APPROVED: 9/17/2020

MINUTES
Regular City Commission Meeting
6:00 PM - Thursday, August 20, 2020 - City Hall

NOTICE OF LIMITED SEATING
NOTICE: DUE TO REQUIRED SOCIAL DISTANCING, THERE WILL BE LIMITED SEATING FOR THE CITY COMMISSION MEETING

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 the August 20, 2020, City Commission meeting. 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: 6:04 P.M.

PLEDGE OF ALLEGIANCE: COMMISSIONER MORIN

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

2. AGENDA UPDATE

3. AUDIENCE TO BE HEARD

3.1 Fred Gardner addressed the Commission regarding semi-trucks using Lakeshore Drive as a cut through. He specifically noted trucks owned by WCA adding that they do not service Lakeshore Drive for garbage pickup. He explained he actually met with their supervisor Eric Poole. He asked if the City could contact WCA to ask them to quit using Lakeshore Drive.

Mayor Holland indicated he would contact them regarding the issue.

Brian Broomfield expressed concern regarding Eustis police officers not wearing masks during calls and questioned what is the official policy. He noted all of the businesses that now require the wearing of masks to enter their property.

Mayor Holland asked Capt. Birkhofer to speak to Mr. Broomfield regarding the issue.

Daniel DiVenanzo asked that the City contact FDOT regarding the City's gateways. He commented on the need to improve the sidewalks and right-of-ways along the gateways.

4. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

4.1 Resolution Number 20-54: Second Amendment to Purchase Agreement with SpenceTF LLC

Derek Schroth, City Attorney, announced Resolution Number 20-54: A Resolution of the City Commission of the City of Eustis, Florida; approving and ratifying a second amendment to an agreement for sale and purchase of property between the City of Eustis and SpenceTF, LLC.

Tom Carrino, Economic Development Director, reviewed the history of the request to extend the due diligence period for the purchase agreement. He noted that the original amendment in the agenda packet did not include the additional $1,000 deposit agreed to by the purchaser. He noted the attendance of Spencer Follmar, Adrian Kilgore and Selby Weeks to provide additional information.

Selby Weeks, engineer for the project, explained the need for the additional due diligence period. He stated they initially met just a few weeks prior to review the timeline and to consider what needed to be completed during the due diligence period to insure the project would be successful. He reviewed the various issues to be addressed including traffic impact, surveying, Phase I environmental, flagging of wetlands and any species issues, and amount of fill that may be necessary. He commented on the floodplain on the site and the need to determine how to address that with FEMA. He explained that every time you submit paperwork to FEMA they have 90 days to respond and may come back with additional questions which would require another 90 days. He indicated it can easily take one year to complete the FEMA permit and address the floodplain impacts. He stated he did not believe that the additional 18 months was an unreasonable ask.

The Commission questioned what would be the impact of possible hurricanes.

Mr. Weeks responded that seasonal events such as a hurricane would not affect them for the long term. He noted that it might delay onsite inspections but not over the long term.

The Commission then asked what is included in due diligence with Mr. Weeks indicating it includes all the work required prior to the creation of engineering plans and submittal of plans. He explained they also help estimate costs to determine if the project is feasible and obtain entitlements for the property.

The Commission asked what has been accomplished to date with Adrian Kilgore responding they sent out request for bids to get the team together so that a plan could be developed.

Bill Howe, Acting City Manager, clarified that, at the previous meeting, they requested an additional 18 months; however, the Commission directed staff to prepare the amendment with a 12 month extension.

Spencer Follmar thanked the Commission for their consideration.

Mr. Schroth opened the public hearing at 6:24 p.m.

Daniel DiVenanzo stated the 18 month request is appropriate; however, any documentation regarding the property that causes them to back out should be turned over to the City with the Commission confirming that is included in the agreement.

There being no public comment, the hearing was closed at 6:26 p.m.

The Commission asked why they had selected this property with Spencer Follmar explaining how they selected the property primarily due to its location.

The Commission asked what is the minimum acreage they will need for the drive-in and screens with Mr. Follmar indicating they need at least 45 acres and are hoping to leave the wetlands as wetlands.

The Commission discussed the 12 months versus 18 months with a suggestion that they grant 12 months now with an option for another six months.

Mr. Schroth reviewed the resolution and determined that they could not amend the agreement at that time. He explained the Commission had to either approve the agreement as presented for 12 months or deny; however, they could bring it back.

Moved by Commissioner Morin, seconded by Commissioner LeHeup-Smith, to approve Resolution Number 20-54 with the understanding that the agreement could be brought back within three months for consideration of an additional extension. Motion carried by the following votes:

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

Nays: Vice Mayor Lee

4.2 Resolution Number 20-55: Removing Two Appointed Member Position of the Downtown and East Town Redevelopment Agency and Restoring the Five Member Agency

Mr. Schroth announced Resolution Number 20-55: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; providing for the removal of two appointed member positions of the Downtown & East Town Redevelopment Agency and restoring the five member agency to carry out the community redevelopment purposes of Chapter 163, Part III, and providing an effective date.

Mr. Carrino explained the history of the recommendation and the Commission's direction to have a resolution to remove from the CRA Board the two nonvoting positions.

Commissioner Aliberti expressed support for retaining the two nonvoting positions commenting on the Agency's desire to obtain community input.

Commissioner Morin commented on his support for creating the positions and the difficulties experienced. He expressed support for postponing the decision until the new Commissioners are seated and for changing the positions to voting positions.

Vice Mayor Lee stated the need to have appropriate training for the appointees to make it clear what the Commission expects. She stated her belief that the members may not have been sure of what was expected.

Commissioner LeHeup-Smith commented on the value the Commission has placed on public input and cited the possibility of encouraging more people to attend the meetings.

Mayor Holland opened the public hearing at 6:45 p.m.

Mary Montez, City Clerk, read two emails into the record from Gail Isaac Thomas and Alphonso Walker both expressing support for retaining the positions.

Brian Broomfield thanked the Commission for recommending that the decision be postponed. He recommended giving them voting rights and expressed agreement with the need to provide training.

Trent Shipton expressed support for maintaining the positions.

There being no further public comment, the hearing was closed at 6:51 p.m.

The Commission discussed tabling the decision until January with Vice Mayor Lee stating that the Commission could set guidelines prior to then.

CONSENSUS: It was a consensus of the Commission to table the decision to January as well as to wait to advertise for the downtown representative.

4.3 Ordinance Number 20-26: Comprehensive Plan Amendment (Future Land Use Map) for Property at the Northeast Corner of Titcomb Street and W. Idlewild Avenue

Mr. Schroth read Ordinance Number 20-26 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 1.2 acres of real property located on northeast corner of Titcomb Street and W. Idlewild Avenue from Suburban Residential (SR) and Residential/Office Transitional (RT) to General Commercial (GC).

Mr. Schroth opened the public hearing at 6:53 p.m. There being no public comment, the hearing was closed at 6:53 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Lee, to adopt Ordinance Number 20-26 on second reading. Motion carried by the following votes:

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

4.4 Ordinance Number 20-27: Annual update of the five-year Capital Improvement schedule of the Comprehensive Plan Fiscal Year 2020-21

Mr. Schroth read Ordinance Number 20-27 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving the annual update of the Five-Year Capital Improvement Schedule of the Comprehensive Plan pursuant to Florida Statutes 163.3177(3)5(b); providing for conflicting ordinances, severability and effective date.

Mr. Schroth opened the public hearing at 6:54 p.m. There being no public comment, the hearing was closed at 6:54 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner Aliberti, to adopt Ordinance Number 20-27 on second reading. Motion carried by the following votes:

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

4.5 Ordinance No. 20-31: Conditional Use Permit to Allow 38.04 Dwelling Units Per Acre on Property Bordered by Grove Street, Bates Avenue, Eustis Street and Hazzard Avenue

Mr. Schroth read Ordinance Number 20-31 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a conditional use permit to allow development with a density of 38.04 dwelling units per acre (70-units) within a mixed-use building in the Central Business District land use district on approximately 1.84 acres located between N. Grove Street, Bates Ave., Eustis St. and E. Hazzard Ave.

Lori Barnes, Development Services Director, provided an overview of the conditional use permit application. She noted a previous CUP request was submitted in 2017 for 40 units per acre which was denied. She stated the applicant's request is for 38 du/ac. She stated that 40 du/acre are allowed in the core area of the CBD with the remainder of the CBD providing only for 12 du/acre. However, the comprehensive plan and LDR's allow for a conditional use permit to allow up to 40 du/ac. She reviewed a previous recommendation to change the densities in the CDB which was denied. She reported that while the property is not within the mandatory first floor retail area they are proposing to have retail uses on the first floor. She reviewed the criteria for approval of a CUP as well as the City's vision for the downtown as expressed in the comprehensive plan. She then reviewed the Comprehensive Plan Housing Policies and the 2016 Downtown Redevelopment Plan. She cited existing residential developments in the downtown area with densities ranging from 20.5 to 31.9 du/acre. She stated, if approved, the project would be subject to site plan review. She cited building design standards that apply to the central business district to ensure compatibility.

Ms. Barnes then reviewed the inquiries and comments received from the public including an email and petition received from George Asbate and letter from Daniel DiVenanzo which were copied to the Commission. She noted that Tom Hofmeister, representing the property owner, was present and that the applicant Robert Colvard was present and asked to provide a presentation to the Commission.

Robert Colvard, Milestone Development, provided a presentation to the Commission with pictures of comparable developments they have completed. He stated he tried to address the Commission and public concerns expressed during consideration of the previous application that was denied. He provided an explanation regarding tax credit affordable housing. He explained how they receive the tax credits and that those subsidize the construction, not the tenants. He reviewed local market rents and stated that their rents will range from $409 to $1300. He added that the income qualifications are based on their income not accumulated wealth. He stated that 15% of the units will be set aside for tenants at 30% of the AMI with the remainder being market rate. He then commented on the need for 55+ affordable housing. He indicated that the available housing is full. He suggested that the Commission place a timeframe contingency upon the CUP so that it goes away if the project does not move forward. He commented on the amenities at their different developments.

The Commission noted all of the developments presented were on much larger properties with Mr. Colvard stating their development in Pinellas County has 122 units on 5 acres. He noted that even if the Commission approves the CUP if they are not awarded the tax credits the project will not move forward.

Mayor Holland opened the public hearing at 7:24 p.m.

Daniel DiVenanzo asked the average median income for the area with Mr. Colvard responding $68,100.

Mr. DiVenanzo stated that he has downtown apartments and his one bedrooms rent for $1250 and in his new building they start at $1,000 and go to $1400. He then questioned whether or not the development meets the design standards.

Ms. Barnes responded that, based on the submitted site plan, they would need to request some waivers to the design standards. She explained the plan is very conceptual and noted that the City standards require 50 to 100% street frontage which would be difficult to do with a full City block. She further stated that if anything does not meet the City standards then those would have to go before the Commission for approval.

Mr. DiVenanzo commented on how long it has been since Waterman Hospital moved. He stated the City is beginning to come into its own and recommended being cautious regarding 55+ housing. He stated it would exclude a large segment of the population and expressed concern regarding the project.

George Asbate expressed concern regarding the density, traffic and parking in the area. He stated it is not the right place for the project and cited existing traffic issues.

Mr. Colvard emphasized that the site plan is conceptual. He noted their previously proposed plan for a property in Jacksonville also in a downtown area. He added this is only 70 units and the five-acre site was 120 units. He explained that right now the City's CRA district scores for tax credits but other areas in the City do not.

There being no further public comment, the hearing was closed at 7:33 p.m.

Mayor Holland explained the decision is regarding the density change.

The Commission discussed the following: 1) Waiting and allowing the new Commission to discuss; 2) The large increase between 12 du/ac to 38 du/ac; and 3) Where they could put parking for 70 units.

Mr. Colvard emphasized that there would be sufficient onsite parking.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to deny Ordinance Number 20-31 on first reading. Motion carried by the following votes:

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

5. FUTURE AGENDA ITEMS

5.1 Commissioner LeHeup-Smith noted a resident who watched the video of the last meeting thinking they were watching that night's livestreaming.

Commissioner Morin commented on the need for dogwalkers to clean up after their dogs. He asked to have discussion at the next meeting on how to address the problem. He congratulated Nan Cobb for being unopposed for Seat #4 and offered his support.

Commissioner Aliberti noted she is on a septic tank and cited the program with drainfields becoming saturated due to all of the rain. She also congratulated Ms. Cobb and Vice Mayor Lee on their being unopposed for their Commission seats.

Ms. Montez read an email from John Duffy regarding the Blue Lake flooding with Mayor Holland referring the issue to the City Manager and Public Works.

Vice Mayor Lee acknowledged the passing of Gail Moore.

6. COMMENTS

6.1 City Commission

Commissioner Aliberti reported that the Lake Community Action Agency Board was unable to meet in July.

Vice Mayor Lee expressed appreciation for the opportunity to continue to serve on the Commission.

6.2 City Manager - None

6.3 City Attorney - None

6.4 Mayor

Mayor Holland thanked Parks and Recreation and the Library for their assistance to the community during the summer. He commented on support provided by the local merchants and thanked Randy Conner from the Crazy Gator for helping to feed the children.

7. ADJOURNMENT: 7:47 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