APPROVED: 10/1/2020

MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, September 17, 2020 - City Hall

NOTICE OF LIMITED SEATING

DUE TO REQUIRED SOCIAL DISTANCING, THERE WILL BE LIMITED SEATING FOR ALL CITY COMMISSION MEETINGS FOR THE FORESEEABLE FUTURE

Due to the Governor's Executive Orders pertaining to social distancing and the re-opening of businesses and other venues during the COVID-19 pandemic, there will be limited seating available for all City Commission meetings for the foreseeable future. Seating will be closed at 5:55 p.m. whether the meeting room is full or not due to no staff member being available to monitor the entrance. Anyone who is not able to obtain seating is encouraged to watch the livestreaming of the meetings from home and submit any comments or questions to the City Clerk via email at cityclerk@eustis.org. Please note that anyone attending the meeting must sit in the designated seats and cannot sit in clusters in order to maintain the CDC recommended six feet. Thank you for your cooperation.

INVOCATION: MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: VICE MAYOR LEE

CALL TO ORDER: 6:05 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE: NONE

2. APPROVAL OF MINUTES

2.1 August 20, 2020 - Regular City Commission Meeting
September 3, 2020 - Regular City Commission Meeting

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

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

3. AUDIENCE TO BE HEARD

3.1 Terry Hurley addressed the Commission regarding an incident that occurred on July 23rd in which a large tree fell on the lift station and their boat as well as power lines. He stated he met with Rick Gierok who assured him the City would pay for damage to his boat. He explained he completed the claim forms and provided a quote for the repairs along with photographs. He indicated that he provided everything that was requested by the City's insurance company. He complained they subsequently denied his claim and gave several different reasons for the denial. He asked the Commission to pay for the damages and "make them whole"

Mayor Holland explained the Commission does not make that type of decision at the meeting and asked if he could meet with him and the City Manager the next day.

Stefanie Carder announced that the Lake Eustis Area Chamber of Commerce would be hosting a candidate forum on September 29th in the Community Building at 6:00 p.m.

4. CONSENT AGENDA

4.1 Resolution Number 20-64: Annexation Agreement and Developer's Agreement to Provide Water Service to Sorrento Pines, LLC property outside the City limits

Moved by Commissioner Morin, seconded by Commissioner Aliberti, to approve the Consent Agenda. Motion carried by the following votes:

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

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

5.1 Resolution Number 20-59: Final Millage Rate for 2020

Derek Schroth, City Attorney, announced Resolution Number 20-59: A Resolution by the City Commission of the City of Eustis, Lake County, Florida; adopting the final millage levy of ad valorem taxes for the City of Eustis, Lake County for Fiscal Year 2020-2021; providing for an effective date.

Mike Sheppard, Finance Director, announced it was the final hearing on the millage rate and stated the proposed millage rate is 7.5810 which exceeds the roll-back rate of 7.2531 mils and increases taxes by 4.521%. He stated the difference in revenue between the two is $358,000 and noted that, if the City adopted the rollback rate, they would have a budget deficit and would have to utilize reserves to balance the budget. He then presented a graph comparing Eustis, Tavares, Mount Dora and Leesburg and their millage rates and additional fees. He provided a review of the various possible rates and effect on the budget.

Mr. Schroth opened the public hearing at 6:17 p.m. There being no public comment, the hearing was closed at 6:17 p.m.

Moved by Commissioner Aliberti, seconded by Commissioner LeHeup-Smith, to approve Resolution Number 20-59 setting the final millage rate at 7.5810. Motion carried by the following votes:

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

5.2 Resolution Number 20-60: Adopting the final budget for fiscal year 2020-2021

Mr. Schroth announced Resolution Number 20-60: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the final budget for Fiscal Year 2020-2021; which shall include the Capital Improvement Program for the City of Eustis; providing for an effective date.

Mr. Sheppard stated it was the final public hearing on the FY2020-2021 budget and provided an overview of the proposed budget including overall Fund Balance and the General Fund. He cited the significant changes to revenues that occurred between first and second hearing as follows: 1) Reduction in Telecommunication Tax of $35,500; 2) Increase in State Shared Revenue of $25,000; 3) Reduction in half cent Sales Tax of $275,000; and 4) Estimated sale of CRA property and adjustment to transfer to General Fund. He then reviewed the significant changes that occurred to expenditures as follows: 1) Increase to Recreation promotions; 2) Reduction in Building Services transfer to General Fund; 3) Correction of formula in the tentative budget; 4) Reduction in Property and Casualty Insurance; 5) Increase due to movement of offsite storage of data to Water Distribution; and 5) Umatilla reconnection not included in tentative budget. He then reviewed the future challenges that face the City including the following: 1) Funding for police and fire pensions; 2) Insurance costs for both health and property/casualty; 3) Offering competitive compensation; 4) Maintenance or replacement of aging infrastructure; 5) Tax revenue formula favors population growth & expansion; and 6) Effect of COVID-19 on the economy regarding consumer purchase and property values.

Mr. Schroth opened the public hearing at 6:23 p.m. There being no public comment, the hearing was closed at 6:23 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to approve Resolution Number 20-60 adopting the final budget for FY2020-2021. Motion carried by the following votes:

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

5.3 Resolution Number 20-65: Approval of Interlocal Agreement for distribution of CARES Act funding dollars

Mr. Schroth announced Resolution Number 20-65: A Resolution of the City Commission of the City of Eustis, Florida; authorizing the Mayor to execute an interlocal agreement between the City of Eustis and Lake County for the distribution of funding to be provided through the county according to the Coronavirus Aid, Relief and Economic Security Act (CARES) and to authorize the City Manager to bypass normal procurement procedures due to the limited amount of time allowed; providing for an effective date.

Ron Neibert, City Manager, explained the need for the interlocal agreement in order for the City to receive its share of the CARES act funding. He noted his concerns regarding receipt of the funds. He added that the County will not release the $48 million until it expends the initial $16 million. He stated staff was informed that the County is having difficulty obtaining applications for the $16 million so they have doubled the amount of the awards. He commented on what is included in the spending plan and confirmed that it is done on a reimbursement basis.

The Commission expressed support for what is proposed in the spending plan with Mr. Neibert noting that some of the items are already planned for future budgets.

Mr. Schroth opened the public hearing at 6:28 p.m.

Brian Broomfield asked if the items on the list are things the City was already planning to obtain with Mr. Neibert explaining a number of items are already planned for future purchase and the grant would allow those purchases to be accelerated. However, some of the items are for the purpose of addressing any further pandemics such as hand washing stations, sanitizing equipment and equipment that would facilitate with holding virtual events. He stated most of it would be new purchases; however, some of the cleaning supplies have already been purchased.

The Commission noted that the City was actually awarded $1 million; however, the City is only accepting $650,000.

Mr. Neibert explained staff had approached the County about possibly feeding the additional funds into the residential assistance portion of the program; however, the County indicated that the City would have to administer that.

There being no further public comment, the hearing was closed at 6:32 p.m.

Moved by Commissioner Morin, seconded by Vice Mayor Lee, to approve Resolution Number 20-65. Motion carried by the following votes:

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

6. OTHER BUSINESS

6.1 Consideration of Sale of City-Owned Property at 110 West Woodward Avenue

Lori Barnes, Development Services Director, explained the property previously had code enforcement liens and the Commission had directed the City Attorney to foreclose; however, the City Attorney subsequently determined that there were over $11,000 in back taxes due on the property so it was determined it would not be prudent to foreclose at that time. The property subsequently escheated to the County for payment of taxes and they then deeded the property to the City. She explained the property is located adjacent to the Hayes Brothers Funeral Home and they have expressed interest in purchasing the property.

CONSENSUS: It was a consensus of the Commission for the City Manager to proceed with the sale of the property to Hayes Brothers Funeral Home.

6.2 Consideration of Fee Waiver Request - Prosperity Real Estate, LLC

Ms. Barnes explained the fee waiver request for a right-of-way vacation by Prosperity Real Estate for property located at 1804 Orange Avenue. She explained there is an unimproved right-of-way adjacent to the property and Lisa LaBoo has asked for the City to vacate the right-of-way. She further explained that Ms. LaBoo has requested a waiver of the vacation application fees due to economic hardship. She stated the Commission has several options as follows: 1) Approve the fee waiver; 2) Approve a partial fee waiver with requirement of payment of hard costs; or 3) Deny the fee waiver. She stated that if the vacation request does move forward staff would be recommending denial of the vacation request.

The Commission questioned the location of the right-of-way with Ms. Barnes explaining the right-of-way is 25 feet wide and 122 feet deep and is a platted right-of-way that runs from Orange Avenue to the south which connects with Greenwood Cemetery.

Mr. Neibert explained the right-of-way does have value to the City as the Public Works Director is working on the reclaimed water plans for the cemetery and that piece of right-of-way is needed for running those reclaimed water lines.

Mayor Holland disclosed that he did meet with Ms. LaBoo and visited the property and Vice Mayor Lee also disclosed Ms. LaBoo had contacted her.

Lisa LaBoo introduced herself to the Commission. She explained her efforts to clean up the property at 1804 Orange Avenue and, in attempting to install a sidewalk and parking, her contractor determined the property was City right-of-way. She stated there was some confusion regarding ownership of the right-of-way property stating that the Property Appraiser told her that the property was "public property" and was originally dedicated by the owner as a street. She noted that the City put up a gate so there was no access through the area to the cemetery. She further stated that someone from the Property Appraiser's office told her that the developer never dedicated the property to the City of Eustis. She then cited other properties on Orange Avenue owned by the City only two of which are vacant property and the subject property does not show as being owned by the City. She commented on "proscriptive easement" in Florida and stated the property has been maintained by others for over 91 years and the City has never maintained it. She indicated she has maintained the property and stated her request that the City waive the fees. She stated she is making the request because her investment in maintaining the property outweighs the amount of the fees. She further requested that the City conduct the due diligence to determine its ownership of the property.

The Commission stated that a "proscriptive easement" refers to allowing a continuing use and not intended to allow property to be taken over by a private concern.

The Commission then asked what she was referring to as 91 years with Ms. LaBoo indicating that it was 91 years ago when the developer dedicated the property for a road. They then asked her intent for the property with Ms. LaBoo indicating she was intending to put in parking and improve the appearance.

Mr. Neibert explained that Ms. Barnes had met with Ms. LaBoo and offered to award her a right-of-way use permit so she could use the r-o-w but the City would not transmit the property to her due to the City's need for the property. He indicated that if the City had to use the r-o-w they would not be obligated to restore the improvements. He noted that, if vacated, she would only receive half the property as the neighbors would receive the other half.

Ms. LaBoo indicated that she already obtained a signed agreement from the neighbors to relinquish their portion of the r-o-w if it is vacated. She noted the neighbors expressed concern about safety and were happy she intended to install a fence. She stated her issue with the r-o-w permit since she would be investing in the improvements and the City would not have to reimburse her for those if they removed them to use the r-o-w.

Mr. Neibert explained Ms. LaBoo is not actually installing parking but would use the r-o-w to access her existing parking. He suggested she use aggregate instead of concrete to reduce her cost.

Mayor Holland informed the Commission that the only thing before them is the fee waiver request. He stated he would like to hear a presentation by Public Works regarding their plans and hear Ms. LaBoo's plans. He stated the Commission needs to decide if they want to award a full waiver, a partial waiver with her paying the hard costs or deny the waiver.

The Commission discussed allowing a full waiver or requiring payment of the hard costs for advertising.

CONSENSUS: It was a consensus of the Commission to allow a partial waiver of the vacation request fee and to require payment of the hard costs.

6.3 Update on current FDOT projects

Rick Gierok, Public Works Director, provided an update on all the current FDOT projects within City limits. He noted FDOT has a website that shows all of their ongoing projects and the status of each at www.cflroads.com. He reviewed the following projects: 1) Project 439138: SR19 improvements from Norton Ave. to Lake Saunders Dr. including addition of a bike lane and anticipated completion date of April 2021; 2) Project 441370: Grove St. from Bates Ave. to Laurel Oak Dr. to make a more gradual curve to improve the safety; 3) Project 441135: SR19 improvements from CR452 to Golden Gem Dr. including pedestrian/bicycle route improvements and installation of additional street lighting. The construction package will be bid December 2020; 4) Project 445684: Improving US441 and Eudora Rd. intersection with construction to begin summer 2022; 5) Project 439886: SR19 and Grove St. intersection improvements to improve pedestrian safety with installation of additional street lighting to provide better visibility; and 6) Project 445686: improving SR19 and SR44 intersection. He noted this project is only in the technical scope phase. He cited several areas that they have planned for bulb-outs to slow traffic. He expressed concern regarding areas not addressed including no improvements for the Bay and Clifford intersection. He added there are no planned drainage improvements. He provided a history of the safety improvement project, cited meetings held with FDOT and noted changes to the traffic flow since the Clifford/Bay traffic signal was installed. He then commented on the Technical Scope received from FDOT on September 2, 2020. He explained staff has reached out to the Project Manager to discuss the missing components from the Safety Study. He indicated a virtual meeting has been scheduled for September 24th at which staff will address the missing components and seek verification that those will either be included in the scope or will be worked on in an additional project.

The Commission discussed the importance of having an elected official be a part of that meeting, as well as attend the Lake Sumter MPO meetings.

6.4 Update on Bay State South Utility Infrastructure Discussion

Mr. Neibert commented on previous Commission direction regarding Bay State South and their infrastructure issues. He reported a meeting was held that morning with representatives of the HOA, Commissioner Morin and staff and stated they reached an agreement to develop a plan for an equitable share of costs to be brought back to the Commission at a later date.

Commissioner Morin thanked everyone who attended the meeting and worked on a resolution.

7. FUTURE AGENDA ITEMS: NONE

8. COMMENTS

8.1 City Commission

Vice Mayor Lee noted the Constitution Week bell ringing. She encouraged everyone to complete their census.

Commissioner Morin recognized Mark Huling for donating a 10x16 storage container for food storage for the food pantry.

8.2 City Manager

Mr. Neibert reported that he met with Michael Roberson with Lake Community Action Agency regarding the City's home rehabilitation program. He explained the State has released them to send their inspectors into homes so the home rehab program will be back on track.

8.3 City Attorney - None

8.4 Mayor

Mayor Holland further explained about the Constitution Week event and encouraged everyone to teach their children about the Constitution.

9. ADJOURNMENT: 7:22 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