MINUTES

APPROVED: 12/19/2019

Regular City Commission Meeting

6:00 PM - Thursday, November 21, 2019 - City Hall

INVOCATION: STEVE VICTORY, EPIPHANY CELEBRATION ANGLICAN CHURCH

PLEDGE OF ALLEGIANCE: COMMISSIONER LEE

CALL TO ORDER: 6:10 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

Ron Neibert, City Manager, announced that Ordinances 19-35, 19-36 and 19-37 would be tabled to the December 5, 2019, Commission meeting pending future action by the Local Planning Agency.

2. APPOINTMENTS

2.1 Appointment to the Downtown and East Town Redevelopment Agency Board (CRA Board) - Representative from the portion of the CRA west of Center Street - Evan Contorakes

Evan Contorakes expressed his desire to be appointed to the Community Redevelopment Agency.

Commissioner Lee questioned the purpose of the two nonvoting positions on the CRA with Mr. Neibert explaining the discussion by the Commission previously to add two nonvoting members to provide input to the Board on CRA matters.

The Commission discussed whether or not Mr. Contorakes would have a conflict of interest with Mr. Neibert acknowledging that the City does currently have a contract with him for marketing; however, the project has no involvement with the CRA and no CRA funds are part of the project. He stated that if Mr. Contorakes or a family member does have a conflict in the future, then he could recuse himself from the discussion.

Further discussion was held regarding the purpose of the two nonvoting positions on the Board with Mr. Neibert explaining that the previous CRA member, Dan Kelsey, had to resign after closing his business.

The Commission noted that, if the CRA is ever brought into the project, then Mr. Contorakes would have to step back.

Moved by Commissioner Morin, seconded by Vice Mayor LeHeup-Smith, to approve the appointment of Evan Contorakes to the CRA Board as a nonvoting member. Motion carried by the following votes:

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

3. AUDIENCE TO BE HEARD

3.1 Carla Rodriguez reported on the JeepFest event noting they collected over five boxes of toys for Toys for Tots. She presented an award to the City for their participation in the event.

Mayor Holland congratulated Ms. Rodriguez on purchasing their building.

Dr. William Zeller thanked the City for hauling off the aquatic vegetation that the residents paid to have removed from Lake Gracie. He addressed the Commission regarding the proposed demolition of the existing community building and construction of the new community building/conference center/sailing facility. He expressed concern that the City does not already have signed contracts for sailing events. He recommended refurbishing the existing building and putting in movable walls rather than building a new facility.

David Serdar expressed concern regarding the environment, issues with substance abuse in the community, and his work with other individuals and entities regarding climate change. He asked the City to consider banning plastic straws noting that the City of Tavares will be discussing the issue at their first meeting in December.

Richard Bishop addressed the Commission regarding November 14th, the anniversary of the Marshall University football team plane crash. He explained that Stuart Cottrell, one of the victims, was a Eustis High School student and he recently looked at his memorial and indicated it is in poor shape. He stated his willingness to continue to pull weeds around it but someone needs to fix the stone and the border.

Mr. Neibert indicated City staff would look at it and see what can be done.

4. CONSENT AGENDA

4.1 Resolution Number 19-104: Release of Lien with Conditions - 1300 South Dewey Street

4.2 Resolution Number 19-105: Appointing City representative to Lake Sumter MPO Governing Board

4.3 Resolution Number 19-107: Approval of purchase in excess of $25,000 for a new 2019 Ford F-550 Altec Bucket Truck

4.4 Resolution Number 19-108: Approval of purchase in excess of $25,000 for a Wheel Loader

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

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

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

5.1 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

Derek Schroth, City Attorney, 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 Vice Mayor LeHeup-Smith, seconded by Commissioner Lee, to approve Ordinance Number 19-30 on second and final reading. Motion carried by the following votes:

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

5.2 Ordinance Number 19-31: Authorizing the assessment of late fees on delinquent Fire Inspection accounts

Mr. Schroth read Ordinance Number 19-31 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending Chapter 38 – "Fire Prevention and Protection", adding Section 38-94 "Late fees for delinquent fire inspection accounts" to the Code of Ordinances for the City of Eustis; providing for severability, providing for an effective date.

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

Moved by Vice Mayor LeHeup-Smith, seconded by Commissioner Lee, to approve Ordinance Number 19-31 on second and final reading. Motion carried by the following votes:

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

5.3 Ordinance Number 19-32: Voluntary Annexation of property located at 2303 E. Orange Avenue
Ordinance Number 19-33: Comprehensive Plan amendment assigning Future Land Use designation to property located at 2303 E. Orange Avenue
Ordinance Number 19-34: Assigning Design District designation to property located at 2303 E. Orange Avenue

Mr. Schroth read Ordinance Number 19-32 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 13.82 acres of real property located at 2303 E. Orange Avenue.

Roland Magyar, Senior Planner reviewed the requested annexation and explained the future land use map amendment and design district designation for the property located at 2303 E. Orange Avenue. He compared the allowable densities and uses between the County FLU of Urban Medium and the City's land use of Residential Office Transitional. He stated the site has minimal wetlands; however, there are existing gopher tortoise burrows and sand skink habitat although no skinks were actually found. He stated a plan would have to be submitted to address the gopher tortoises and skink habitat. He explained the definition of the Suburban Corridor design district. He stated that the request is compatible with the comprehensive plan and land development regulations and indicated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:46 p.m. There being no public comment, the hearing was closed at 6:46 p.m.

Moved by Commissioner Aliberti, seconded by Commissioner Lee, to approve Ordinance Number 19-32 on first reading. Motion carried by the following votes:

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

Mr. Schroth read Ordinance Number 19-33 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 13.82 acres of recently annexed real property located on 2303 East Orange Avenue from Urban Medium in Lake County to Residential Office Transitional (RT) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:47 p.m. There being no public comment, the hearing was closed at 6:47 p.m.

Moved by Commissioner Morin, seconded by Commissioner Lee, to approve Ordinance Number 19-33 on first reading. Motion carried by the following votes:

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

Mr. Schroth read Ordinance Number 19-34 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Corridor design district designation to approximately 13.82 acres of recently annexed real property located at 2303 East Orange Avenue.

Mr. Schroth opened the public hearing at 6:48 p.m. There being no public comment, the hearing was closed at 6:48 p.m.

Moved by Commissioner Lee, seconded by Vice Mayor LeHeup-Smith, to approve Ordinance Number 19-34 on first reading. Motion carried by the following votes:

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

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

Mr. Schroth read Ordinance Number 19-38 by title on first 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.

Lori Barnes, Development Services Director, reviewed the proposed changes to Chapter 82 of the Code of Ordinances. She stated that the changes will allow the City to enforce penalties against anyone who deliberately alters drainage facilities. She noted there are also a number of minor corrections. She cited the proposed change to allow displays on sidewalks downtown as a permitted use.

The Commission asked if the City can require someone to go back and correct a swale with Ms. Barnes indicating that if the City can show that a resident has intentionally changed the flow of runoff it can require the property owner to correct the situation to the satisfaction of the Public Works Director.

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 Commissioner Aliberti, to approve Ordinance Number 19-38 on first reading. Motion carried by the following votes:

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

6. OTHER BUSINESS

6.1 Discussion regarding vacant Commercial buildings

Mr. Neibert explained that the Commission had previously requested a report on what could be done regarding vacant commercial properties. He stated the City cannot require registration of vacant properties. He cited an existing portion of Chapter 34 of the Code of Ordinances which requires any commercial property vacant for more than 15 days to meet certain criteria. He noted staff had provided a sample ordinance from the City of Miami and how they assess penalties. He added that all commercial properties, vacant or occupied, are required to have annual fire inspections.

The Commission questioned how many businesses are on the fines list for not paying for those inspections with Mr. Neibert indicating staff can find that out.

The Commission asked if they could receive a report on who owns the vacant buildings and questioned how they would know if there are hazardous materials being stored in them.

Mr. Neibert stated that any violations found in the vacant buildings during the annual fire inspection can be enforced.

Discussion was held regarding the following: 1) bringing back an ordinance to require property owners to make the storefronts more attractive; 2) the Chamber's efforts to attract more business to the downtown area; and 3) determining the property owners' intent for the properties and encouraging them to utilize the properties.

CONSENSUS: It was a consensus of the Commission for staff to bring back a Miami type ordinance.

7. FUTURE AGENDA ITEMS

7.1 Mayor Holland asked for staff to provide a quick review of the fence ordinance noting recent comments on Facebook.

Ms. Barnes commented on the Facebook postings and reported that the property owner now has obtained a building permit and is working to bring the fence into compliance.

8. COMMENTS

8.1 City Commission

Commissioner Lee commented on the Employee Appreciation Luncheon and the Veteran's Memorial Service in Ferran Park. She also reported on her attendance at the YMCA Prayer Breakfast. She noted the death of Ms. Lulabelle Douglas and her upcoming funeral which might interfere with the community cleanup.

Commissioner Aliberti noted her attendance at the employee luncheon and commented that most of the employees seemed to be very happy to work for the City. She reminded everyone about the cleanup scheduled for Saturday, November 23rd with volunteers to gather in Carver Park at 9 a.m.

8.2 City Manager

Mr. Neibert reported on the Commission's request to get a cost estimate for a financial feasibility study for the proposed community/conference/sailing center. He stated staff received one proposal from Fishkind in the amount of $30,000. He then stated the Lake County Tourism Office has a contract with a private contractor for an economic impact program which they utilize in awarding their tourism grants. He indicated they would do the work for the City for free.

It was a consensus of the Commission for staff to proceed as recommended.

Mr. Neibert reminded everyone about the Community Cleanup on November 23rd stating that the City will provide gloves and water. He then announced that he was successful at the auction in purchasing the parking lot property in the amount of $235,000. He stated staff will be bringing forward legislation to dedicate the property as a parking lot for an extended period of time.

Mr. Neibert reminded the Commission about the homeless workshop to be held Tuesday, November 26, 2019. He announced the resignation of Colleen Scott as the City's Finance Director. He stated she needs to move closer to Tampa due to family issues with her final date being December 6th.

8.3 City Attorney - None

8.4 Mayor

Mayor Holland expressed support for Gail Isaac Thomas due to illness and problems with deaths in her family. He noted that Rex Wynn, retired Fire Chief, is battling a very fast moving cancer and asked everyone to keep him and his family in their prayers. He wished everyone a Happy Thanksgiving.

9. ADJOURNMENT: 7:11 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