MINUTES

APPROVED: 4/16/2020

Regular City Commission Meeting

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

INVOCATION: MAYOR HOLLAND

PLEDGE OF ALLEGIANCE: COMMISSIONER LEHEUP-SMITH

CALL TO ORDER: 6:34 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

Mayor Holland explained how the meeting would be run and that two Commissioners were 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: NONE

2. APPROVAL OF MINUTES

2.1 February 20, 2020 - Commission Budget Workshop
March 5, 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. AUDIENCE TO BE HEARD: NONE

4. CONSENT AGENDA

4.1 Resolution Number 20-31: Bid Award for Mowing and Grounds Maintenance Services

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

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

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

5.1 <u>Resolution Number 20-28: Site Plan with waivers - Lulu's Candles at Cobb Commerce Park</u>

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, announced that the applicant has requested that consideration of their application be postponed to April 16, 2020.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve the postponement of Resolution Number 20-28 to April 16, 2020. Motion carried by the following votes:

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

5.2 <u>Resolution Number 20-29: Site Plan Modification for Aldi's Market Located at 17395 US HWY 441</u>

Mr. Schroth announced Resolution Number 20-29: A Resolution of the City Commission of the City of Eustis, Florida; approving a modification to an approved site plan for an approximately 2,350 square foot addition to an existing retail building on approximately 2.62 acres located at 17395 US Hwy. 441.

Ms. Barnes reviewed the requested modification to the Aldi's site plan for the construction of a 2,350 square foot addition. She stated the expansion will result in the loss of six parking spaces. She stated that no waivers are required for the modification; however, the original site plan required Commission approval, therefore, the City's regulations require that the modification must also be approved by the Commission. She further explained the planned expansion and history of the site. She noted that the original project included parking in excess of the City's requirements and there will still be parking in excess with the loss of the six spaces. She stated staff's recommendation for approval.

Ron Neibert, City Manager, noted a letter received from the Aldi's staff and their compliments on the City's staff and their pleasure in working with them.

Mayor Holland confirmed that no emails had been received with comments.

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to approve Resolution Number 20-29. Motion carried by the following votes:

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

5.3 <u>Resolution Number 20-30: New Commercial Lease for 200 North Bay Street and Consideration of Assignment of Existing Lease for 200 North Bay Street</u>

Mr. Schroth announced Resolution Number 20-30: A Resolution of the City Commission of the City of Eustis, Florida; authorizing the City Manager to execute a commercial lease agreement with Our El Marie's Pizzeria & Sub Shoppe LLC, a Florida limited liability corporation, for City-owned property at 200 North Bay Street. Mr. Neibert explained the current owner of El Marie's Pizzeria & Sub Shoppe desires to sell the business to Aaron Blair. He stated this will necessitate the City assigning the current lease (which runs until the end of July) to the new owner and also entering into a lease agreement with the new owner. He reviewed the details of the new agreement as follows: 3 year lease at $1300 per month with one additional three-year extension with an increase to $1500 per month. He stated staff's recommendation for approval.

The Commission asked the square footage of the building with Public Services Director Rick Gierock responding it is approximately 1200 sq.ft.

Mayor Holland confirmed there were no emails regarding Resolution Number 20-30.

Moved by Commissioner Aliberti, seconded by Commissioner Morin, to approve Resolution Number 20-30 and assign the current lease to the new business owner. Motion carried by the following votes:

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

5.4 Ordinance Number 20-17: Amending Ordinance Numbers 19-23, 19-24 and 19-25 to Correct a Legal Description Scrivener's Error

Mr. Schroth read Ordinance Number 20-17 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending Ordinance Numbers 19-23, 19-24 and 19-25, as adopted by the Eustis City Commission on December 5, 2019, which ordinances effectuated the annexation, future land use and design district assignments for the Eustis Middle School located at 18725 E. Bates Avenue, to correct a legal description scrivener's error.

Mayor Holland confirmed there were no emailed comments or questions from the public on Ordinance Number 20-17.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to adopt Ordinance Number 20-17 on second and final reading. Motion carried by the following votes:

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

5.5 Ordinance Number 20-14: Annexing approximately 72.667 acres located north of Clear Lake Road and east of Pine Meadows Country Club Road
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
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 20-14 by title on first 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.

Ms. Barnes reviewed the requested annexation and affiliated future land use map amendment and design district designation. She stated the applicant is Hayfield Land Trust, John Keating, trustee and explained the location and size of the property totaling approximately 72.667 acres. She stated that the property is in the joint planning area, there are adequate urban services to the property, the site is contiguous to City limits and was properly noticed. She indicated that the annexation would begin to close the gap in the City's natural growth boundary. She explained the staff evaluation of the request and compared the City and County future land use designations.

Ms. Barnes added that no actual development request has been submitted at that time. She further explained that the site limitations would not allow up to 5 units per acre and that the requested design district designation would not allow the 5 units per acre. She commented on additional evaluations that would be required in the future regarding transportation needs, environmental impact, stormwater requirements and neighborhood compatibility. She further explained staff's evaluation of the request and the various factors. She added that utilities are available from CR 44. She commented on the wetlands and stated that would be considered when any development proposal was submitted. She stated the request is consistent with the surrounding land uses and the comprehensive plan. She then reviewed the suburban neighborhood design district stating that it is consistent, compatible and meets definition. She explained how the public notice was mailed out and reviewed the advertising for the request. She stated that, if approved, the ordinances would be advertised again before second reading which would follow state review of the request. She stated that the property owner did post the site as close as possible to Clear Lake Road as it does not have any road frontage. She commented on the benefits to the City in annexing the property and stated staff's recommendation for approval.

Ms. Barnes acknowledged that a number of area property owners submitted written comments or questions prior to the meeting as follows stating their individual concerns: 1) Michael and Connie Croak; 2) Corey Hooper; 3) James Parker; 4) Amy Parker; 5) Andrea Pait; and 6) Kassandra and William Stepp. She added that there is no development plan is proposed at that time and cited the additional review that will be required prior to a development plan being considered. She noted that the owner has 17 other parcels within the City and their desire was to bring the rest of the property into the City. She added that whenever a development plan is submitted it will be further reviewed. She stated the School Board reviewed the request and registered no concerns; however, whenever a development is submitted they will review it again for school concurrency.

The Commission reviewed the location of the property and confirmed that no development or site plans had been submitted.

The Commission asked about other property the owner has with Ms. Barnes responding that the applicant has 17 parcels in that area and has submitted annexation requests for the remaining two parcels not in the City. She indicated that one of the parcels is the subject of the current request. She confirmed that the parcels already in the City limits are south of the subject property.

The Commission confirmed the location of the City limits in that area.

The Commission questioned how the other parcel could create an enclave with Mr. Neibert indicating that Mr. Keating owns property to the west which, if annexed, could then connect to a smaller parcel and potentially create an enclave.

The Commission then asked about the existing exemption on the property with Ms. Barnes explaining that there is currently an agricultural exemption on the property which would limit the additional ad valorem revenue increase to about $155. She explained that if, at some future time, the property is developed the City's revenue share would definitely increase.

The Commission asked when Mr. Keating's other property was annexed, which has not been developed yet, with Ms. Barnes responding she thought it was in 2004 or 2005 with additional property annexed in 2015.

The Commission asked who would be responsible for implementing any traffic improvements recommended by the traffic impact study with Ms. Barnes explaining the developer's traffic engineer would submit a traffic methodology letter and the City's consultant would review the letter to see if the parameters outlined in the methodology letter are appropriate. The developer's consultant would then use that methodology to prepare the study which would then go to the City's traffic consultant for review. If the study triggers the need for improvements, the developer's traffic consultant has to identify those needs. The City's consultant would then review to see if those are sufficient and make their recommendations. The City and developer would negotiate the improvements and any improvements would be developer funded.

Mary Montez, City Clerk, read the emails received during the meeting as follows: 1) Kassandra Stepp; and 2) Andrea Pait who asked about access through Clear Lake Drive and access to the lake through Mr. Keating's property.

Ms. Barnes stated that without having a development plan to review it is impossible to tell for sure where access would be located. Regarding access through Mr. Keating's personal property, she stated that would be unlikely as it is currently a single family residence.

Mayor Holland informed everyone that before any development occurs on the property it will have to come before the City Commission and additional public hearings would be held.

Ms. Montez then reviewed the email submitted by Amy Parker who asked if the hearing could be postponed due to the COVID-19 virus and the lack of attendance by the public.

Mayor Holland responded the meeting was being held in conjunction with the orders by the Governor. He added that there will be another reading at which the community will be able to respond.

Ms. Montez stated Ms. Parker also emailed asking about access through Clear Lake Drive which was already answered. She then reviewed an email by Holly Coffey who expressed concern regarding the anticipated density.
Mayor Holland responded that no development plan has been submitted and that any future plan will come before the Commission at that time for consideration.

Ms. Montez stated that Ms. Parker sent a second email asking about the location of the signage on the subject property with Ms. Barnes further explaining that the property does not have any road frontage so the signage was posted on the southeast corner as close to the road as possible.

Ms. Montez stated that Ms. Coffey indicated her home is within 500 feet and requested additional information. Ms. Montez indicated she had responded to the email that she would forward all of the pertinent information the next day. She indicated there was an additional email by Ms. Parker further expressing concern regarding not being able to discuss in person. She then stated Andrea Pait asked, if the annexation is approved, and if a development plan is brought before the Commission will more than two homes be notified.

Ms. Barnes indicated affirmatively. She noted that if the property is developed, it will most likely be joined with other property, and the 500 foot boundary would change.

Ms. Montez stated Kassandra Stepp asked that the hearing be redone so that people from Pine Meadows and Clear Lake Subdivision can be there in person.

Mayor Holland stated it was properly noticed but the Commission would discuss and they would go by the will of the Commission. He thanked everyone that emailed in and noted it was the first time the City had to run a meeting under the current conditions. He indicated the Commission's desire to keep the City moving forward.

The Commission discussed the 500 foot policy with a suggestion that the City consider doing more notifications in the future.

The Commission commented that there is no development plan before them to consider and additional public hearings will be held if one is brought forward. They also noted that Mr. Keating's other properties have not yet been developed.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Ordinance Number 20-14 on first reading. Motion carried by the following votes:

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

5.6 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 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 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.
Mayor Holland asked if there were any further emails regarding Ordinance Number 20-15.

Ms. Montez responded that Kassandra Stepp emailed that the property was not posted where people on Clear Lake Drive could see it and she is within 500 feet but she did not received a letter. Amy Parker sent a photo of a dock on the lake.

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

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

5.7 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 first 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.

Mayor Holland asked if any further emails had been submitted with Ms. Montez indicating that Ms. Parker explained the photo was of Mr. Keating's dock.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Aliberti, to approve Ordinance Number 20-16 on first reading. Motion carried by the following votes:

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

6. OTHER BUSINESS

6.1 Consideration of Extension of the Annexation Incentive Program

Ms. Barnes explained the annexation incentive program was initiated in 2018 via Resolution 18-27. She reviewed the number of annexation applications received and processed per year and the increase in ad valorem revenue to the City. She indicated that many of the properties are currently vacant and will provide additional revenue to the City once they are developed. She stated that the program will expire at the end of April and asked for direction from the Commission regarding whether or not to extend the program.

The Commission asked the location of the properties and whether or not any are infill properties with Ms. Barnes citing those areas that include infill properties that have been annexed. She explained that the incentive program was intended to encourage property owners that might not otherwise have considered annexing to annex. She cited the current costs for annexation and the waiver of those fees.

The Commission questioned which property owners could benefit from the program with Ms. Barnes indicating that any property owner who qualifies to annex would qualify for the program. She commented on how staff tries to limit the hard costs by advertising adjacent properties together.

Discussion was held regarding what entails hard costs.

The Commission discussed those properties already annexed or in the process, whether or not there is a time requirement for the owner to development the property and the possibility of the program helping to reduce the number of enclaves in the City.

Ms. Barnes explained there is no time requirement for development. She indicated that not every property owner is a developer themselves. Sometimes they are trying to pull property together for future development.

CONSENSUS: It was a consensus of the Commission to extend the program for another year.

6.2 Consideration of Extension of the Development Incentive (Water and Sewer Impact Fee Waiver) Program

Ms. Barnes explained the water and sewer impact fee incentive program was established via Resolution Number 18-29. She stated that the application period for this program will expire on April 20, 2020. She provided an overview of the program and reported on the number of applications received under the program. She stated the intent of the program was to leverage the City's water and sewer revenues to encourage development. She noted that water and sewer impact fees can only be used to build new water and sewer facilities. She stated during the two years of the incentive program the City has seen $34.2 million in new construction leveraged by an investment of $1.2 million by the City. She continued stating 13 projects have been completed, 14 are under construction and 9 have not yet begun. She stated that, at the end of the two year program, only $313,000 in W/S fees have been committed through the program leaving a Water/Sewer fund balance of $10.8 million. She stated the program will expire April 30th if the Commission doesn't extend the program.

CONSENSUS: It was a consensus of the Commission to extend the water and sewer impact fee program for one year.

6.3 Discussion regarding planned expansion of Carver Park building

Mr. Neibert noted that this item was placed on the agenda at the request of Commissioner Morin. He noted that the Carver Park expansion is estimated at $1.4 million and confirmed that Commissioner's Morin suggestion was to leave the Carver Park expansion off of the referendum and use reserves to complete the project separately.

Commissioner Morin expressed concern regarding the City's lack of a gymnasium and expressed support for using the reserves to expand the Carver Park gym.

Commissioner LeHeup-Smith confirmed that Commissioner Morin's suggestion is to use the reserves to proceed with the expansion and then questioned whether or not that would hurt the financing for the bond.

Mr. Neibert explained there would be less reserve money to go toward the community center. He stated the intent was to prorate the division of the reserve funds with only about $250,000 of the reserves going toward the Carver Park building. He indicated that the bond referendum would still be $11.4 million. He noted that the City would be requesting grant monies from Lake County as well.

Commissioner LeHeup-Smith asked what would be the downside to proceeding with the project with Mr. Neibert indicating both projects are in the CRA with one on the west side and one on the east side. He stated having both projects are on the referendum together would strengthen the support for the referendum. He added that it would give the entire community the opportunity to vote on two projects on both sides of the community.

The Commission discussed the following: 1) Whether or not separating the projects would hurt the chances of the community center being approved; 2) The need for the gymnasium to allow the City to offer additional programs; 3) The effect of the current economy and waiting to see what the economy does; 4) The ability of the City to not move forward with the project even if the referendum is approved if the economy will not support it at that time; 5) How keeping the projects together improves the possibility of both being approved; 6) The current state of the economy and the number of people nationally that have filed for unemployment; 7) The effect of the stock market on the police and fire pensions; 8) The possible need to not proceed with any large scale expenditures at this time; and 9) The possibility of postponing the projects until the next year to allow time to see what happens with the pensions and other economic issues.

Mayor Holland asked the drop dead date for putting on the ballot with Ms. Montez indicating about mid-August.

Further discussion was held regarding the following: 1) The need to have time for marketing of the projects; 2) The ability for the City to postpone the projects even if the referendum passes; 3) The possibility of obtaining some designs for expansion of the gymnasium in order to obtain community comments; 4) The need for more community involvement in the project; 5) The possibility of getting local businesses involved in the project; 6) Bringing the issue back to the first meeting in May for additional discussion and if the current situation had improved then planning some community meetings; and 7) The possibility of proceeding with community meetings with Mr. Neibert noting that community meetings cannot be planned until after the end of April. He also noted that if they want to further increase the size of the Carver Park building they would have to look for additional property which would further increase the cost of the project.

The Commission further discussed the following: 1) Obtaining input through Facebook; 2) Holding off further discussions until May and the possibility of having a better view of finances by May; 3) Getting the Public Works and Parks and Recreation Directors involved in the discussion; 4) The issues the City had during the previous recession which resulted in a number of layoffs; 5) The possibility of not proceeding with the November ballot and waiting until the next year to proceed; 6) The possibility of some businesses not still being in business by November; 7) Continuing with the planning process even if agree to not put on ballot in November; 8) The need for everyone to work together on both projects even if decide to separate the two; and 9) The need for new marketing ideas for the projects and separating the sailing club from the community center marketing.

CONSENSUS: It was a consensus of the Commission to postpone the referendum on the community building and Carver Park expansion to the 2021 ballot but with continued discussion regarding the community building and gymnasium expansion.

7. FUTURE AGENDA ITEMS

Mayor Holland asked to included discussion on expanding the boundary for development notifications with Mr. Neibert indicating staff would work up some options for consideration; however, it may not be on the next agenda.

Commissioner LeHeup-Smith asked for the City to work to get other cities and County churches to coordinate a bell ringing to honor health care workers with Mr. Neibert stating he would speak with Erin Bailey, the Events and Tourism Coordinator, about it.

Vice Mayor Lee asked to discuss the Community Garden and Resource Center and for the City to offer a gardening program for students during the summer

Mr. Neibert reported he had planned to have Pastor Buddy come and give a presentation but that couldn't occur due to the virus limitations.

8. COMMENTS

8.1 City Commission

Vice Mayor Lee thanked Rick Gierok for his work with the Blue Lake residents on their flooding issue. She encouraged everyone to complete the 2020 census online.

Mayor Holland noted that the census is very important and effects a lot of decisions effecting the City including representation.

8.2 City Manager

Mr. Neibert noted that the census also effects calculations regarding the City's share of gas tax revenues. He commented on the recent federal laws and governor's executive orders and their affect on City employees.

8.3 City Attorney

Mr. Schroth reported that he had been discussing the Governor's executive orders with the City Manager and stated Commissioners could call him any time if they have questions.

8.4 Mayor

Mayor Holland thanked everyone for listening and encouraged residents to submit their comments and questions via email.

Ms. Montez announced she received three emails from Gail Isaac Thomas with one supporting separating the Carver Park project and one asking the Commission to keep Pastor Renee Hill in their prayers.

Mayor Holland explained that Pastor Hill's son passed away a week previous. He then thanked everyone for staying engaged stating he hoped they had answered their questions.

9. ADJOURNMENT: 8:01 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