APPROVED: 7/16/2020

MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, July 2, 2020 - City Hall

INVOCATION: PASTOR BUDDY WALKER, COMMISSIONED BEYOND BORDERS

PLEDGE OF ALLEGIANCE: COMMISSIONER ALIBERTI

CALL TO ORDER: 6:04 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

2.1 June 18, 2020 - Regular City Commission Meeting
December 18, 2019 - Joint City/County Commission Meeting regarding ISBA

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

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

3. PRESENTATIONS

3.1 Presentation by Pastor Buddy Walker, Commissioned Beyond Borders, reporting on Eustis Resource Center activities

Pastor Buddy Walker, Commissioned Beyond Borders, presented a report to the Commission regarding the organization's activities and use of the City's neighborhood resource center. He thanked Vice Mayor Lee for her assistance in making sure the center has been used in a positive manner. He commented on the need in the community and noted that the previous week they distributed the most food they have ever provided. He introduced Kenneth Matthews and Diego Maceya, who have been helping with the farm and food production. He acknowledged the community volunteers that have been helping. He provided a video of their programs to the Commission.

Irene O'Malley, LakeCARES Pantry, thanked the Commission for allowing them to use the facility and reported on the organization's food distribution program including the number of families assisted. She commented on the effect of the COVID-19 pandemic noting that 319 families came through the last distribution. She also thanked the Commission for its financial assistance and cited the 10,000 hours of volunteer time contributed in the past year. She reported they now have four mobile sites.

The Commission asked what are their needs and future plans with Pastor Walker stating that the building is being primarily used for storage and additional storage space is needed in order to declutter the building. He indicated they are limited on the number of group meetings they can have during the week due to the space limitations.

Vice Mayor Lee commented on her experience in volunteering with the organization and the value of the volunteer hours.

Commissioner Aliberti praised the handling of the City food distribution on June 29th.

Mayor Holland explained that food distribution was done in conjunction with the USDA and the City. He thanked everyone for their participation.

Pastor Walker cited Police Chief Calhoun for having some of the officers come and assist with the distribution which assisted with a security issue they had but without being there as security.

4. APPOINTMENTS

4.1 Appointment to Code Enforcement Board - Alan Paczkowski

Alan Paczkowski, Code Enforcement Board member, noted this would be his third term on the board and thanked the Commission for their support.

Moved by Commissioner Morin, seconded by Vice Mayor Lee, to approve the reappointment of Alan Paczkowski to a three-year term. Motion carried by the following votes:

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

5. AUDIENCE TO BE HEARD

5.1 Brian Broomfield read a prepared statement to the Commission regarding the vote to move forward with the 4th of July fireworks and commenting on the increase in positive COVID-19 cases and the death rate. He urged the Commission to consider mandating the wearing of masks at all City functions.

Ron Buggs, Bay State South, informed the Commission the subdivision has been in existence for 35 to 38 years and commented on the various City services provided for the subdivision and which the residents have paid for. He commented on the City lift station located on Bay State South property. He then addressed the Commission regarding their issues with the development's utility infrastructure. He stated they are only asking the City to continue providing the service they have provided for the past 35 to 38 years.

Mark Huling, Bay State South Home Owner's Association President, confirmed that most of the community are retired and on a fixed income. He stated any required increase to their HOA fees would be hard for them to pay. He commented on the past issues with builders and discrepancies on the plats. He explained they received a letter from the City stating that the City would no longer maintain their sewer due to the notes on the plat indicating the system is privately owned. He further explained they were not aware and did not have it in their budget to take care of the problems. He stated they have already spent over $8500 on repairs and asked that that they be treated like other City residents and have their water and sewer lines repaired. He stated they are asking to be on the July 16th agenda for that to be considered.

Ron Neibert, City Manager, explained the City has evidence that shows that the system was always intended to remain under private ownership. He stated that the City has gone in and made emergency repairs in the past and they have done contractual maintenance for which the HOA has paid the City. He indicated that the City has not done routine maintenance on the lines. Any work the City has done on the private side has been compensated for by the development. He stated the developers at that time wanted to build the system to their standards and not to the City's standards. He commented on issues with placement of the lines that would not meet the City's standards and would not have been approved by the City. He explained that the notification provided to the HOA was that the City would no longer provide maintenance on a contractual basis due to demands on the staff no longer allowing them to do that. He stated any further maintenance would have to be done by the HOA with their water and sewer reserve funds.

Mayor Holland requested that the issue be placed on the July 16th agenda with all of the pertinent information included.

Mr. Neibert asked for some time to allow the City Attorney to review the documentation and if possible would have it on the July 16th agenda otherwise it might be on the first meeting in August.

Mr. Huling commented on the presentation by Pastor Walker and questioned the cost of expanding the building. He stated he would like to help with that.

Commissioner Morin commented on the HOA issue and stated he would like to be involved in that discussion.

Commissioner LeHeup-Smith stated this issue is the same as when the City requires streets to be brought up to code before the City will accept them.

Tim Totten recognized the volunteers that have helped create masks and stated they have distributed 22,000 masks. He noted the cancellation of the 2020 Amazing Race and stated they would be moving it to 2021. He announced they would proceed with donating the City funds provided to the Amazing Race to the various charities that were going to be involved in 2020. He commented on their banner project and stated 2500 banners have been distributed to the students. He cited the banners done for the VetFest and expressed support for doing that again. He thanked the Commission for proceeding with the fireworks display while encouraging the public to be responsible.

6. CONSENT AGENDA

6.1 Resolution Number 20-41: Recognizing Non-Conforming Uses on 72.667 Acres Proposed for Annexation under Ordinance Number 20-14, and Eustis Future Land Use Assignment under Ordinance Number 20-15.

6.2 Resolution Number 20-42: Reduction of Fine/Release of Lien - 705 East Key Avenue, Code Enforcement Case 19-00517

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

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

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

7.1 Ordinance Number 20-14: Annexing approximately 72.667 acres located north of Clear Lake Road and east of Pine Meadows Country Club Road

Derek Schroth, City Attorney, read Ordinance Number 20-14 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 72.667 acres of real property located north of Clear Lake Road and East of Pine Meadows Golf Course Road.

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 LeHeup-Smith, seconded by Commissioner Aliberti, to adopt Ordinance Number 20-14 on final reading. Motion carried by the following votes:

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

7.2 Ordinance Number 20-15: Assigning Future Land Use Map Designation to property located 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 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 LeHeup-Smith, to adopt Ordinance Number 20-15 on final reading. Motion carried by the following votes:

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

7.3 Ordinance Number 20-16: Assigning Design District Designation to property located north of Clear Lake Road and east of Pine Meadows Country Club Road

Mr. Schroth read Ordinance Number 20-16 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Rural Neighborhood design district designation to approximately 72.667 acres of recently annexed real property located north of Clear Lake Road and East of Pine Meadows Golf Course Road.

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

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to adopt Ordinance Number 20-16 on final reading. Motion carried by the following votes:

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

7.4 Ordinance Number 20-25: Phase I Interlocal Service Boundary Agreement Pine Meadows Area between the City of Eustis and Lake County

Mr. Schroth read Ordinance Number 20-25 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; adopting Phase I of an interlocal service boundary agreement (ISBA) between the City of Eustis and Lake County to include Pine Meadows area properties; providing for severability; providing for an effective date; and providing for filing with the Department of State.

Mr. Schroth opened the public hearing at 6:52 p.m. There being no public comment, the hearing was closed at 6:52 p.m.

Moved by Commissioner Morin, seconded by Vice Mayor Lee, to adopt Ordinance Number 20-25 on final reading. Motion carried by the following votes:

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

7.5 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, explained the comprehensive plan amendment to change the future land use designation from Suburban Residential and

Residential/Office Transitional to General Commercial. She explained the current automotive repair is a legally nonconforming use. She reviewed staff's analysis of the request and cited the existing mix of uses in the surrounding area. She stated the vacant portion of the site is not conducive to residential development which is one of the reasons it has been passed over for development. She stated if it remains the same, the only use that can be placed on the site is another automotive repair business. She noted staff received two phone calls requesting additional information without expressing opposition or support for the request. She stated staff's recommendation for approval indicating the proposed designation is compatible with the comprehensive plan and land development regulations. She added that applying a General Commercial designation would eliminate an existing nonconformancy and may promote additional development on the vacant portion of the site.

The Commission asked what is adjoining the site with Ms. Barnes responding there is a City lift station to the west and the Lake Tech property and the ballfields.

Mr. Schroth opened the public hearing at 6:59 p.m.

Tim Totten stated he lives directly across the street from the subject property. He questioned it being changed to General Commercial noting that there is property behind the subject site that is being marketed for residential development. He expressed concern about increasing the general commercial in the area. He commented on an air conditioning business that is already in the process of moving onto the property. He cited the amount of residential existing in the area.

The Commission questioned the impact on the students walking to and from the school with Ms. Barnes responding that a portion of the site is already developed. If the vacant portion of the property is proposed for new development, it will be reviewed in accordance with the land development regulations. If the number of peak hour trips will exceed 100, it will require a traffic impact statement. Any future development will require installation of sidewalks. She stated the property owner has mentioned the possibility of combining the vacant and developed portion and fencing it for storage. She noted that the Commission cannot base its decision on what the use might be. She further explained that the only allowed use at this time is limited to automotive repair.

There being no further public comments, the hearing was closed at 7:04 p.m.

Moved by Commissioner LeHeup-Smith to approve Ordinance Number 20-26. The motion failed due to lack of a second.

8. OTHER BUSINESS

8.1 Review of Public Notice Requirements for Land Use Matters as Requested by Commissioner Morin

Mr. Neibert noted that there were recent projects where residents stated they were unaware of the projects; however, it was determined they lived outside the area noticed by the City.

Ms. Barnes reviewed the statutory requirements for various types of land use matters and then reviewed the City's requirements included in the Land

Development Regulations. She stated that staff polled surrounding cities and the county and reviewed their notice requirements. She stated options available to the Commission include leaving as it is, changing the requirements to decrease the distance or to change the requirement to increase the distance.

Commissioner Morin commented on the need to possibly have variable notice requirements. He expressed support for amending the ordinance to provide more notice to be more transparent.

Mr. Neibert suggested giving staff discretion to expand notice in areas where geography suggests the notice requirements should be expanded.

The Commission discussed the possibility of changing the posting requirements with Mr. Totten confirming he received a letter but did not notice the posting.

CONSENSUS: It was a consensus of the Commission to allow staff discretion to increase the notice boundaries where geography of an area suggested that would be beneficial.

8.2 Discussion regarding possible purchase of Lake County Fairgrounds property

Mayor Holland asked for permission from the Commission for him and the City Manager to meet with Lake County regarding the fairground property. He expressed support for the fair remaining in the City and commented on the possibility of having events such as concerts at the location. He also suggested it could possibly be used for expansion of the community building and for recreation programs. He asked for permission to open a dialogue with the County. He expressed concern regarding the mobile home park expanding into the property which would not improve the City's tax base. He stated the City purchasing the property would provide revenue from rental for events.

Commissioner Morin expressed support for the purchase noting that if they decide not to develop the site, they could re-sell it themselves. He commented on the City's ability to do programming on the site.

Commissioner Aliberti agreed it would be another venue for the City noting that what the City has now is often too small for some events.

Vice Mayor Lee concurred with the purchase and with the need to upgrade the facility on site.

Commissioner LeHeup-Smith commented on what would happen to the fair if the County sold the property to a church with Mayor Holland stated there would not be a fair until they developed another property for that purpose.

CONSENSUS: It was a consensus of the Commission to allow the Mayor and City Manager to open discussions with Lake County regarding the fairground property.

8.3 Discussion regarding development of trails

Mayor Holland noted that they had previously discussed trails with Chairman Campione. He stated the Chairman has designated County Commissioner Sean Parks to work on the trails program.

Sean Parks, County Commissioner, provided two stories regarding trails in Lake County - one regarding why someone moved to Lake County citing one of the local trails and the other regarding the number of tourists from Disney who run the trails in south Lake. He stated the County's desire to help Eustis get connected to the regional trail system. He stated it pays for itself very quickly and explained the first step would be the feasibility study and then the PD&E. He indicated that no funding has been designated by any of the northern cities to pay for the feasibility study at that time. He cited the River to Hills Trail System and estimated the cost for the feasibility study at $400,000 but indicated how that cost could possibly be reduced. He commented on the County Commission's willingness to try and budget some funds to help the cities. He stated staff will be bringing forward a plan to the County Commission in the near future. He cited various ways they are looking to try and reduce the cost including some staff assistance and utilizing local firms that may be able to do the study at a lower cost. He indicated the County discussion will be held towards the end of July or first of August. He asked the Commission to consider finding ways to assist with the study. He cited various statistics regarding trails including increased property values.

Mayor Holland asked about the Lake Sumter MPO's involvement with Mr. Parks stating they should ask the MPO to make it a priority project.

Commissioner Morin commented on the need to elect someone in November who can be a voting representative to the MPO from the City.

Mayor Holland asked the rest of the Commission if it is something they want to be involved in with Mr. Neibert suggesting that at the next Commission meeting they pass a resolution asking the MPO to designate the trails project as a priority project.

CONSENSUS: It was a consensus of the Commission to have the suggested resolution on the next agenda.

9. FUTURE AGENDA ITEMS: NONE

10. COMMENTS

<u>City Commission</u>

Commissioner Morin asked about the League of Cities conference with Mayor Holland responding they are meeting in early July to make a decision. He stated that, unless it is moved to Orlando, it will be cancelled due to the current location being in Palm Beach County.

Commissioner Aliberti commented on the increase in COVID cases and the number of people she knows that have tested positive. She encouraged everyone to wear a mask and cited the need to quarantine while waiting for test results.

Vice Mayor Lee reported on her involvement with the food distribution events and complimented staff on the Blue Lake Estates drainage project. She also complimented staff on the improvements to Ferran Park.

City Manager

Mr. Neibert complimented staff on the improvements to Ferran Park and asked the public to make the City proud during the fireworks event.

City Attorney - None

Mayor

Mayor Holland commented on the food distribution project and thanked staff for their involvement. He noted things will get worse before it gets better. He emphasized that Eustis has significantly pared down the fireworks event. He encouraged people to watch from home or their car. He indicated the event should also be on Youtube live. He added the City will have fireworks as part of the Georgefest event in February. He encouraged people to wear masks and noted the City will also have hand sanitizing stations. He stated that, if this is the new normal, everyone needs to learn how to adapt.

11. ADJOURNMENT: 7:43 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