APPROVED: 5/7/2020

MINUTES
Regular City Commission Meeting
6:00 PM - Thursday, April 16, 2020 - City Hall

INVOCATION

PLEDGE OF ALLEGIANCE: COMMISSIONER MORIN

CALL TO ORDER: 6:29 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

Mayor Holland explained how the meeting would be run and that one Commissioner was attending via telephone. He asked anyone wanting to submit a question or comment under "Audience to be Heard" that they put that in the subject line of their email. He further asked if they would put whatever they wanted to comment on in the subject line.

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

2.1 March 19, 2020 - Regular City Commission Meeting
April 2, 2020 - Regular City Commission Meeting

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

3. AUDIENCE TO BE HEARD

Mary Montez, City Clerk, announced she had received an email from Susan Hooper regarding issues with traffic, speeding and lack of sidewalks on North Eustis Street.

Mayor Holland reviewed Ms. Hooper's issues with Mr. Neibert indicating he would discuss with Public Works.

4. CONSENT AGENDA

4.1 Resolution Number 20-33: Reduction of Fine/Release of Lien, 140 Douglas Drive - Code Enforcement Case 18-00918

4.2 Resolution Number 20-34: Resolution for Mutual Aid Agreement

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

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

5.1 Resolution Number 20-28: Site Plan with waivers - Lulu's Candles at 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 21,644 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, explained that the applicant has again requested a postponement to the second meeting in May - May 21, 2020. She noted they are located in south Florida.

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to approve the postponement to the May 21, 2020, regular Commission meeting. Motion carried by the following votes:

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

5.2 Resolution Number 20-32: Site plan with waivers for a convenience store with gas at 19516 SR 44

Mr. Schroth announced Resolution Number 20-32: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan with waivers for a 5,187 square foot convenience store with gas and a 1,490 square foot car wash on approximately +/- 2.65 acres located on 19516 SR 44.

Ms. Barnes reviewed the proposed site plan for construction of a 5,187 square foot Circle K convenience store and a 1,490 square foot car wash and the requested waivers as follows: 1) Waiver to both minimum 50% building frontage percentage to allow frontage buildout percent of 25% and 27%; 2) Waiver of building perimeter landscaping for the front and back sides; 3) Waiver to the maximum lot depth of 300 ft. to allow a 517 ft. deep lot; and 4) Waiver to both street setbacks to allow setbacks of 159 ft. and 114 ft. instead of the maximum setback of 75 feet.

The Commission questioned the entrance locations with Ms. Barnes responding it will push the entrance further away from the intersection.

Mayor Holland confirmed if there were any emails with questions or comments regarding Resolution Number 20-32 with Ms. Montez responding negatively.

Moved by Commissioner Morin, seconded by Commissioner LeHeup-Smith, to approve Resolution Number 20-32. Motion carried by the following votes:

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

5.3 Resolution Number 20-35: Ratifying amended collective bargaining agreement with Police Benevolent Association

Mr. Schroth announced Resolution Number 20-35: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; approving a modification of the collective bargaining agreement between the City of Eustis and the Police Benevolent Association (PBA) for the period October 1, 2018 through September 30, 2021, as set forth in Exhibit "A" and authorizing the City Manager to sign said agreement.

Ron Neibert, City Manager, explained staff was able to reach a tentative agreement with the union and reviewed the proposed amendments to the current collective bargaining agreement with the PBA as follows: 1) Same increase as other employees of $2219 for all officers under the rank of sergeant; 2) An additional $500 pay increase for sergeants to address some pay equity issues; 3) All pay ranges will be increased by $2219; 4) All officers below the rank of sergeant will receive a backpay check of $1114 for the previous six months; and 5) Sergeants will receive a $251 backpay check.

Mr. Neibert then reviewed changes that will affect the police pension fund as follows noting the changes are anticipated to be beneficial to both parties: 1) Change in the contribution rate from a flat 4% to a floating formula which will be 16% of the City's rate. Based on the City's current 47.09 rate, the officers' rate for the balance of the fiscal year will be 5.5% which was an agreed upon cap. The next fiscal year it will be approximately 1% higher or no percent lower. They agreed to a contribution range of between 4 and 7.5%. They also agreed that the contribution rate will increase or decrease by no more than 1% per year. Based on that the contribution rate for next year would go up to 6.5%. 2) Any new officers hired after the ratification date will not be eligible for a COLA as part of their pension. Current officers will continue to receive a COLA as part of their pension. 3) Disability pension - Instead of straight 65% disability, there will be an accelerating program. The first year an officer would be eligible for 45% which would increase by 2% per year so that at ten years an officer would be eligible for the 65% disability pension. 4) The 65% disability would still be available if an officer is injured in the process of effectuating an arrest, any engagement with suspects or a no-fault accident. The 45% accelerating pension will address the presumptive pensions granted by the legislature.

Mayor Holland confirmed there were no emails with questions or comments regarding Resolution Number 20-35.

Moved by Commissioner Morin, seconded by Vice Mayor Lee, to approve Resolution Number 20-35. Motion carried by the following votes:

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

5.4 Ordinance Number 20-10: Comprehensive Plan Future Land Use Map Amendment for property at the northwest corner of Bates Avenue and Estes Road

Mr. Schroth read Ordinance Number 20-10 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 13.95 acres of recently annexed real property located on the northwest corner of Bates Avenue and Estes Road from Rural Transitional in Lake County to Suburban Residential (SR) in the City of Eustis.

Mr. Schroth reported that a formal request for continuance was received from Attorney Brent Spain. He stated the three arguments for the continuance were as follows: 1) Allow public to attend; 2) No pressing reason to consider now; 3) Emailing comments not sufficient for public input. He then commented on his response to an email from Katherine Gonzalez.

The Commission discussed whether or not to postpone consideration of the ordinance with Mr. Neibert stating that the applicant has requested that the vote move forward.

The Commission noted that the public had two previous opportunities to provide comment and that they will again have the opportunity to provide input whenever an actual development plan is brought forward.

CONSENSUS: It was a consensus of the Commission to proceed with consideration.

Mayor Holland asked if there were any questions or comments regarding Ordinance Number 20-10 with Ms. Montez confirming that an additional email had been received from Attorney Brent Spain asking that the Commission consider postponing second reading until the Commission meetings were again open to public attendance.

Ms. Montez then read into the record the names of individuals who sent emails prior to the meeting that were already provided to the Commissioners: 1) Katherine Gonzalez; 2) Brent Spain; 3) Clifton Jenney; 4) Ron Sartell; 5) Tom Zahn; and 6) Tim Green. She confirmed there were no further emails.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Aliberti, to adopt Ordinance Number 20-10 on second reading. Motion carried by the following votes:

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

6. FUTURE AGENDA ITEMS: NONE

7. COMMENTS

7.1 City Commission

Commissioner Morin commented on the negotiations on the ISBA agreement and whether or not Cecelia Bonifay has a conflict of interest with Mr. Neibert explaining that she represented someone who wanted to get his property annexed. Both the property owner and the City signed a waiver of conflict. He explained that Mr. Dyer is paying her for whatever she does on his behalf and the City pays her for what she does for the City. He indicated his understanding that the Mr. Dyer's property is under contract and once the sale closes there will be no conflict.

Vice Mayor Lee commented on the Bells of Thanks event and how wonderful it was. She reminded everyone to complete the census.

7.2 City Manager

Mr. Neibert reported that the City received a request for a cash contribution from Lake Cares Pantry due to the current COVID situation and the amount of unemployment. He stated he could recommend donating $5,000 to them based on the amount left in Contingency.

The Commission discussed whether to donate $5,000 or $10,000 and the number of Eustis residents that obtain assistance from them with Commissioner LeHeup-Smith suggesting $8,000 and noting that the City provides them a building for free and contributes other funding as well.

Mayor Holland noted that the City will be working with other agencies on upcoming food drives.

CONSENSUS: It was a consensus of the Commission to donate $8,000 to Lake Cares for the food pantry.

7.3 City Attorney - None

7.4 Mayor

Mayor Holland commented on the community's response to the COVID situation and cited all the essential employees working on the front lines. He stated the City would continue to follow the CDC guidelines and governor's directives.

8. ADJOURNMENT: 7:04 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