



MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, June 18, 2020 - City Hall

NOTICE: DUE TO REQUIRED SOCIAL DISTANCING, THERE WILL BE LIMITED SEATING FOR BOTH 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 June 18, 2020, Community Redevelopment Agency and City Commission meetings. Seating will be limited to the first 21 non-staff member attendees. Once seating is full or at 5:45 p.m., whichever comes first, entrance will be cut off. No further entrance will be allowed regardless of whether someone else leaves the meeting or not. Anyone who is not able to obtain seating is encouraged to watch the livestreaming of both 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. All attendees are encouraged to wear masks during the meeting. If you are experiencing COVID-like symptoms, or if you have tested positive for the COVID virus, please do NOT attend the meetings. Thank you for your cooperation.

INVOCATION

PLEDGE OF ALLEGIANCE: COMMISSIONER MORIN

CALL TO ORDER: 6:04 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

2. AGENDA UPDATE: NONE

3. APPROVAL OF MINUTES

- 3.1 March 18, 2020 - City Commission Workshop
May 21, 2020 - Regular City Commission Minutes

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

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

4. PRESENTATIONS

- 4.1 Presentation of Certificate of Recognition to Eagle Scout Andrew Jones

Vice Chair Emily Lee recognized Eagle Scout Andrew Jones for his work on his Eagle project to create a music library for the Eustis High School band. She acknowledged his work and accomplishments as an Eagle Scout, Super Achiever and Arrow of Light recipient.

Mayor Holland expressed his thanks and pride to Andrew who could not be present due to illness.

5. AUDIENCE TO BE HEARD

- 5.1** Daniel DiVenanzo addressed the Commission regarding the purchase of the downtown property by the CRA. He commented on the amount of interest in the City particularly in light of the extension of the 429. He noted that his five-story building and the marina financing has been released and both projects are moving forward. He announced that next week a representative from a national company would be coming to Eustis to look at possibly relocating to the City. He cited the need to improve the SR Hwy 19 corridor from 441 into the downtown. He asked for the City to contact FDOT regarding improving the streetscape.

Bryan Broomfield read a letter he previously sent to the Commission regarding the current stressful times and injustice in America particularly at the hands of police officers.

Lori Barnes, Development Services Director, introduced the new Senior Planner John Bertrand who has come to the City from Tarpon Springs. She noted that he would be studying for and working toward his certification from the American Institute of Certified Planners.

Ron Neibert, City Manager, announced that Ordinance Number 20-21 would have to be pulled from the agenda.

David Serdar addressed the Commission regarding various issues including the COVID-19 virus, violence in the country, police and drug problems.

6. CONSENT AGENDA

- 6.1** Resolution Number 20-39: Annual update for Eustis Emergency and Hurricane Management Plan
- 6.2** Resolution Number 20-40: Release of Lien, 400 North Eustis Street, Code Enforcement Case 16-00829

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

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

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 7.1** Resolution Number 20-38: Water, Wastewater, and Reclaimed Water Rate Adjustment

Derek Schroth, City Attorney, announced Resolution Number 20-38: A Resolution of the City Commission of the City of Eustis, Lake County, Florida, authorizing adjustment to City of Eustis rates for water, wastewater and reclaimed water, to provide for the annual adjustment per Ordinance Number 16-10, to be effective June 1, 2020.

Mike Sheppard, Finance Director, explained the City completed an utility rate study in 2016 which determined that the City should enact an initial 6% increase to be followed by a 1.7% increase in each subsequent fiscal year in order to appropriately fund maintenance and expansion of the City's utility infrastructure. He stated this would be the final increase under that rate study. He added that the City would be undertaking another rate study in 2021. He provided a sample bill under the new rates effective June 1, 2020. He stated only the City of Leesburg has a lower utility rate than Eustis. He indicated the new rate would be on the July billing and stated staff's recommendation for approval.

The Commission asked the impact on the average homeowner in Eustis with Mr. Neibert indicating it would average \$1.00 per month.

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

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Morin, to approve Resolution Number 20-38. Motion carried by the following votes:

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

7.2 Ordinance Number 19-30: Amending Chapter 34 to prohibit littering and dumping of waste, authorizing placement of signs and surveillance cameras and authorizing imposition of fines

Mr. Schroth read Ordinance Number 19-30 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending Chapter 34, Sections 34-31 through 34-55 of the Code of Ordinances; prohibiting the littering, dumping, leaving, placing, or disposing of waste and related offenses; adding and changing current definitions; repealing all prior Eustis ordinances inconsistent herewith; providing penalties; authorizing the placement of signs and cameras; providing for renumbering subsequent sections accordingly; providing for conflict with existing ordinances, and providing for codification, severability and an effective date.

Mr. Schroth opened the public hearing at 6:37 p.m. There being no public comment, the hearing was closed at 6:37 p.m.

Moved by Commissioner Morin, seconded by Commissioner Aliberti, to adopt Ordinance Number 19-30 on final reading. Motion carried by the following votes:

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

**7.3 Ordinance Number 20-22: Comprehensive Plan Future Land Use Map Amendment
Ordinance Number 20-23: Design District Amendment**

Mr. Schroth read Ordinance Number 20-22 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 5.59 acres of real property located on County Road 452/SR 19/Northshore Drive from Suburban Residential to Mixed Commercial/Residential.

Mr. Schroth opened the public hearing at 6:38 p.m. There being no public comment, the hearing was closed at 6:39 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to adopt Ordinance Number 20-22 on final reading. Motion carried by the following votes:

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

7.4 Ordinance Number 20-23: Adopting design district for property located at CR 452/N SR 19/Northshore Drive

Mr. Schroth read Ordinance Number 20-23 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; changing the design district designation of approximately 5.59 acres of real property on County Road 452/SR 19/Northshore Drive from Suburban Neighborhood to Suburban Corridor.

Mr. Schroth opened the public hearing at 6:39 p.m. There being no public comment, the hearing was closed at 6:39 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to adopt Ordinance Number 20-23 on final reading. Motion carried by the following votes:

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

7.5 Ordinance Number 20-24: Renewing the inclusion of the City within the County MSTU for Ambulance and Emergency Medical Services

Mr. Schroth read Ordinance Number 20-24 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, adopted pursuant to Section 125.1 (1)(q), Florida Statutes, consenting to the inclusion of the City of Eustis, Florida, within the countywide municipal service taxing unit for the provision of ambulance and emergency medical services, as adopted by the Board of County Commissioners of Lake County, Florida; providing for the City to be included within said M.S.T.U. for a specific term of years; providing for an effective date.

Mr. Schroth opened the public hearing at 6:41 p.m. There being no public comment, the hearing was closed at 6:41 p.m.

Moved by Commissioner Morin, seconded by Commissioner LeHeup-Smith, to adopt Ordinance Number 20-24 on final reading. Motion carried by the following votes:

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

7.6 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 first 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. Neibert explained this is the Phase I of the ISBA and includes the Pine Meadows property and one other property that the owner wishes to develop.

Mr. Schroth opened the public hearing at 6:42 p.m. There being no public comment, the hearing was closed at 6:43 p.m.

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

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

8. OTHER BUSINESS

Consideration of sale of City sprayfield property

Mr. Neibert announced that a draft contract for sale was previously sent to the Commission. He stated Richard German is offering \$1.6 million to purchase the City's sprayfield property. He indicated the Property Appraiser shows an appraised value at \$1.75 million. He stated it is a straight forward sale; however, they have agreed to a deed restriction for any development to utilize the City's water and sewer. He indicated that, with the Commission approval, staff will finalize the contract and bring it back to the next meeting.

Moved by Commissioner Morin, seconded by Vice Mayor Lee, to approve staff finalizing the contract for sale and bringing it back to the next meeting for formal approval. Motion carried by the following votes:

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

9. FUTURE AGENDA ITEMS

Commissioner Aliberti asked about people being able to make complaints without revealing their identity.

Mr. Schroth indicated that under state statute the City probably can't require people to reveal their identity.

The Commission questioned whether or not the City can take action against someone making harassing unfounded calls.

Mr. Neibert explained that when staff receives a complaint, it is investigated. If there is a legitimate complaint, then staff takes action. He stated that the City can't turn a blind eye to a legitimate code violation regardless of the intent of the complainer. If there is no violation, then staff tells the complainer there isn't a violation and no action will be taken. He added that if a person feels there is harassment, the homeowner can have recourse through the courts.

The Commission discussed whether or not there is a way to streamline the process with Mr. Schroth indicating they could possibly impose a misdemeanor penalty for making false complaints.

The Commission asked Mr. Schroth to look into that possibility with him explaining there may be issues with how it would be enforced.

Commissioner Aliberti stated she would like a committee to look at the City's codes.

Mayor Holland recommended that she talk to the City Manager about that.

Commissioner Morin asked if the City provides bear proof trash containers with Mr. Neibert responding negatively. He stated the City's trash containers are provided by Waste Management. He indicated that the County had a grant to provide some bear proof containers but the City is not part of their contract. He stated he would contact Waste Management about whether or not they could be made available.

Commissioner Morin reported he would be meeting with representatives from the Bay State South subdivision regarding their wastewater issues.

Mr. Neibert explained the issue is that when it was built they maintained private ownership of the system and now it is failing.

10. COMMENTS

City Commission

Commissioner Aliberti reported there are more COVID cases in one of the institutions in the County. She noted that Orange County will be making all people in public wear masks. She commented on the need to be vigilant.

Commissioner Morin agreed and stated they may need to discuss the issue. He commented on the Kirby Smith statue no longer coming to Lake County and reported on his participation in the peace parade. He thanked Mr. Bloomfield for his comments.

Vice Mayor Lee reported on her participation in the peaceful protest parade. She also commented on the need for the government and citizens to work together to

create a peaceful community. She called on each community and the county to work together to bring about change more quickly. She expressed support for a committee to help make Eustis and Lake County a model for other areas.

City Manager

Mr. Neibert announced that the City has a contract for a fireworks display to be provided on July 3rd. He explained there will be signage to encourage people to maintain social distancing. He cited areas where people can view the fireworks such as the boardwalk and Sunset Island. He stated there would only be fireworks at 9 p.m. There would be no vendors or bands. He stated they would also be encouraging people to wear masks and would have hand washing stations and certain areas would be blocked off to discourage large crowds. He stated there would be a deejay to play music just during the fireworks display and they would make announcements to encourage distancing.

The Commission discussed the following: 1) whether or not to proceed with the fireworks display; 2) the possibility of postponing to another date such as Labor Day or Light Up; 3) the need to encourage people to watch from home if possible; 3) the probability of people from other cities increasing the crowd and the logistics for the police department; 4) putting up the City's drone and livestreaming the show; 5) parking cars on the downtown property so they face the lake and encourage people to remain in their cars; and 6) the large number of boats anticipated to be on the lake.

Mr. Neibert reported that the Sheriff has agreed to assist with the boat traffic and encouraging boaters to maintain the recommended distance. He stated Mount Dora had decided to cancel their event and the City of Leesburg would decide on June 22nd. He noted that Groveland would be holding their fireworks from two locations and are encouraging people to watch from home.

The Commission discussed mandating the wearing of masks with Mr. Neibert stating that all City staff will be wearing masks.

CONSENSUS: On a three to two vote, it was a consensus to proceed with the fireworks show.

Mr. Neibert announced that the ability to participate via teleconferencing ends June 30th unless the Governor extends the Executive Order. He added the City can still require the social distancing in the Commission Room.

City Attorney - None

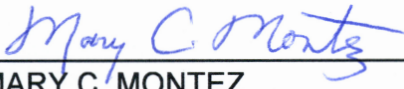
Mayor

Mayor Holland commented on the peaceful protest march in the City and the history of Eustis. He indicated that, while there are still issues, the community has come a long way. He cited the need for the City and County to continue to communicate with each other, educate each other and love each other. He expressed support for the City's Police Department. He stated the City needs to make them better through education and giving them the tools to do their job properly. He thanked all first responders for their work.

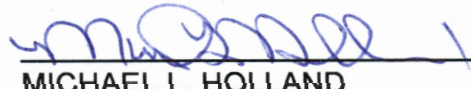
Commissioner Lee asked when the senior breakfast group would meet again with Mr. Neibert stating the breakfast usually stops during the summer anyway. He stated it would start again in the fall after school starts again.

11. ADJOURNMENT: 7:24 P.M.

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording or verbatim transcript of the meeting can be obtained from the office of the City Clerk for a fee.*



MARY C. MONTEZ
City Clerk



MICHAEL L. HOLLAND
Mayor/Commissioner