



MINUTES

APPROVED: 1/2/2020

Regular City Commission Meeting

6:00 PM - Thursday, December 5, 2019 - City Hall

INVOCATION: PASTOR RENEE HILL, WIN.1.MINISTRIES

PLEDGE OF ALLEGIANCE: VICE MAYOR LEHEUP-SMITH

CALL TO ORDER: 5:30 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

ABSENT: Commissioner Emily Lee

1. AGENDA UPDATE

Ron Neibert, City Manager, announced that Resolution Number 19-110 had been added to the Consent Agenda responding to Lake County's invitation for the City to participation in negotiations for the City of Mount Dora's ISBA.

2. APPROVAL OF MINUTES

2.1 November 7, 2019 - Regular City Commission Meeting

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

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

3. AUDIENCE TO BE HEARD

Mr. Neibert announced that Friday, December 6, 2019, would be Finance Director Colleen Scott's last day with the City. He stated that former City Deputy Finance Director Mike Sheppard has agreed to fill in as Interim Finance Director.

Ann Ivey, Library Director, announced that the Library would be holding an amnesty week the next week with no fines being levied for overdue materials.

4. CONSENT AGENDA

4.1 Resolution Number 19-110: Responding to Lake County Resolution 2019-131 inviting City to participate in Mount Dora ISBA negotiations

4.2 Resolution Number 19-109: Release of Lien, Bright Water Place Lot 10, Cases #11-116, 12-212 and 13-053

4.3 Historic Preservation Annual Report

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

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

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

5.1 Resolution Number 19-106: Refuse Collection Rate Increase

Derek Schroth, City Attorney, announced Resolution Number 19-106: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, authorizing adjustment to City of Eustis rates for the solid waste collection services, to provide for the annual adjustment of the garbage and trash rate index provided by the U.S. Bureau of Labor for Waste Management, Inc. of Florida to be effective January 1, 2019.

Colleen Scott, Finance Director, provided a history of the City's contract with Waste Management Inc. and explained the requested increase in the solid waste collection services and why it is based on the U.S. Bureau of Labor's garbage and trash CPI. She provided a comparison with surrounding cities noting that Eustis will still be the lowest rate.

Mr. Schroth opened the public hearing at 6:08 p.m. There being no public comment, the hearing was closed at 6:08 p.m.

Moved by Commissioner Morin, seconded by Commissioner Aliberti, to approve Resolution Number 19-106. Motion carried by the following votes:

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

5.2 Ordinance Number 19-23: Voluntary Annexation of 18725 East Bates Avenue

Mr. Schroth read Ordinance Number 19-23 by title only on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 44.81 acres of real property located at 18725 E. Bates Avenue, Eustis, FL.

Mr. Schroth opened the public hearing at 6:09 p.m. There being no public comment, the hearing was closed at 6:09 p.m.

Moved by Vice Mayor LeHeup-Smith, seconded by Commissioner Morin, to adopt Ordinance Number 19-23 on second and final reading. Motion carried by the following votes:

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

5.3 Ordinance Number 19-24: Comprehensive Plan Amendment for 18725 E. Bates Avenue

Mr. Schroth read Ordinance Number 19-24 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 44.81 acres of recently annexed real property located on 18725 E. Bates Avenue from Public Service Facility and Infrastructure in Lake County to Public Institutional (PI) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:10 p.m. There being no public comment, the hearing was closed at 6:10 p.m.

Moved by Vice Mayor LeHeup-Smith, seconded by Commissioner Morin, to adopt Ordinance Number 19-24 on second and final reading. Motion carried by the following votes:

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

5.4 Ordinance 19-25: Design District Assignment for 18725 East Bates Avenue

Mr. Schroth read Ordinance Number 19-25 by title only on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood design district designation to approximately 44.81 acres of recently annexed real property located at 18725 E. Bates Avenue.

Mr. Schroth opened the public hearing at 6:11 p.m. There being no public comment, the hearing was closed at 6:11 p.m.

Moved by Commissioner Aliberti, seconded by Vice Mayor LeHeup-Smith, to adopt Ordinance Number 19-25 on second and final reading. Motion carried by the following votes:

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

5.5 Ordinance Number 19-38: Amendments to Chapter 82, Code of Ordinances

Mr. Schroth read Ordinance Number 19-38 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida; amending Chapter 82, Eustis Code of Ordinances; providing for conflict with existing ordinances and providing for codification, severability and an effective date.

Mr. Schroth opened the public hearing at 6:11 p.m. There being no public comment, the hearing was closed at 6:11 p.m.

Moved by Commissioner Morin, seconded by Commissioner Aliberti, to approve Ordinance Number 19-38 on second and final reading. Motion carried by the following votes:

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

5.6 Ordinance Number 19-35: Voluntary Annexation of property located on northwest corner of Washington Avenue and Ohio Street

Mr. Schroth read Ordinance Number 19-35 by title only on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 0.30 acres of real property located at the northwest corner of Washington Avenue and Ohio Street.

Roland Magyar, Senior Planner, reviewed the property proposed for annexation and the requested future land use designation of Suburban Residential and design district designation of Suburban Neighborhood. He stated that the ownership is free and clear as stated in the title opinion and the County Attorney and County Stormwater Engineer have stated the County has no interest in the property.

Mr. Magyar compared the allowed development pattern within the requested City future land use designation versus the County's designation. He stated the request is consistent with the surrounding future land use designations indicating that the City's designation is less intense than the County's. He indicated the City has capacity to serve the property and stated the request is consistent with the City's Comprehensive Plan. He cited the concerns expressed by the resident at the November 21, 2019 Local Planning Agency meeting. He stated that some adjoining property owners also had expressed concern regarding possible flooding. He explained that any development would have to address any runoff created by the development. He noted that Mr. Ellsworth had requested an additional postponement of the ordinance.

Mr. Magyar stated staff's recommendation for approval noting it is consistent with the Joint Planning Area, Florida Statute requirements, City Comprehensive Plan and Land Development Regulations.

Mr. Schroth opened the public hearing at 6:17 p.m. There being no public comment, the hearing was closed at 6:18 p.m.

Moved by Commission Morin, seconded by Vice Mayor LeHeup-Smith, to approve Ordinance Number 19-35 on first reading. Motion carried by the following votes:

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

5.7 Ordinance Number 19-36: Comprehensive Plan amendment assigning Future Land Use designation to 0.3 acres located on the northwest corner of Washington Avenue and Ohio Street

Mr. Schroth read Ordinance Number 19-36 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 0.3 acres of recently annexed real property located on the northwest corner of Washington Avenue and Ohio Street, as more particularly described herein, from Urban Medium in Lake County to Suburban Residential (SR), in the City of Eustis.

Mr. Schroth opened the public hearing at 6:18 p.m. There being no public comment, the hearing was closed at 6:18 p.m.

Moved by Commissioner Morin, seconded by Commissioner Aliberti, to approve Ordinance Number 19-36 on first reading. Motion carried by the following votes:

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

5.8 Ordinance Number 19-37: Assigning Design District designation to 0.3 acres located at the northwest corner of Washington Avenue and Ohio Street

Mr. Schroth read Ordinance Number 19-37 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 0.3 acres of recently annexed real property located at the northwest corner of Washington Avenue and Ohio Street.

Mr. Schroth opened the public hearing at 6:19 p.m. There being no public comment, the hearing was closed at 6:19 p.m.

Moved by Commissioner Morin, seconded by Vice Mayor LeHeup-Smith, to approve Ordinance Number 19-37 on first reading. Motion carried by the following votes:

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

6. OTHER BUSINESS

6.1 Fence Regulation Overview

Lori Barnes, Development Services Director, as previously requested by the Commission, provided an overview of the fence regulations including a history of the regulations, the 2016 amendment, the public information brochure on fencing regulations and the administrative policy regarding fence permitting requirements and the permitting process. She explained that fence permits are not required for repair, maintenance or minor replacement of fence panels. Less than 50% of one continuous row of fencing is considered a repair; however, over 50% is a fence replacement and requires a permit and must comply with current regulations. She reviewed the current permit application.

The Commission confirmed a resident would not have to have an architect draw a diagram for the permit application. They then questioned why the lattice is required to be two feet instead of one foot with Ms. Barnes indicating that has been the requirement since 1992 so she is unsure what the reasoning was.

Mr. Neibert questioned whether or not fence companies offer a one foot option with Ms. Barnes indicating she was unsure on what is available.

The Commission questioned the allowance of wood fencing and colors that may be used with Ms. Barnes responding there are no controls over the color or materials unless the property is located in the historic district or in an HOA development.

Mr. Neibert indicated that the City does not have the ability to regulate colors and materials as long as it's in good repair. He asked that if any Commissioners have specific concerns that they email those to Ms. Barnes for further review.

The Commission questioned whether or not enforcement is by complaint only with Ms. Barnes indicating staff is trying to be more proactive. She cited specific conditions that would not meet the international maintenance code and would result in a violation.

Mayor Holland opened the floor to public comment at 6:36 p.m.

Nan Cobb asked about the six foot opaque versus the eight foot with the lattice with Mr. Neibert indicating the purpose is for aesthetic purposes. Ms. Barnes explained that the only areas where an opaque fence can go to six foot opaque with a two foot lattice is between houses and on the rear property line, not on the sides along public right-of-way. Along a public roadway, they are limited to the four foot solid with a two foot lattice on top.

There being no further public comment, Mayor Holland closed the public comment at 6:38 p.m. He encouraged the Commissioners to contact Ms. Barnes if they have any further concerns or questions.

7. FUTURE AGENDA ITEMS: NONE

8. COMMENTS

8.1 City Commission

Commissioner Morin commented on the house he has been renovating, which was originally built in 1884, and how it made him understand the regulations and effects on neighborhoods.

Commissioner Aliberti expressed concern regarding the yard signs particularly in the main corridors.

Ms. Barnes asked if the signs they are seeing are in the right-of-way or on private property. She explained that, if they are in the right-of-way, staff can remove them; however, the City has little authority over temporary signs on private property due to a Supreme Court ruling in 2017.

Commissioner Aliberti then expressed concern regarding trucks in the downtown area which are difficult to see around.

Captain McSheehy stated there are regulations against and explained how the department tries to address them.

Vice Mayor LeHeup-Smith indicated she was unable to attend the Lifestream meeting and stated they are encouraging their clients to report any panhandling or other issues in order to try and address some of the concerns expressed previously.

8.2 City Manager

Mr. Neibert reported that the joint Commission meeting regarding the ISBA proposal was scheduled for Tuesday, December 18th at 5:30 p.m.

Vice Mayor LeHeup-Smith congratulated Mr. Neibert on receiving the Community Service Award.

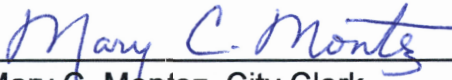
8.3 City Attorney - None

8.4 Mayor

Mayor Holland thanked everyone that participated in the Bates Avenue clean up event. He announced that Commissioner Lee was attending the holiday event at Lake Sumter State College and explained the importance to the City in having a good relationship with the college. He announced the next Commission meeting would be December 19th.

9. 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, City Clerk



Mayor/Commissioner