



APPROVED: 10/15/2020

MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, October 1, 2020 - City Hall

INVOCATION: BRIAN BROOMFIELD

PLEDGE OF ALLEGIANCE: COMMISSIONER LEHEUP-SMITH

CALL TO ORDER: 6:07 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Commissioner Karen LeHeup-Smith, Commissioner Robert Morin, Commissioner Marie Aliberti, Vice Mayor Emily Lee and Mayor Michael Holland

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

2.1 September 17, 2020 - 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 Morin, Commissioner Aliberti, Vice Mayor Lee and Mayor Holland

3. AUDIENCE TO BE HEARD

3.1 Cathy Gonzalez informed the Commission that Blue Lake is flooding again due to all of the recent rain. She asked that the City have a new study done of the lake. She also commented on the need to consider surrounding property before moving forward with development.

4. CONSENT AGENDA

4.1 Resolution Number 20-66: Approval of purchase in excess of \$50,000 for police vehicles

4.2 Resolution Number 20-67: Purchase in excess of \$50,000 for books and other reading materials

4.3 Resolution Number 20-68: Authorizing the release of utility lien on 1202 S. Dewey St.

4.4 Resolution Number 20-69: Water Service/Annexation Agreement for property located at 17307 Lakeview Court, outside the City limits, Alt Key 3750667

- 4.5 Resolution Number 20-70: Renewing lease agreement with Commissioned Beyond Borders, Inc.
- 4.6 Resolution Number 20-72: Accepting Florida Incident-based Reporting System (FIBRS) Implementation Grant
- 4.7 Resolution Number 20-73: Purchase in Excess of \$50,000 for Eustis Fire Station #22 Gender Specific Renovations

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

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

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 5.1 Resolution Number 20-71: Vacation of unimproved right-of-way platted as Marsh Street in Erwins Subdivision Replat

Derek Schroth, City Attorney, announced Resolution Number 20-71: A Resolution of the City Commission of the City of Eustis, Florida; authorizing the vacation and abandonment of Marsh Street, as recorded in the Erwins Subdivision Replat, Plat Book 10, Page 33, lying south of Orange Avenue, north of Greenwood Cemetery, and west of 1804 Orange Avenue, as more particularly described herein, in accordance with Ordinance Number 19-38.

Lori Barnes, Development Services Director, presented the request for the City to vacate the City right-of-way shown as Marsh Street. She explained the right-of-way was included as part of Erwin's Subdivision and was never developed as a street. She presented a copy of the 1925 plat and an aerial map of the subject area. She explained Section 82-156 of the Code of Ordinances pertaining to how a right-of-way may be abandoned or vacated. She reported that all three abutting property owners have submitted an application for the vacation. She reviewed the applicant's justification for the vacation and intent for use of the property as follows: 1) Nonuse of the property for 86 years; 2) Road was never improved to provide access to the cemetery; 3) applicant desires to utilize the land to upgrade the property and to provide additional privacy and security; 4) owner of 1804 Orange Avenue is the property owner that initiated the request and provided a copy of a plan that shows a parking area improvement that would use the Marsh Street right-of-way as access.

Ms. Barnes then reviewed the criteria to be considered for a right-of-way vacation noting the following: 1) There is a public benefit to the right-of-way; 2) The proposed vacation is not consistent with the Comprehensive Plan; 3) There is legal access to all of the bordering properties; 4) Public safety is not a concern; 5) Pedestrian safety is not a concern; 6) Municipal services and relocation of utilities is a concern; and 7) No concern on the design and character of the area. She then explained the City's future intent to utilize the right-of-way for the extension of the City's reuse water line and stated the request does not meet the criteria within the City code. She stated that the differential cost between the Marsh Street route and the alternate route is \$276,608 more due to the following issues: 1) Utility conflicts in the Orange Avenue right-of-way; 2) Increased maintenance of traffic needs; 3) Haselton/Orange Avenue is a constrained intersection which will complicate construction; and 4) Haselton has

a concrete base roadway which would have to be completely replaced. She stated that Public Works/Utilities Director Rick Gierok is available if the Commission has questions regarding the use of the right-of-way.

Ms. Barnes then explained that state statute requires vacated property to revert to the abutting property owners. She indicated that, if the vacation is approved, the applicant would have to work with the other adjoining property owners to have the property reverted to her. She then stated staff's recommendation for denial of the request due to the following: 1) Marsh Street right-of-way still has a public purpose to serve; and 2) Vacation and abandonment of Marsh Street would eliminate an alternate utility expansion route resulting in increased construction costs to the city taxpayers. She explained that the applicant has been offered a right-of-way utilization permit which would grant her permission to use the right-of-way for a driveway access and a portion of her parking area. Should the City need to go on the property to do work in the future, the City would not necessarily be required to replace the improvements under the permit.

The Commission asked how soon the right-of-way might be used with Ron Neibert, City Manager, stating within five to six years.

The Commission then asked what the public use would be with Rick Gierok, Public Works/Utilities Director, explaining that would be the route for the reuse water lines to be extended. He explained that the City is required to conduct an alternate water use study. He commented on discussion he has had with the St. John's Water Management District regarding how the City would run re-use lines. He stated that the route through the cemetery has no graves involved so the only cost would be to rebuild a short asphalt lane. He explained the difficulties that would be involved in running the reuse line down Orange Avenue due to the amount of utility lines already in the right-of-way there and the concrete base on Haselton. He cited the large increase in cost to go down Orange Avenue and Haselton versus going through the cemetery. He stated it is not currently in the five-year plan; however, he is working with St. John's on that. He cited those areas that have just been hooked into reuse water.

The Commission asked if a compromise could be to have an agreement that the City would replace anything disturbed when they install the line with Mr. Gierok indicating that, if it occurs when he is still with the City, he would write the bid package to require replacement of whatever is there. He stated the City usually replaces whatever is there.

Mr. Neibert asked if a note could be placed on the right-of-way permit that would require replacement of any improvements with Mr. Gierok concurring.

Mayor Holland noted he previously met with Lisa Laboo regarding her request.

Lisa Laboo thanked the Commission for their consideration. She noted that the property was originally intended to be a street but was never developed as such. She stated that, after the City fenced in the cemetery, they no longer maintained the area. It was maintained by the adjoining property owners. She cited work she has done on the property and commented on the City's former mow-to-own program. She noted that another individual had discussed the situation with City staff - the realtor from Spouses with Houses.

David Higgins, 2104 Orange Avenue, expressed support for the easement to be vacated and given to Ms. Laboo. He presented a letter from Carol Hall Bonnema, 11 Oak Court, also expressing support. He cited that the cemetery already has access from Orange Avenue.

Mr. Gierok responded that the gated entrance is actually where they would do the point of connection.

Commissioners Morin and Aliberti both confirmed they previously spoke with Ms. Laboo.

Commissioner Aliberti confirmed that when they went to put in the driveway they realized there was not sufficient room due to the City right-of-way with Ms. Laboo indicating that when the contractor started the process was when they realized there was an issue with the right-of-way. She explained their desire to put in a cement driveway to make it look more professional.

Mr. Schroth opened the public hearing at 6:38 p.m. There being no further comment, the hearing was closed at 6:38 p.m.

Following the motion and second to approve, Commissioner LeHeup-Smith expressed support for giving a right-of-way utilization permit and cited the increased cost to the City if the alternate route is used for the re-use line.

The Commission discussed whether or not there would be a use for the reuse line in that area, the right-of-way utilization permit, and the statutory requirement for the City to offer re-use water as part of the City's consumptive use permit.

Mr. Neibert explained the property is a home and will require an administrative site plan review and a change in use review to convert it to commercial use.

Ms. Laboo stated she did meet with the City prior to beginning the process. She expressed concern regarding any improvements being replaced.

Mr. Neibert reiterated his and Mr. Gierok's assurance to replace any improvements.

Following the vote, Mayor Holland encouraged Ms. Laboo to meet with staff and process the right-of-way permit with the requirement that the City replace any improvements.

Moved by Commissioner Morin, seconded by Commissioner Aliberti, to approve Resolution Number 20-71. Defeated by the following votes:

Ayes: Commissioner Morin

Nays: Commissioner LeHeup-Smith, Commissioner Aliberti, Vice Mayor Lee and Mayor Holland

5.2 Explanation of Ordinances for property lying along the east and west sides of Palmetto Street, north of Carolyn Lane and south of Gelford Road:
Ordinance Number 20-28 – Voluntary Annexation

Mr. Schroth read Ordinance Number 20-28 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 17.6 acres of real property lying along the east and west sides of Palmetto Street, north of Carolyn Lane and south of Getford Road.

The Commission confirmed that the subject property is where the adjoining property owner uses the property for access to his home.

Ms. Barnes explained she assured Mr. Driver, the adjoining property owner, that, if a development plan is submitted, the City will use City codes to insure that Mr. Driver still has access to his property.

Mr. Schroth opened the public hearing at 6:48 p.m. There being no public comment, the hearing was closed at 6:48 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Aliberti, to adopt Ordinance Number 20-28 on second and final reading. Motion carried by the following votes:

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

5.3 Ordinance Number 20-29 – Comprehensive Plan Amendment

Mr. Schroth read Ordinance Number 20-29 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(1) F.S.; changing the future land use designation of approximately 17.6 acres of recently annexed real property located on the east and west side of Palmetto Street, north of Carolyn Lane and south of Getford Road from Urban Medium in Lake County to Mixed Commercial/Residential (MCR) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:49 p.m. There being no public comment, the hearing was closed at 6:49 p.m.

Moved by Commissioner Morin, seconded by Commissioner Aliberti, to adopt Ordinance Number 20-29 on second and final reading. Motion carried by the following votes:

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

5.4 Ordinance Number 20-30 – Design District Assignment

Mr. Schroth read Ordinance Number 20-30 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 17.6 acres of recently annexed real property located along the east and west side of Palmetto Street, north of Carolyn Lane, and south of Getford Road.

Mr. Schroth opened the public hearing at 6:50 p.m. There being no public comment, the hearing was closed at 6:50 p.m.

Moved by Commissioner Morin, seconded by Commissioner Aliberti, to adopt Ordinance Number 20-30 on second and final reading. Motion carried by the following votes:

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

5.5 Explanation of Ordinances for property located on the north side of CR 44A, east of East Eldorado Lake Drive:

Ordinance Number 20-32: Voluntary Annexation

Mr. Schroth read Ordinance Number 20-32 by title only on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 20.691 acres of real property located on the north side of County Road 44A, east of East Eldorado Lake Drive.

Ms. Barnes reviewed Ordinances 20-32, 20-33 and 20-34 regarding the annexation of 20.691 acres on the north side of CR 44A, east of East Eldorado Lake Drive with a request for a Suburban Residential land use designation and a Rural Neighborhood design district. She presented a map and aerial view of the subject property and explained staff's evaluation of the request. She cited the joint planning area (JPA) agreed to by Lake County and the City and stated that the property is located within the JPA. She stated Florida Statutes provide that properties separated from the City limits by a road, lake or County park shall not be prohibited from voluntary annexation. She then reviewed staff's evaluation of the future land use request and whether or not the request discourages sprawl. She cited the proximity to public utilities and the possible points of connection. She noted the auto-aid agreements the City has with the County for police and fire. She stated that the City's fire station is already the primary responder for the subject area and the Police Chief has stated that police response time to the area would be five minutes or less.

Ms. Barnes then commented on the environmental studies that would be required whenever a development application is received. She stated the City does have sufficient capacity to serve the area.

Mayor Holland cautioned the audience to avoid commenting out loud and stated individuals would be asked to leave the chambers if there were heckling, cheering, etc.

Ms. Barnes continued her presentation stating that, if a development is proposed in the future, City regulations require a traffic impact study prepared by a traffic engineer. She explained how the study would be reviewed citing the various agencies that would review and make recommendations for any improvements that may be required to support the development. She explained that a school concurrency review would also be required whenever a development application is received. She then reviewed the proposed Future Land Use and stated that the County's future land use map shows the majority of the City of Eustis as either Urban Low with an R1 zoning or Rural Transition with either an R1 or Ag future land

use. She stated those future land uses do not take into consideration the City's urban growth boundary or provision of municipal services. She indicated the County's land use map provides a vision to the City and County residents that those densities are appropriate in those areas; however, for municipal services a higher density is appropriate to reduce the per capita cost to provide utilities. She then stated the Eustis future land use map shows the majority of the residential development within the City limits as Suburban Residential.

Ms. Barnes then indicated that the requested future land use designation is Suburban Residential and the closest property within the City limits to the subject property is Suburban Residential. She stated that staff finds the request to be consistent with the rest of the City and the comprehensive plan. She explained the City's form-based code and the use of design district designations. She stated that the proposed designation for the property is Rural Neighborhood which will help to ensure any development is compatible with the surrounding area and provides substantive open space while preserving the rural viewshed.

Ms. Barnes then noted the substantial public input received regarding the proposal. She stated that up to noon the City logged 35 contacts, eight of which were duplicates. She stated 23 were in opposition of which seven were within the 500 feet proximity. She indicated that five additional emails were received from Cindy Newton who is not within the 500 feet, a letter from Lloyd Kennedy and an email from Bridget Comeaux. She stated that all of the emails were forwarded to the Commission and they were also provided hard copies of the emails.

Ms. Barnes stated staff's recommendation for approval indicating that the annexation is consistent with the JPA and Florida Statutes, the City comprehensive plan and land development regulations and would begin to fill in Eustis' natural growth boundary.

Major Stacey stated his agreement with staff's recommendation and shared correspondence from Carol Harper expressing support for the annexation. She stated no one had approached her regarding development of her property however she believes the annexation will improve property values. He indicated he has not been approached regarding a specific development and stated he has taken note of the concerns, particularly Blue Lake flooding, and will consider those when and if development is proposed.

Mr. Schroth opened the public hearing at 7:08 p.m.

Mayor Holland assured the audience that he has read all of the emails. He reminded the audience that statements should be limited to three minutes. He encouraged individuals who hear someone else state something they agree with that they just raise their hands.

The following individuals addressed the Commission in opposition to Ordinances 20-32, 20-33 and 20-34: 1) Tammy Pena; 2) Simon Morris; 3) Bo Buckner; 4) Lloyd Kennedy; 5) Cindy Buckner; 6) Brent Davison; 7) Lee Conger; and 8) Egor Emory.

Mr. Schroth read emails from the following individuals in their entirety: 1) Cindy Newton (he noted she sent a number of emails but he would only read one); and 2) Pat Duncan. He also read a letter from County Commission Chair Leslie Campione

requesting additional information regarding the proposed annexation and designations.

Mary Montez, City Clerk, read the list of additional individuals who sent emails expressing concern or opposition to the proposed annexations as follows: 1) Ambur Hardee; 2) Michael and Sarah Tidwell; 3) Jon and Terrie Diesbourg; 4) Mr. and Mrs. Figliolia; 5) Kenneth Roebuck; 6) Rembrandt and Catherine Gray; 7) Miranda Wrinkle; 8) Lisa Gilkinson; 9) Joe Crawford; 10) Thomas Hixon; 11) Allison Thomas; 12) Chelsey Velilla; 13) Marylou Morris; 14) V. A. Ouellette; 15) Marcia Pease; 16) Margie Seruga; 17) Stevie Seruga; 18) Chelsea Seruga; and 19) Thomas Bailey.

Mayor Holland confirmed that all of the Commissioners had received and read the emails.

George Asbate addressed the Commission in support of the annexation.

The following individuals spoke in opposition to the annexation or expressed concern regarding increased traffic and other issues: 1) Kevin Kline; 2) Brent Davison; 3) Doug Agar; 4) A.J. Muscolo; and 5) Bill Duncan who expressed support for one house per acre.

There being no further public comment, the public hearing was closed at 7:51 p.m.

Following a motion and second, the Commission discussed the following: 1) Benefit to the City; 2) Difficulties created by previous Commissions due to no growth attitude; 3) Amount of time the City suffered through no growth; 4) The request came from the property owners not staff; 5) Abiding by state statutes and City land use and design districts; 6) The proposed land use is for one to five units per acre; 7) The Rural Neighborhood design district designation; 8) How long it may take for a development to occur; 9) Private property rights; 10) The likelihood that any development would not be allowed five units per acre; 11) The need for additional housing in Lake County; 12) The fact that a development plan has not been submitted; 13) Small homes do not necessarily attract more crime; 14) The likelihood that audience members would object if government tried to tell them what to do with their property; 15) The likelihood that the property owners, if not annexed, would develop under County regulations and utilize wells and septic tanks which would be detrimental to the environment; 16) Assurances that any future development would come before the Commission and they would have the opportunity to provide input; 17) The negativity provided through some of the emails; 18) The need for the City and Lake County to work together; 19) The City's response to Commissioner Campione's letter; 20) The number of developments that the City Commission has denied them building five units per acre; and 21) The fact that the second reading would not occur until December and that there would be time for the City to have additional dialogue with Lake County and possibly the community.

Moved by Commissioner Morin, seconded by Commissioner LeHeup-Smith, to adopt Ordinance Number 20-32 on final reading. Motion carried by the following votes:

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

5.6 Ordinance Number 20-33: Comprehensive Plan amendment assigning future land use designation

Mr. Schroth read Ordinance Number 20-33 by title on first 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 20.691 acres of recently annexed real property located on the north side of County Road 44A, east of East Eldorado Lake Drive from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis.

Mr. Schroth opened the public hearing at 8:13 p.m. There being no public comment, the hearing was closed at 8:14 p.m.

Moved by Commissioner Robert Morin, seconded by Vice Mayor Lee, to approve Ordinance Number 20-33 on first reading. Motion carried by the following votes:

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

5.7 Ordinance Number 20-34: Assigning design district designation

Mr. Schroth read Ordinance Number 20-34 by title only on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Rural Neighborhood design district designation to approximately 20.691 acres of recently annexed real property located on the north side of County Road 44A, east of East Eldorado Lake Drive.

Mr. Schroth opened the public hearing at 8:14 p.m. There being no public comment, the hearing was closed at 8:15 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner Aliberti, to approve Ordinance Number 20-34 on first reading. Motion carried by the following votes:

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

5.8 Recess: 8:15 p.m. Reconvene: 8:22 p.m.

**5.9 Explanation of Ordinances for property located on the South side of CR 44A and West of Thrill Hill Road:
Ordinance Number 20-35: Voluntary Annexation**

Mr. Schroth read Ordinance Number 20-35 by title only on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 104.066 acres of real property located on the south side of County Road 44A, and west of Thrill Hill Road.

Ms. Barnes presented Ordinances 20-35, 20-36 and 20-37 pertaining to 104.066 acres located south of CR 44A and west of Thrill Hill Road. She provided a map showing the site location and City limits. She explained that once Ordinance 20-32 is approved the property would be contiguous. She reviewed staff's evaluation of

the annexation and the requested future land use and design district designations of Suburban Residential and Rural Neighborhood. She explained staff's determination that the request does not promote sprawl and meets the criteria for discouraging sprawl. She cited the City's auto-aid agreements and stated that City Fire Station #23 is already one of the primary responders to the area. She indicated that the impact fees from the area would help to provide additional public safety, library, parks & recreation, etc. services if required at that time. She stated that a full transportation impact statement and environmental studies would be required at the time a preliminary subdivision plat is submitted. She explained the County's future land use map shows much of the property in the City's joint planning area as being Rural Transitional which does not take into consideration municipal densities or the provision of water and sewer services. She added that the County's future land use map gives the impression that the areas would remain undeveloped; however, the City has a joint planning area that has been in place for 33 years that identifies the areas intended to come into the City limits. She displayed the City's future land use map which indicates the large areas designated as Suburban Residential and cited the Comprehensive Plan which states that the majority of residential development in the City limits shall be in Suburban Residential areas. She noted the proximity of Suburban Residential within the City to the subject property and stated the requested designation is consistent with the future land use designations within the City limits and the Comprehensive Plan. She explained the City has a form-based code and stated that the Rural Neighborhood design district is proposed and would help ensure any development is compatible with the area and would require substantive open space and preserve the rural viewshed.

Ms. Barnes reviewed the notices, signage and public comments received with 35 contacts received prior to noon that day with 23 opposed, 7 of which were within the 500 foot proximity, 13 not within the 500 feet and one in support of the proposal outside of the 500 feet. She also reviewed additional emails received since noon. She stated staff's recommendation for approval stating that the request is consistent with the JPA and Florida statutory requirements, the City's comprehensive plan and land development regulations.

Tim Green, Green Consulting Group, stated his agreement with staff's evaluation and asked for the Commission's approval.

Mr. Schroth opened the public hearing at 8:35 p.m.

Thomas Brown, property owner, asked the Commission to support the annexation.

The following individuals expressed opposition to the annexation or concern regarding effect on environment, public safety, traffic and wildlife: 1) Thomas Hixon; 2) Lloyd Kennedy (who also suggested changing the code to eliminate the 5 units per acre); 3) Brent Davison (who questioned the vacancies in the police and fire departments and encouraged the City to pay their public safety commensurate with what they will be asking of them; 4) Tammy Pena; and 5) Cindy Buckner (who encouraged more in-city development versus annexation).

The Commission cited the number of current in-City developments that are underway and explained that the property owners approached the City for annexation. They noted that the City has not received a development application for the subject property.

Mr. Brown, owner of the subject property, explained how long he and his brother have owned the property. He stated they have not spoken with any developers at this time. Their intent is to plan for their families' future.

Tyler Reinertsen and Jonathan Gilleck expressed opposition to five units per acre and support for one unit per acre.

There being no further public comment, the hearing was closed at 8:52 p.m.

After the motion and second, the Commission discussed the following: 1) the likelihood that any development would not be allowed to reach the five units per acre; 2) the support the Commission provides to the police and fire departments; and 3) the benefit of City services.

Mayor Holland asked the City Clerk that all comments for Ordinance Numbers 20-32, 20-33 and 20-34 also be incorporated with Ordinance Numbers 20-35, 20-36 and 20-37.

Moved by Commissioner Morin, seconded by Vice Mayor Lee, to approve Ordinance Number 20-35 on first reading. Motion carried by the following votes:

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

5.10 Ordinance Number 20-36: Comprehensive Plan Amendment assigning future land use designation

Mr. Schroth read Ordinance Number 20-36 by title only on first 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 104.066 acres of recently annexed real property located on the south side of County Road 44A, and west of Thrill Hill Road from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis.

Mr. Schroth opened the public hearing at 8:56 p.m. There being no public comment, the hearing was closed at 8:56 p.m.

Moved by Commissioner Morin, seconded by Vice Mayor Lee, to approve Ordinance Number 20-36 on first reading. Motion carried by the following votes:

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

5.11 Ordinance Number 20-37: Design district designation

Mr. Schroth read Ordinance Number 20-37 by title only on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Rural Neighborhood design district designation to approximately 104.066 acres of recently annexed real property located on the south side of County Road 44A, and west of Thrill Hill Road.

Mr. Schroth opened the public hearing at 8:56 p.m. There being no public comment, the hearing was closed at 8:57 p.m.

Moved by Commissioner Aliberti, seconded by Commissioner LeHeup-Smith, to approve Ordinance Number 20-37 on first reading. Motion carried by the following votes:

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

5.12 Explanation of Ordinances for property located on the East side of Thrill Hill Road and north of Reedy Road: Ordinance Number 20-38: Voluntary Annexation

Mr. Schroth read Ordinance Number 20-38 by title only on first reading: An Ordinance of the City Commission of the City of Eustis, Florida voluntarily annexing approximately 39.1691 acres of real property located on the east side of Thrill Hill Road, north of Reedy Road.

Ms. Barnes reviewed Ordinances 20-38, 20-39 and 20-40 pertaining to 39.1691 acres located on the east side of Thrill Hill Road and north of Reedy Road. She explained that the subject property is located just outside of the City's joint planning area; however, the property still is legally eligible for annexation. She stated there is no prohibition against annexation outside of the JPA and County approval is not required. She reviewed staff's analysis of the annexation, land use and design district designation requests. She noted that the City provides water and sewer service to urban density developments far to the east including Sorrento Springs and Red Tail. She provided a definition of sprawl and stated the proposed annexation meets six of the eight indicators in state statute for discouragement of sprawl. She explained that staff's analysis did not include traffic counts from Thrill Hill as staff utilizes the traffic counts published by Lake County. She indicated that, if a development application is received, they would be required to conduct a full traffic impact study and the impact on Thrill Hill would be considered. She commented on Lake County's future land use designations stating they do not provide a rational transition and do not take into account the density needed to support municipal services. She stated the County's action has interrupted the development pattern.

Ms. Barnes then cited the surrounding Suburban Residential developments in the area within a mile of the subject property. She stated that the Suburban Residential land use designation is consistent with the surrounding Eustis future land use designations and the comprehensive plan. She added that utilizing central sewer over septic tanks protects the groundwater. She then explained staff's evaluation of the Rural Neighborhood design district which will ensure any future development provides substantive open space and preserves the rural viewshed. She then reviewed the public comments received and legal notices. She asked that the public notice slide be incorporated into the record.

Ms. Barnes then stated the requested annexation is consistent with Florida Statute requirements and the proposed designations are consistent with the comprehensive plan and land development regulations. She stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 9:11 p.m.

The following individuals addressed the Commission to express opposition to the proposal, concern regarding the impact on the area particularly on traffic on Thrill Hill Road, annexing outside of the JPA, and the possibility of it being an opening for the development of a migrant camp: 1) John Irby; 2) Cathy Gray; 3) Lloyd Kennedy; 4) Sherry Ford; and 5) Thomas Hixon.

There being no further public comment, Mr. Schroth closed the public hearing at 9:22 p.m.

Moved by Commissioner Morin, seconded by Commissioner Aliberti, to approve Ordinance Number 20-38 on first reading. Motion carried by the following votes:

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

5.13 Ordinance Number 20-39: Comprehensive Plan Amendment assigning future land use designation

Mr. Schroth read Ordinance Number 20-39 by title only on first 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 39.1691 acres of recently annexed real property located on the east side of Thrill Hill Road, north of Reedy Road from Rural in Lake County to Suburban Residential (SR) in the City of Eustis.

Mr. Schroth opened the public hearing at 9:23 p.m. There being no public comment, the hearing was closed at 9:23 p.m.

Moved by Commissioner Aliberti, seconded by Commissioner LeHeup-Smith, to approve Ordinance Number 20-39 on first reading. Motion carried by the following votes:

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

5.14 Ordinance Number 20-40: Assigning design district designation

Mr. Schroth read Ordinance Number 20-40 by title only on first reading. An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Rural Neighborhood design district designation to approximately 39.1691 acres of recently annexed real property located on the east side of Thrill Hill Road, north of Reedy Road.

Mr. Schroth opened the public hearing at 9:24 p.m. There being no public comment, the hearing was closed at 9:24 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Ordinance Number 20-40 on first reading. Motion carried by the following votes:

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

6. OTHER BUSINESS

6.1 City Manager Annual Evaluation

Bill Howe, Human Resources Director, explained that the City Commission is required to annually conduct an evaluation of the City Manager and may, at that time, consider any salary increase. He noted that the Commission, as part of the budget approval, approved a 2% increase for all general employees.

Commissioner Morin stated the City had done a great job over the last one to two years and commented on the progress the City has made. He indicated that a lot had been accomplished.

Commissioner Aliberti expressed her enjoyment in working with the City Manager. She cited the need for better communication with the Commission and recommended meeting with all of the Commissioners individually. She indicated she sometimes felt left out. She stated her belief that his salary is in line with other area managers and added she would not recommend an increase at that time primarily due to the uncertainty from Covid 19.

Commissioner LeHeup-Smith expressed support for the City Manager. She commented on the need for the Commission to support him in working with the County and indicated his job is to be a force for the City, which he has done. She stated she did not want a manager that loses opportunities and cited the previous loss of the hospital and other opportunities. She emphasized that Eustis should be treated equally with the other cities and that's what he is working for. She expressed pleasure with working with the rest of the Commission and added they are always able to agree to disagree. She expressed support for a 2% increase stating that she did not want the City to fall behind. She added that she would be better about calling Mr. Neibert and making appointments.

Vice Mayor Lee thanked Mr. Neibert for already working on the issues that she pointed out in her evaluation.

Mayor Holland stated that the City Manager has already begun to address issues he pointed out and thanked him for that. He stated that he does not want to be a micromanager. He noted that he checked on some of the other candidates that had applied for the City Manager's position and stated that Mr. Neibert has brought more to the table than any of the previous applicants have done since. He commented on the problems the City is experiencing due to the number of years that they were unable to provide raises. He cited the difficulties the City has ahead of it to provide more funding for public safety. He commented on the pleasure he has in working with the rest of the Commission. He stated he would not want to treat one employee differently than the rest.

The Commission then discussed whether to provide a salary increase to the City Manager with the final consensus being to award a 2% increase.

Mr. Neibert expressed appreciation for the comments and encouraged the Commissioners to come to him at any time to give him input or provide a correction. He cited the hard decisions coming up to address some of the critical issues of the community and stated his intent to be with the City as long as the body wants him to be or as long as he feels he is being effective.

7. FUTURE AGENDA ITEMS: NONE

8. COMMENTS

8.1 City Commission

Commissioner Aliberti reported that the Lake Community Action Agency Board did not hold a meeting in September.

Commissioner Morin reported that he resigned from the Coalition for the Homeless.

Vice Mayor Lee noted her attendance at the Eustis High School football game.

8.2 City Manager

Mr. Neibert reported that Sun Terra has requested a 30 day extension of the due diligence period for purchase of the sprayfield property. He asked the Commission for approval for him to sign.

CONSENSUS: It was a consensus of the Commission to grant the City Manager the authority to approve the requested extension.

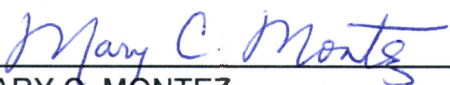
8.3 City Attorney - None

8.4 Mayor

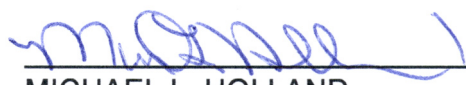
Mayor Holland expressed sympathy for the John Roberts family on the passing of his wife, Molly. He noted that Commissioner Morin's mother's birthday was that day and she turned 96 years old. He wished her a happy birthday. He thanked the audience for their attendance and assured them that they would work on their behalf.

9. ADJOURNMENT: 9:44 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