufficient to contain a duplex. The second is the Townhouse lot. The current requirements are for only a 10 foot street setback and the desire is to apply the same setbacks as for the duplex to allow stacking of cars.

Ms. Barnes then reviewed the proposed changes to Chapter 115. She noted this chapter includes the residential compatibility and design district transitions particularly concerning abutting developments. She stated staff's desire to rework that section to make it clearer and less open to interpretation. She proposed to bring back a proposal for a differential requirement for the suburban districts and a larger buffer requirement in the rural districts. She expressed the hope that removing some of the ambiguous language will provide the Commission with more confidence in applying the regulations to proposed developments.

Ms. Barnes then reviewed additional proposed changes to Chapter 115 as follows: 1) Driveway widths on collector/arterial roads - would like to require a minimum 18 ft. width on those roads to improve safety; 2) Addition of a minimum distance between driveways; 3) Clear sight zone requirement for corner lots to make sure any exemptions are mentioned in all sections and to allow other 4-ft. structures, not just fences; and 4) Parking requirements - some uses provide for parking to be determined during the review process. She recommended that the City adopt the requirements based on APA guidance.

Mayor Holland opened the floor to public comment.

An unidentified audience member stated Tammy Pena wished to have her email placed into the record.

There being no further public comment, Mayor Holland closed public comment.

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

7.3 Discussion regarding noise ordinance

Mr. Neibert noted that the Commission previously asked to have a discussion on the noise ordinance.

Mayor Holland acknowledged complaints the City had received regarding loud music from cars and from various events.

Police Chief Craig Capri noted his experience with noise issues in Daytona Beach. He commented on the City's noise ordinance and on the difficulty in enforcing some aspects such as "jakebraking". He cited a campaign in Daytona Beach that they began which included information posted on the website, on Facebook and on signage encouraging drivers to be quiet and be respectful. He recommended putting up signs particularly in areas where they have received the greatest number of complaints. He said they found the signs very helpful, particularly during events. He questioned whether or not the noise ordinance would hold up in court.

Chief Capri indicated he would continue to review the problem to develop methods for handling the situation. He noted that the large trucks and braking would be difficult. He expressed support for maintaining high visibility in the areas with a lot of complaints.

Discussion was held regarding noise issues at the Senior Center with Mr. Neibert indicating that the City has more flexibility there since they own the facility. A suggestion was made to require individuals renting the facility to have security present during the events.

Chief Capri commented on the need for the police department to meet with the renters before the event to emphasize the need for compliance with Mr. Neibert indicating that Parks & Recreation was sending notifications to the Police Department when the facilities were being rented for events that might cause a noise issue so they could implement additional patrols.

Chief Capri noted that in Daytona Beach their event applications had to be signed off by all department heads.

Discussion was held regarding lack of response to some complaints with Chief Capri emphasizing that he would insure there would be a response and Mayor Holland acknowledging the one complaint for the fairgrounds occurred during Georgefest when all agencies were low on staff.

CONSENSUS: It was a consensus of the Commission for staff to get the "Please ride quietly. It's all about respect" out on social media and to have signs installed.

8. FUTURE AGENDA ITEMS

8.1 Vice Mayor Lee asked to have the Community Alliance on the agenda for the next meeting to address the Commission regarding the resource center.

Commissioner Hawkins asked for staff to look at installing monitors on the dais for Commissioners due to the difficulty in seeing some of the information on the large monitors.

9. COMMENTS

9.1 City Commission

Commissioner Cobb reported that she met with the City Manager regarding the Community Garden. She indicated they discussed dividing up the garden to separate the existing residents from the students. She then asked about getting the fence at Bennett Park repaired.

Commissioner Hawkins asked about the issues at Wall and Virginia with Mr. Neibert indicating that the County has declined to address the road so the City will have to.

Commissioner Hawkins stated he had received some complaints about lack of communication and emphasized that the City needs to work on communication. He also asked that a truckload of mulch be delivered to the Community Garden.

9.2 City Manager - None

9.3 City Attorney

Mr. Schroth thanked the Commission for approving his new contract. He then thanked Lori Barnes for her assistance in getting two lawsuits dismissed due to the detailed information in the related staff reports.

9.4 Mayor

Mayor Holland reminded everyone about the upcoming Bike Rally and Music Fest. He congratulated the Eustis High School softball team on their excellent record and encouraged everyone to go out and support the team. He then announced the Eustis High School Band would be holding their jazz review on May 8th and would be joined by Thomas McClary, EHS graduate and founding member of the Commodores. He asked everyone to support the band.

Mayor Holland then announced that the joint working group negotiations with Lake County would begin meeting on Monday, January 19th.

Commissioner Hawkins thanked the City Manager for joining him and the new Police Chief at a meeting and his assistance at the meeting.

City Clerk Mary Montez announced there was a technical issue and staff was having difficulty shutting down the livestreaming.

10. ADJOURNMENT: 8:00 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