



MINUTES

APPROVED: 11/7/2019

Regular City Commission Meeting

6:00 PM - Thursday, October 17, 2019 - City Hall

INVOCATION: POLICE CHAPLAIN HARRY HARRIS

PLEDGE OF ALLEGIANCE: COMMISSIONER MORIN

CALL TO ORDER: 6:01 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

- 2.1 August 20, 2019 - City Commission Workshop
- August 29, 2019 - Emergency City Commission Meeting
- August 30, 2019 - Emergency City Commission Meeting

Moved by Commissioner Aliberti, seconded by Commissioner Lee, to approve the Minutes as submitted. Motion carried by the following votes:

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

3. PRESENTATIONS

3.1 Eustis Fire Department Promotion Ceremony

Fire Chief Mike Swanson swore in the following firefighters in their new positions as Lieutenants with the Fire Department: Brad Carroll, Shawn Kelleher, and David Jackson. He then swore in the following firefighters as Senior Engineers: Mike Peckham, Jordan Burkholder, and Jerry Donaldson.

3.2 Presentation of Eustis Fire Department Lifesaving Awards

Chief Swanson presented Lifesaving Awards to the following firefighters: Jerry Donaldson with five saves, Chad Williamson with three saves, Chris Weatherington with one save, Jason Pepper with two saves and Shawn Kelleher with four saves. He also recognized Michael Downes who could not attend.

Chief Swanson then introduced Mr. Lane who was the victim of a recent heart attack with Shawn Kelleher and Chris Weatherington responding. He also presented a certificate to Mr. Lane's girlfriend who was conducting CPR when the crew arrived.

3.3 Proclamation declaring Eustis a Purple Heart City

Mayor Holland read a proclamation declaring Eustis a Purple Heart City and recognizing the Order of the Purple Heart and their mission.

Mr. Spencer presented to the City of Eustis a Purple Heart flag to be flown beneath the United States flag and City flag.

Erin Bailey, Special Events Coordinator, provided an update on the Vet Fest arrangements and recognized Mr. Spencer, Keith Totten with One Team One Fight 4 PTSD, Tony Rufrano from the Last Ride and the Nam Knights Motorcycle Club and Sheri Hutchinson with Exit Real Estate Results for their participation on the Vet Fest Committee. She also recognized Gator Harley who could not be present. She noted that the moving Vietnam War memorial would also be a part of the festival. She cited a number of activities for the event noting that it will cross city lines and not be just a Eustis event.

Mayor Holland commented on the Veteran's banners in the downtown area noting that program has raised almost \$4,000 for the Vet Fest organization. He then noted that the Amazing Race for Charity had delivered a check in the amount of \$1,750 for the City's new dog park.

4. APPOINTMENTS

4.1 Appointment to Eustis Housing Authority - Marjorie Buckner

Marjorie Buckner introduced herself to the Commissioner and provided a brief history.

Moved by Commissioner Lee, seconded by Vice Mayor LeHeup-Smith, to appoint Marjorie Buckner to the Eustis Housing Authority for a full term to expire October 31, 2023. Motion carried by the following votes:

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

5. AUDIENCE TO BE HEARD

Mayor Holland introduced Mrs. Rolle, grandmother of Corey Rolle, who was to be honored by the naming of the Carver Park Annex field. He thanked Mrs. Rolle for her work on behalf of the City.

Mrs. Rolle expressed her appreciation for the City and the Commission for their honoring of Mr. Rolle.

Mrs. Corey Rolle, Corey's wife, also thanked the Commission for the recognition of Mr. Rolle.

Gail Isaac Thomas asked when the plaque would be ready with Mayor Holland stating it should be delivered in the next week.

Ron Neibert, City Manager, stated staff would contact the family to decide on a date for the installation of the signage at the field.

David Serdar congratulated the Commission for their willingness to consider an ordinance setting littering fines. He encouraged them to install signs to help deter the littering. He commented on his efforts with Florida legislators and other municipal governments to get additional legislation on environmental matters including glass bottle deposits and removal of plastic bags and plastic straws.

Joeellen Mitchell addressed the Commission regarding the amount of homeless that are living under the bridge near the marina who travel through the park at all hours of the night. She cited the issues including break-ins to unoccupied trailers. She stated they have posted "private property - no trespassing" signs and have asked the police department to remove them. She stated that the police have said they can't remove them as they are going to a specific address.

Mayor Holland explained that was discussed at the last Commission meeting and a workshop is being scheduled regarding the homeless issues which will include a number of organizations and will be publicized.

Linda Libby addressed the Commission regarding the same issues in Sharp's Park and asked the Commission to consider enacting vagrancy or loitering laws.

Mayor Holland encouraged her to attend the workshop when it's scheduled.

6. CONSENT AGENDA

- 6.1** Resolution Number 19-89: Request for extension of time for an administrative site plan (2011-ASP-05) at 1147 E. McDonald Avenue
- 6.2** Resolution Number 19-90: Request for Extension of Time - 1701 E. Orange Avenue Site Plan (2018-SP-05)
- 6.3** Resolution Number 19-91: Approval of purchase in excess of \$25,000 for annual payment to Verteks Consulting, Inc.
- 6.4** Resolution Number 19-92: Approval of annual purchases in excess of \$25,000
- 6.5** Resolution Number 19-93: Award of Bid Number 003-19 and budget transfer approval for the Hawley Street Waterline Replacement Project
- 6.6** Resolution Number 19-95: Acceptance of Haselton Road Improvements and Associated Actions
- 6.7** Resolution Number 19-96: Amending Public Records Access and Records Management Policy
- 6.8** Resolution Number 19-97: Purchase in excess of \$25,000 for holiday ice rink rental

Moved by Commissioner Lee, seconded by Commissioner Aliberti, to approve the Consent Agenda. Motion carried by the following votes:

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

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

7.1 Resolution Number 19-94: Naming the field at the Carver Park Annex as "Corey Rolle Field"

Derek Schroth, City Attorney, announced Resolution Number 19-94: A Resolution of the City Commission of the City of Eustis, Florida; honoring Mr. Corey Rolle by naming the field at the Carver Park Annex "Corey Rolle Field" and authorizing the placement of appropriate signage.

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 Vice Mayor LeHeup-Smith, seconded by Commissioner Lee, to approve Resolution Number 19-94. Motion carried by the following votes:

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

7.2 Ordinance Number 19-28: Small Scale Future Land Use Map Amendment to the Comprehensive Plan - south side of E Orange Avenue west of Abrams Ave.

Mr. Schroth read Ordinance Number 19-28 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 3.9 acres located on the south side of E. Orange Avenue, 700 ft. west of Abrams Road, as more particularly described herein, from Residential Office Transitional (RT) to Mixed Commercial Residential (MCR).

Roland Magyar, Senior Planner, reviewed the requested land use designation change stating the request is to change the property from Residential Office Transitional (RT) to Mixed Commercial Residential (MCR). He explained the difference between the two categories stating that the RT category allows commercial use as a conditional use; while the MCR allows commercial use by right. He further explained staff's analysis of the request, noted the surrounding land uses, and stated the City has water and sewer capacity available. He stated the request is compatible and generally consistent with the comprehensive plan and land development regulations and staff's recommendation for approval.

The Commission questioned how the request differs from the Cricket Hollow request with Mr. Magyar explaining the Cricket Hollow had requested an entrance into the neighborhood while this would be on Orange Avenue next to an existing commercial use so there would be no additional traffic into the residential neighborhood

Mr. Schroth opened the public hearing at 6:56 p.m. There being no public comment, the hearing was closed at 6:56 p.m.

Moved by Commissioner Morin, seconded by Commissioner Lee, to approve Ordinance Number 19-28 on first reading. Motion carried by the following votes:

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

7.3 Ordinance Number 19-29: Amending Chapter 66 - Parks and Recreation

Mr. Schroth read Ordinance Number 19-29 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending Chapter 66 – Parks and Recreation; adding Article V – Hours of Operation; providing for severability; providing an effective date.

Chief Calhoun noted the ordinance was suggested due to input from some residents and explained the proposed enactment of hours of operation for all of the City's parks. He stated the restrooms are closed at 10 p.m. and the lights go off at 10 p.m. He indicated that the City could try it and see how it works.

The Commission questioned the City not having a loitering ordinance and asked how the ordinance would be enforced.

Chief Calhoun explained loitering only applies if it is private property and indicated someone can't be considered loitering on public property. He further explained that enforcement will primarily be complaint driven. The ordinance will enable the police to tell someone causing a problem to leave. If someone refuses to leave, they would probably trespass them.

The Commission confirmed that the City would post signs informing people that the park closes at 11 p.m.

Discussion was held regarding how it will be enforced and providing warning at first with Chief Calhoun explaining that currently the police department has no authority to do anything.

Mr. Schroth opened public comment at 7:02 p.m.

Joeellen Mitchell questioned how it will affect the residents in Sharp's Park with Chief Calhoun stating that if the management wants someone trespasses they have to file a trespass against a specific person then they can be arrested. He stated that just walking through the park can't get them arrested.

The Commission confirmed that someone just walking through Sharp's Park at 2 a.m. would not be enforceable but if they were observed doing something suspicious, such as looking in windows, then that could be addressed.

The Commission asked how many people are involved in living under the bridge with Chief Calhoun indicating it is a small number with Ms. Mitchell indicating it is 15 to 20 people.

Commissioner Morin indicated he would ask someone from the Homeless Coalition to check into the situation.

Linda Libby confirmed that just walking through the park is not loitering with Vice Mayor LeHeup-Smith explaining that people can walk down the street but if she sees someone trying to break into cars or similar activity, she can call the police.

The Commission questioned whether or not the owners could put up barriers and what the City could do to help.

Mr. Schroth indicated that the property owner has to file a complaint about an individual to trespass them and then the Police can arrest them.

Discussion was held regarding whether or not roads in the park are private or public access with Mr. Schroth indicating the owner could probably request to put up barriers.

Ms. Libby complained about people parking on the Lakeshore Drive right-of-way which makes it difficult for residents to pull out. She asked about installation of "no parking" signs.

Chief Calhoun indicated it is County maintained which makes it more difficult to get signs installed.

Christine Cruz expressed concern about the impact of the hours on the downtown businesses noting that Crazy Gators doesn't close on the weekends until 2 a.m.

Sean Jenness commented on the use of the Lake Walk by fishermen and people who fish for food.

There being no further public comment, the hearing was closed at 7:15 p.m.

Moved by Vice Mayor LeHeup-Smith, seconded by Commissioner Morin, to approve Ordinance Number 19-29 on first reading. Motion carried by the following votes:

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

8. OTHER BUSINESS

Rick Gierok, Public Works Director, provided an update on the new dog park noting they are waiting on delivery of some of the equipment. He estimated it would be complete around Thanksgiving.

9. FUTURE AGENDA ITEMS

Commissioner Aliberti commented on the number of empty buildings downtown stating those are not good for either safety or business. She recommended enacting an ordinance requiring inspection of vacant buildings such as a fire inspection.

Commissioner Lee stated her desire to revisit some items in the budget in particular the police department, grants, installation of basketball hoops at the park, and children's programs.

10. COMMENTS

10.1 City Commission

Commissioner Morin reported on the Impact Lake County meeting regarding raising the gas tax by five cents in order to perform more street resurfacing in the County with a portion to be shared with the municipalities. He stated he is also working with Lake Cares on a poverty simulation program to help legislators and administrators understand what it takes to live on a poverty level.

Commissioner Lee commented on her attendance at the elected official school and cited the importance of home rule.

Mayor Holland stated he would like to invite Lynn Tipton to give a presentation regarding home rule and the importance to local government.

Commissioner Lee and Commissioner Aliberti reported on their attendance at the Butterfly and Wildflowers Festival with Commissioner Aliberti noting that the Monarch butterfly is on the endangered species list. She also commented on the recent Folk Festival.

Commissioner Aliberti then asked when the renovations would begin in Ferran Park and if it would be completed by Georgefest.

Mr. Neibert responded that the goal is to be done by then. He explained that the bids came in over budget so staff is working with the vendor to try to reduce the cost.

Commissioner Aliberti asked if the renovations could be postponed until after Georgefest.

Mr. Neibert explained the City would have to rebid the project if it is postponed as the contractor would not guarantee the price past a certain time.

It was agreed that the issue would be discussed at next meeting. Mr. Neibert noted that there are requirements for liquidated damages if the contractor does not complete the project on time.

Mr. Neibert noted that the park would not be open for Christmas either. He indicated that staff lowered the budget for the holiday lights due to not

decorating Ferran Park. He also explained that to do the project in phases would increase costs due to mobilization costs.

Discussion was held regarding purchasing new chairs for the Commission and remodeling of the Commission Room.

10.2 City Manager

Mr. Neibert announced that the City had received a "thank you" card from the residents of Sunset Village thanking them for the wall the City erected between them and the Senior Center.

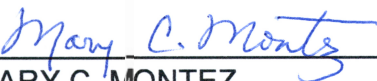
10.3 City Attorney - None

10.4 Mayor

Mayor Holland announced that Don Blake was a former Eustis Police officer and he passed away from a motorcycle accident. He asked for thoughts and prayers for the family.

11. ADJOURNMENT: 7:26 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