APPROVED: 9/3/2020

MINUTES
Regular City Commission Meeting

6:00 PM - Thursday, August 6, 2020 - City Hall

NOTICE OF LIMITED SEATING
DUE TO REQUIRED SOCIAL DISTANCING, THERE WILL BE LIMITED SEATING FOR THE COMMUNITY REDEVELOPMENT AGENCY AND CITY COMMISSION MEETINGS

Due to the Governor's 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 July 16, 2020, budge workshop, Community Redevelopment Agency and City Commission meetings. Seating will be limited to the first 21 non-staff member attendees. Once 21 attendees have entered the building, entrance will be cut off. 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: MARK KAPPEL, FAITH LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE: COMMISSIONER LEHEUP-SMITH

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

Ron Neibert, City Manager, explained the addition to the agenda of the appointment of Charles McMaster to the Fire Pension Board.

2. APPROVAL OF MINUTES

2.1 February 19, 2020 - Joint City/County Commission Meeting regarding ISBA
July 16, 2020 - Budget Workshop
July 16, 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. PRESENTATIONS

3.1 Acceptance of Capital Improvement Plan (CIP) 2021-2025

Mike Sheppard, Finance Director, provided an overview of the Capital Improvement Plan for FY2021-2025.

Commissioner Morin asked about items #4 and #5 in the notes on Page 5 with Mr. Sheppard explaining that #4 indicates it is a five-year loan and it will be reduced at 20% per year.

Mr. Morin asked for it to be reworded and asked to have Note #5 removed completely. He then asked about the CRA and confirmed it is authorized through 2035. He also asked about Note #4e on page 37 with Mr. Sheppard indicating it would be corrected.

Mayor Holland opened the floor to public comment at 6:12 p.m. No one came forward at that time.

Mr. Sheppard announced there would be an ordinance to adopt the CIE later in the meeting.

Mayor Holland announced for the viewing public that the Audience to be Heard would be coming up after the appointments and encouraged anyone wishing to speak to send their comments to the City Clerk.

Moved by Commissioner Morin, seconded by Commissioner LeHeup-Smith, to accept the Capital Improvement Plan with the noted changes. Motion carried by the following votes:

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

4. APPOINTMENTS

4.1 Appointment of Alternate to Lake County Arts and Cultural Alliance - Nan Cobb

Nan Cobb explained that Lake County Commissioner Wendy Breeden had encouraged her to become involved with the Alliance due to her involvement with the Lake County Fair.

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to approve the appointment of Nan Cobb as an alternate to the Lake County Arts & Cultural Alliance. Motion carried by the following votes:

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

4.2 Appointment to Historic Preservation Board - Raechel LaFountain

Raechel LaFountain expressed her desire to be reappointed to the Historic Preservation Board.

Moved by Commissioner Morin, seconded by Vice Mayor Lee, to approve the reappointment of Rachael LaFountain to the Historic Preservation Board. Motion carried by the following votes:

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

4.3 Appointment to Eustis Firefighter Pension Board - Charles McMaster

Moved by Vice Mayor Lee, seconded by Commissioner Morin, to appoint Charles McMaster to the Firefighters Pension Board for a partial term to expire March 31, 2021. Motion carried by the following votes:

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

5. AUDIENCE TO BE HEARD

5.1 George Asbate addressed the Commission regarding the opening of the Foxtail Coffee Shop at 14 W. Magnolia. He thanked the Commission for allowing Pam Rivas to purchase the building which resulted in the shop. He then commented on a journal he found belonging to the late former Mayor Evelyn Smith and on the City's purchase of the former Waterman property, the redevelopment of the downtown and the difficult decisions that will need to be made. He cited other upcoming downtown developments.

6. CONSENT AGENDA

6.1 Resolution Number 20-47: Amending FY2019/2020 Police Forfeiture Fund budget and authorizing expenditure for officer K9 training

6.2 Resolution Number 20-48: Accepting Edward Byrne Memorial Justice Assistance Grant and amending budget to recognize revenue and authorize expenditure for purchase of a new narcotics trained dog

6.3 Resolution Number 20-49: Approving a purchase in excess of $50,000 for Engineering Services for the eastern service area hydraulic modeling and Eastern Wastewater Treatment Facility sprayfield transfer pump station improvements

6.4 Resolution Number 20-50: Authorizing the City Manager to execute loan documents to be provided by United Southern Bank for the purchase of the former Florida Hospital Waterman site

6.5 Resolution Number 20-52: Reduction of Fine/Release of Lien - 613 Reddick Street, Code Enforcement Case 14-00285

6.6 Resolution Number 20-51: Reduction of Fine/Release of Lien - 444 Briarcliff Road, Code Enforcement Cases 17-01263 and 19-01156

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

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

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

7.1 Resolution Number 20-28: Site plan with waivers for a light manufacturing facility, located at Lot 8, Cobb Commerce Park

Derek Schroth, City Attorney, announced Resolution Number 20-28: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan with waivers for a 23,424 square foot industrial building/light manufacturing facility on approximately +/- 2.62 acres located on Lot 8 of the Cobb Commerce Park, Cobb Drive.

Lori Barnes, Development Services Director, reviewed the proposed site plan with waivers for Lulu's Candles. She stated the requested waivers include the following: 1) Landscape buffer - The applicant requested a shared buffer with Alee Academy in order to be able to enlarge the building. Alee Academy agreed to allow part of the buffer to be placed on their property with agreement about maintenance of the buffer; and 2) Driveway width meets City code of minimum 24 feet at the entrance onto Cobb Commerce Drive and narrows to 18 feet. She noted the Fire Department agreed to the narrowing of the driveway. She then provided a view of how the elevation facing Cobb Drive will look noting they agreed to an enhanced view although not required. She stated that no public input has been received regarding the request and noted that the resolution was originally scheduled for April but has been postponed to a date certain twice.

Mr. Schroth opened the public hearing at 6:34 p.m. There being no public comment, the hearing was closed at 6:34 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Resolution Number 20-28. Motion carried by the following votes:

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

7.2 Resolution Number 20-45: Sale of Sprayfield Property to Sun Terra Communities III, LLC

Mr. Schroth announced Resolution Number 20-45: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; authorizing the City Manager to execute a real estate purchase agreement for City-owned property located east and south of Cardinal Lane.

Ron Neibert, City Manager, reported that following additional negotiations as directed by the Commission, Sun Terra agreed to increase their offer for the City sprayfield property from the original $1.6 million to $1.75 million.

Mr. Schroth opened the public hearing at 6:35 p.m. There being no public comment, the hearing was closed at 6:36 p.m.

The Commission thanked staff for the additional negotiations and commented on the need for more complete information and for better marketing for City property.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Resolution Number 20-45. Motion carried by the following votes:

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

7.3 Resolution Number 20-46: Preliminary Subdivision Plat approval with waivers for the Bates Subdivision (NW corner of Bates Avenue and Estes Road)

Mr. Schroth announced Resolution Number 20-46: A Resolution of the City Commission of the City of Eustis, Florida; approving a preliminary subdivision plat with waivers for the Bates Subdivision, a forty-nine lot single-family residential subdivision, on approximately 13.95 +/- acres located on the northwest corner of Estes Road and Bates Avenue.

Ms. Barnes reviewed the preliminary subdivision plat for the Bates Avenue Subdivision to be known as Oakmere. She stated the plat is for 49 single-family detached dwelling units with a request for two waivers. One is for the height of the buffer wall and for the lot width at the street for five lots on the loop road. She stated the site has a future land use designation of Suburban Residential and a Suburban Neighborhood design district. She explained the subdivision will consist of 49 lots on 13.95 acres for 3.5 du/ac which the land use designation allows up to five. She continued stating they will be using the house lot typology with 28% open space which is in excess of the required 25%. She added they are providing more than the required park space and will be providing a 0.82 acre right-of-way dedication.

Ms. Barnes reviewed the house lot typology requirements, the overall subdivision plan, and the location of those lots with the requested narrower road frontage of 41' versus 44'. She indicated the lots would still require the minimum width where the house will be placed and the minimum square footage. She indicated those lots are larger than the other lots in the subdivision.

Ms. Barnes then reviewed the stormwater and drainage plan with the locations of the retention ponds, and explained the site is located in Drainage Basin #43, which flows to Lake Swatara. She stated that Lake Swatara does have a natural outfall which goes under CR44 and flows to wetlands areas north of 44. She indicated that both the City Engineer and St. Johns River Water Management District and the City Engineer reviewed the application and drainage plan to insure that runoff does not exceed that created by the development. She stated that St. Johns has approved the permit for construction. She then reviewed the landscape plan and various amenities including walking trail, picnic area, mini park and playground area. She stated the subdivision buffer wall will be a six foot precast wall. She noted that the code limits buffer walls to four-feet; however, three nearby developments have six-foot buffer walls. She stated that the wall will provide privacy and noise abatement for both the existing homes and the new homes as well as additional security. She presented pictures of sample homes stating the proposed price range as mid-$200,00 to mid-$300,000. She noted an email received from Charles and Cindy Newton, who live in Lake Swatara Reserve, who expressed concern regarding flooding and integrity of the lake, as well as an email received by the City Clerk from Cliff Jenney. She stated staff's recommendation for approval.

The Commission asked what would have been the maximum number of houses that could have been built on the site with Ms. Barnes responding she did not believe they could have reached five units per acre due to stormwater and park space requirements. She acknowledged that suburban residential does allow up to five units per acre; however, when you have the Suburban Neighborhood designation you are limited to certain house typologies and you also have requirements for park and open space. She explained you would be limited to less than the five units per acre unless substantial waivers are granted.

The Commission confirmed that while the land use designation may allow up to 5 units per acre but due to other City requirements, they were limited to a lower density.

The Commission then asked Ms. Barnes to address the concerns expressed by the residents in their emails.

Ms. Barnes responded that she has only seen the memo sent by the Newtons with City Clerk Mary Montez indicating that Mr. Jenney provided hard copies of his memo and requested that his memo be read by her during the public hearing portion.

Ms. Barnes stated that Rick Gierok has reviewed the plan and the pre and post calculations. He understands the outfall to Lake Swatar and with the recent relief provided to Blue Lake he has an even better understanding of how any additional flows can be accommodated in that area through the natural outfall. She stated that the Development Review Committee, City Engineer and St. Johns River Water Management District have all reviewed the stormwater calculations and St. Johns has approved the permit for construction. She stated the State requires that the post development runoff will not exceed the pre-development runoff. She indicated that, in most cases, the retention ponds will perc the runoff as the rain falls. She indicated that either Rick or Tim Green could come forward to answer any additional questions.

The Commission then opined that the walls would also help retain and direct the water to the retention ponds.

Mr. Schroth opened the public hearing at 6:56 p.m.

Cindy Newton noted her email and indicated it represented concerns of other residents of Lake Swatar. She expressed concern regarding the change in elevation and noted the existence of tortoises on the subject site. She asked for an additional study due to the change in elevation.

Mark Huling expressed concern regarding the increase in traffic and asked if a traffic study had been done.

Ms. Barnes responded that the applicant did submit a traffic impact analysis. She stated it was reviewed by the City's traffic consultant, Kimberly Horne, and Seth Lynch from the Lake County Public Works Department. She explained the plan includes a right-in and left-in turn lane on Estes Road. She stated both Lake County and the traffic consultant accepted the study as submitted with the planned improvements of the turn lanes to relieve the stacking for the school. She added they have also agreed to provide additional right-of-way on Bates Avenue which may provide an opportunity to improve alignment of the intersection. She stated they are also going to provide sidewalk connectivity along Estes and Bates. She added that Public works and she will be working with the School Board regarding sidewalks.

Ms. Montez read into the record the memo from Clifton Jenney expressing opposition to the development and expressing concern regarding the lot sizes, street setbacks, lot widths, subdivisions used for comparison and densities. She then read an additional email with questions from Mr. Jenney concerning the 85% frontage rule, when the Commissioners would respond to his questions and whether the Commissioners had visited the site. She also read emails from Bruce and Jayne Finger regarding where the overflow from the retention go and from Kathy Gonzalez expressing concern regarding the density and increased traffic.

Tim Green, Green Consulting Group, responded to the comments and cited the various agencies that have reviewed and approved the development and cited some of the improvements the developer will be providing above what is required. Regarding the 85% frontage rule is applied in rural land use districts not suburban. He added that compatibility is to adjacent properties, not across the street. He commented that the subdivision across the street was developed five decades earlier utilizing wells and septic tanks. He stated that, if they were using wells and septic tanks instead of City utilities, they would need to have larger lots. Regarding stormwater, he indicated their retention pond is planned for a 100-year storm event so that all stormwater is retained on the site. He then reviewed the elevations and how the outfall would flow. He indicated that the Lake Swatara subdivision was built without any stormwater system except curbside swales. He concluded stating that they planned the development according to the City's regulations noting they could have built duplexes and had more units but that would not be in keeping with the area. He commented on the benefits of the wall and to the road frontage waiver for the five lots.

Ms. Montez read two additional emails from Mr. Jenney one regarding the 85% frontage rule and the second regarding whether the concerns of the neighbors across the street have any bearing with Mr. Green responding that the 85% requirement is in the rural design district and not the suburban residential design district so it is not applicable.

Mr. Schroth closed the public hearing at 7:20 p.m.

Following a motion and second to approve the resolution, the Commission asked about the comparison criteria with Ms. Barnes explaining there is a standard in suburban residential that states that no lot in a new subdivision shall be less than 85% of the width of an "abutting" subdivision. She indicated that there are no abutting subdivisions to this site although staff did look at Misty Oaks and Blue Lake Estates which are the subdivisions within City limits that are in closest proximity. She commented on when The Cove at Crooked Lake came in. The lots on that street were 100 feet and the Cove proposed abutting backyard to backyard and staff said those lots were abutting and had to meet the 85%. She stated the proposed subdivision is not abutting but across the street. She indicated the other property was developed before City utilities were available in the area. She added that the only way to provide cost effective provision of City services is to have the higher density.

The Commission commented on the creation of a neighborhood within a neighborhood. They cited the City's efforts to address the flooding issue in Blue Lake Estates which shows the City will make sure any issues are addressed. They then asked about the impact on schools and traffic with Ms. Barnes responding that the applicant has submitted a school concurrency application to the School Board and they have capacity. She noted that the School Board already owns property for possible future expansion. She noted that she already spoke with the Public Works Director regarding working with the School Board to work on the sidewalk connectivity who is very confident the City can address that by the time the subdivision is built out.

Moved by Commissioner Aliberti, seconded by Commissioner Morin, to approve Resolution Number 20-46. Motion carried by the following votes:

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

7.4 Ordinance Number 20-15: Comprehensive Plan Amendment for Property north of Clear Lake Road and east of Pine Meadows Country Club Road

Mr. Schroth read Ordinance Number 20-15 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 72.667 acres of recently annexed real property located north of Clear Lake Road and east of Pine Meadows Golf Course Road from Rural Transitional in Lake County to Suburban Residential (SR) in the City of Eustis.

Mr. Schroth explained the need to have a third reading due to an advertising issue. He opened the public hearing at 7:29 p.m. He noted an email and letter received from Andrea Pait and Kassandra Stepp expressing concern regarding increased traffic, overcrowding of the local schools, possible effect of the water quality of Clear Lake and the number of residents informed about the ordinance.

There being no further public comment, the hearing was closed at 7:29 p.m.

Commissioner Morin commented on the need to extend the notice to more than 500 feet.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Morin, to adopt Ordinance Number 20-15 on second reading. Motion carried by the following votes:

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

8.5 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 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(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).

Lori Barnes, Development Services Director, reviewed the future land use comprehensive plan amendment for property located at Titcomb and Idlewild which has a split land use. She stated a portion is Residential Office Transitional and a portion is Suburban Residential. She reported there is an existing commercial building built in 1964 which is a nonconforming use. She explained, with the current land use, the only commercial use that can go on the site is an auto repair shop. She further stated that the vacant portion of the parcel that lies between the auto repair building and the La Casa restaurant has a split land use as well with 11,000 sq.ft. that is Residential Office Transitional and about 20,000 sq.ft. is Suburban Neighborhood. She reviewed staff's evaluation of the request and what could be developed under the current designations. She stated the proposed land use is General Commercial which would allow general commercial, office or mixed use with general commercial on the lower level and residential above. She stated a mix of uses already exists in the area and cited the surrounding uses. She noted that the vacant portion of the property is the larger portion and lies between the former auto repair building and a restaurant which may not be conducive to residential development. She commented on why the property may have previously been passed over for redevelopment. She further reviewed staff's evaluation of the request based on available services and consistency with the City's comprehensive plan. She stated that previously the requested died for lack of a second; however, the Commission voted at the last meeting to reconsider the request. She stated no additional comments have been received since it was re-advertised and the previous resident who objected has sent correspondence indicating he has changed his opposition to the project. She stated staff's recommendation for approval.

The Commission indicated individuals had visited the site since the last meeting and agreed that anything would be an improvement and they were glad the decision was made to rehear the request. The Commission also confirmed that the adjacent property owner would have to come to the City to request a change since their property also has a split land use.

Ms. Barnes responded they have the same issue and the property owner would have to come to the City to request consideration.

Mr. Schroth opened the public hearing at 7:43 p.m. There being no public comment, the hearing was closed at 7:43 p.m.

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

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

8.6 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 first 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. Sheppard reviewed the Capital Improvement Element update for the Comprehensive Plan Capital Improvement Schedule. He explained that the ordinance is required to keep the city in compliance with state statutes. He indicated that the capital improvement plan is incorporated into the comprehensive plan.

Mr. Schroth opened the public hearing at 7:45 p.m. There being no public comment, the hearing was closed at 7:45 p.m.

Moved by Commissioner Morin, seconded by Vice Mayor Lee, to approve Ordinance Number 20-27 on first reading. Motion carried by the following votes:

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

8.7 Ordinance Number 20-28 – Voluntary Annexation of 17.6 acres located east and west sides of Palmetto Street, north of Carolyn Lane and south of Getford Road

RECESS: 7:45 p.m. RECONVENE: 7:53 p.m.

Mr. Schroth read Ordinance Number 20-28 by title on first 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.

Ms. Barnes reviewed the requested annexation and the affiliated future land use map amendment and design district designation for 17.6 acres located on the east and west side of Palmetto Street south of Getford Road. She stated they are requesting Mixed Commercial Residential with a Suburban Neighborhood design district designation. She explained there are 3.8 acres on the west side of Palmetto and 13.8 acres on the east side. She stated the site is within the Joint Planning Area with adequate urban services and the annexation will reduce the size of an enclave. She further explained staff's review of the request noting that the property has a current land use designation in the County of Urban Medium which allows 7 du/acre and a 0.35 Floor Area Ratio (FAR). The requested land use would allow 12 du/acre also with a 0.35 FAR. She reviewed the surrounding area land uses. She explained that the City's form-based code provides further limitations under the design district designation by limiting typologies. She noted a small wetlands area on the portion that lies east of Palmetto Street and would be further evaluated when it goes through the site plan review process. She further explained staff's analysis of the future land use and design district designations. She stated that to date staff has not received any inquiries regarding the proposal. She noted a resident who came forward during the Local Planning Agency meeting and stated she would work with him to address his concerns.

Mr. Schroth opened the public hearing at 8:03 p.m. There being no further public comment, the hearing was closed at 8:03 p.m.

Ms. Montez noted one email from Gail Isaac Thomas expressing concern about possibly building on the wetlands.

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to approve Ordinance Number 20-28 on first reading. Motion carried by the following votes:

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

7.8 Ordinance Number 20-29: Changing the future land use designation of 17.6 acres located on the east and west side of Palmetto Street, north of Carolyn Lane and south of Getford Road

Mr. Schroth read Ordinance Number 20-29 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(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 8:05 p.m. There being no public comment, the hearing was closed at 8:05 p.m.

Moved by Commissioner Morin, seconded by Vice Mayor Lee, to approve Ordinance Number 20-29 by title on first reading. Motion carried by the following votes:

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

7.9 Ordinance Number 20-30: Assigning the Suburban Neighborhood design district designation to 17.6 acres located on the east and west side of Palmetto Street, north of Carolyn Lane and south of Getford Road

Mr. Schroth read Ordinance Number 20-30 by title on first 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 on the east and west side of Palmetto Street, north of Carolyn Lane and south of Getford Road.

Mr. Schroth opened the public hearing at 8:06 p.m. There being no public comment, the hearing was closed at 8:06 p.m.

Moved by Commissioner Morin, seconded by Vice Mayor Lee, to approve Ordinance Number 20-30 on first reading. Motion carried by the following votes:

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

8. OTHER BUSINESS

8.1 Update Information on Bay State South Utilities

Commissioner Morin reported on his meetings with representatives from Bay State South regarding their utility infrastructure issues.

Rick Gierok, Public Utilities Director, provided a report on the Bay State South utilities. He reviewed the timeline for development of the subdivision with Phase I platted in 1980, Phase II in 1988 and Phase III in 1995. He cited the notation on all of the plats stating "All streets and utilities will be privately owned and maintained." He noted that the Phase III plat excepted a right-of-way on Abrams Road. He then explained that when the City reviews utility plans they inspect during construction to ensure that the City's water and wastewater systems will not be adversely affected. He cited the City Attorney's legal opinion regarding the situation noting that City codes do allow for the transfer of a private system to the City with certain criteria.

Mr. Gierok then reviewed the potable water concerns as follows: 1) Pipe material used to go from the water main to the City-owned meter is SDR 9 PE tubing which is very brittle and is the cause of many call outs. He stated the City's specifications call for 200 psi poly meeting AWWA C800. He stated there are 89 services that would need to be changed out with a rough estimate of $75,000.

Mr. Gierok then reviewed the sanitary sewer concerns stating it would be prudent to perform a system cleaning and televising of the gravity sewer system in order to identify any unknown adverse conditions including cracked pipe, improper construction or uneven settlement of the pipe. He indicated those conditions could result in increased maintenance costs and estimated cost of the cleaning and televising at $10,000.

Mr. Gierok then explained that, during design review, City staff noted that the 8" sanitary slopes were labeled as 0.28% which is less than the required 0.40%. He stated that slope can cause a slower velocity resulting in increased sedimentation in the pipe. He noted that the final design drawings remained at 0.28%. He indicated a survey and slope analysis would be required for an engineering study at an estimated cost of $35,000. He then indicated that the City would need some dedicated easements and cited a sanitary line that has been identified as running parallel with a structure with only a couple feet of separation. He emphasized the high possibility of damaging the structure in order to relocate the line. He provided a very rough construction estimate to reroute the line of $75,000.

Mr. Gierok then commented on the possibility of identifying additional issues when videoing the lines. He provided various cost estimates noting that they are very rough estimates as follows: 1) Potable water - $75,000; and 2) Sanitary sewer - $120,000. He cited the number of subdivisions in the City that are also privately owned. He commented on work the City has done in the subdivision in order to keep the City's lift station functioning. He then stated he spoke with the previous Wastewater Superintendent who indicated he previously went in and did repairs; however, he then invoiced the HOA. He cited staff's difficulties in obtaining copies of those due to the age and the City's old finance software.

Mayor Holland questioned how many other other subdivisions in the City are similarly situated with Commissioner LeHeup-Smith citing a number of subdivisions.

Mr. Neibert noted there are also subdivisions where the City accepted the utilities but didn't accept the roads because they didn't meet standards. He indicated that the City has a long history of not accepting infrastructure that is not built to the City's standards.

Mr. Gierok cited additional instances where the City did not accept infrastructure.

Commissioner Aliberti suggested the City could levy a special assessment to bring it up to code and then the City could take it over.

Mr. Neibert suggested the City could enter into an agreement to assess the infrastructure and come up with a plan to improve it and the City could front the money so they didn't have to borrow the money and then repay it through a special assessment.

Mr. Gierok noted a special assessment had been done previously on another subdivision.

Commissioner Morin commented on the number of people who are at risk in the development. He questioned whether or not all of the City's existing system meets code and cited the monies the residents have paid to the City over the years.

Mark Huling asked to have their engineer address the Commission. He presented a copy of a letter from Mike Stearman that stated the water system met City code and should be accepted. He stated they have no record that they paid the City anything for repairs. He stated the City set a precedent by doing the work previously.

Commissioner LeHeup-Smith asked what happened when the HOA was formed and money should have been put in escrow with Mr. Huling indicating they don't know and they have no record that they ever paid anything to the City for previous repairs. He stated it is a freeflowing system. She confirmed they do not have the original HOA records.

Linda Fine, HOA Secretary, read a prepared statement and asked the Commission to conclude that they should take responsibility for the development's water and sewer infrastructure.

Debra Kaplan, resident of Bay State South, presented to the Commission a petition signed by 44 property owners.

Commissioner Morin emphasized the difficulty to the community and lack of a strong HOA.

Vice Mayor Lee questioned how a special assessment would be done and how the City could take on this and the other communities.

Commissioner Morin stated the City repaired their lines before and they didn't know the system was privately owned until 2018.

Mr. Neibert explained that staff is still researching the previous invoices and that the previous Utility Superintendent stated they sent invoices after doing work. He explained the previous work the City has done was done to protect the City's system.

Commissioner LeHeup-Smith expressed support for a special assessment which could be divided out over a period of time.

Ms. Kaplan noted that it is not a gated community and cited the number of nonresidents of their community that utilize their amenities.

The Commission discussed completing the records search, assisting the HOA to locate original HOA documents, whether the City would be setting a precedent, and working out something to assist the subdivision due to having an ethical obligation even if they do not have a legal obligation.

CONSENSUS: It was a consensus of the Commission for staff to continue searching the City records concerning previous work done and invoices.

8.2 Discussion regarding request from SpenceTF, LLC for an 18-month extension to an agreement for Sale and Purchase of Property between the City of Eustis and SpenceTF, LLC

Mr. Carrino reviewed the history of the project and explained that he had received a letter from Spencer Follmar requesting that the City grant an 18-month extension to the due diligence period of their purchase contract due to issues related to the Covid 19 pandemic. He stated he met with Spencer Follmar, Adrian Kilgore and their due diligence team.

Commissioner Morin expressed concern regarding tying up the property for another 18 months and opposition to holding the property off the market for a total of 30 months.

Spencer Follmar confirmed that the request is for 18 months from the current date, not 18 months added to the end of the 12 months.

The Commission discussed the original sales price, the effect of Covid-19 on the economy, the increase in the use of drive-ins during the pandemic, the current ending date of the due diligence period of March 2021 and the extension to February 2022.

Adrian Kilgore explained they have just now been able to meet with their team to develop a timeline due to offices being closed due to the Covid 19. He stated all of their contractors have emphasized they need an extension in order to get things done. He indicated they would be pushing to get it done sooner. He noted that Garth Brooks is performing live at drive-in theaters. He cited additional interest in bringing live bands to perform at their drive-in theaters. He commented on the increased interest in the drive-ins due to the pandemic.

Spencer Follmar emphasized the negative impact on the indoor movie theaters by the pandemic. He indicated drive-ins are the new beacon for the movie industry. He cited the amount of positive coverage the drive-in has received internationally. He stated they are asking for the 18-month increase now due to the recommendations of their professionals. He noted it took 22 months for a company to open a coffee shop.

George Asbate reported on the meeting he sat in on and their visit to the site. He stated the engineers are asking for the additional time and to be paid $100,000 upfront. He confirmed their contractors said they need 18 months from now to do the work.

Mr. Neibert explained they are unwilling to spend the $100,000 with no assurance that they will get the time extension when they need it. He then suggested that the Commission allow staff to work with them to develop a "plateau" and include it in the resolution when they bring it back.

Mr. Follmar expressed opposition to a plateau due to the uncertainties. He noted they can't keep flying back and forth due to the situation. He noted they have already hired all of the professionals to do the work.

Mr. Neibert indicated they could build in administrative ability to provide two month extensions for any of the plateaus.

Mr. Follmar offered to provide quarterly updates and commented on the professionals they have hired. He stated their engineer will be present at the next meeting to explain why the extension is needed.

Mr. Kilgore asked the Commission to waive the height requirement noting that the tower will be 100' and the screens will be 70'. He stated the projectors themselves would exceed the 35' height requirement.

Mr. Neibert stated they are asking for an expedited process and commented on the City's requirements for approving a waiver.

Mr. Kilgore stated that if they can't get a waiver on the height requirement they are back at square one.

Mr. Neibert commented that all of the developers that night had to spend thousands of dollars to present their site plans.

Further discussion was held regarding the requested height waiver with Mayor Holland explaining the Commission cannot give them consideration that they don't give other developers. He emphasized they cannot circumvent the City's policies. He indicated that all of the Commissioners understood when the concept was presented they would probably have to grant waivers. He stated the consideration is whether or not to provide an 18 month extension from today with quarterly updates. He expressed concern for a 12 month extension.

The Commission discussed the length of extension that might be granted.

Mr. Neibert suggested they draft the resolution for a 12 month extension and they can bring their professional to the next meeting to try and convince the Commission to change to the 18 month.

CONSENSUS: It was a consensus of the Commission for staff to bring back an amendment to the sales agreement providing for a 12 month extension of the due diligence period with the understanding they would allow their professional to explain why they need 18 months.

8.3 Discussion regarding access to Commission meetings during extended corona virus surge

The Commission discussed the effect of Covid-19 on public participation, how other cities are conducting meetings via zoom, the Governor's Executive Order allowing agencies to meet telephonically, the possibility of moving the meetings to the community building, the limitations involved with relocating to another facility, the desire for public participation and the possibility of using Facebook Live.

CONSENSUS: It was a consensus of the Commission for staff to research other possibilities for locations and public participation while maintaining livestreaming.

8.4 Discussion regarding the Community Redevelopment Agency Board

The Commission discussed the current makeup of the Community Redevelopment Agency Board and the lack of significant input from the CRA representatives.

Ms. Montez read an email from CRA Representative Gail Isaac Thomas supporting keeping the two additional members and noting the lack of Commissioners obtaining input from the community.

The Commission discussed the difficulty in getting applicants, the desire of the Commission to obtain additional input regarding CRA matters, the lack of public participation and whether or not to replace the late Evan Contorakis or go back to only five board members.

CONSENSUS: It was a consensus of the Commission to roll back to five seats and to maybe reconsider in January.

9. FUTURE AGENDA ITEMS

Vice Mayor Lee requested to have an update on the housing program.

10. COMMENTS

10.1 City Commission

Commissioner Aliberti reported that the Lake Community Action Agency was still meeting remotely. She indicated they had to cancel the July meeting and currently aren't able to function.

Vice Mayor Lee commented on the early ending to the census and encouraged people to respond.

10.2 <u>City Manager</u> - None

10.3 <u>City Attorney</u> - None

10.4 <u>Mayor</u>

Mayor Holland reminded everyone to complete the census. He noted that the census affects funding the City receives from the federal government. He then noted the beginning of early voting for the primary. He concluded reading a quote from President Theodore Roosevelt.

11. ADJOURNMENT

**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