APPROVED: 7/18/2019

MINUTES
Regular City Commission Meeting
6:00 PM - Thursday, June 20, 2019 - City Hall

INVOCATION: Pastor Renee Hill, WIN 1 Ministries

PLEDGE OF ALLEGIANCE: Commissioner Lee

CALL TO ORDER: 6:19 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE: NONE

2. APPROVAL OF MINUTES

2.1 April 18, 2019 - Budget Workshop
May 16, 2019 - Regular City Commission Meeting
June 6, 2019 - Regular City Commission Meeting

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

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

3. PRESENTATIONS

3.1 Organization and Event Support Grants

Tom Carrino, Economic Development Director, provided an overview of the grant process, the grant applications received and the criteria used for evaluating the applications. He noted there are ineligible expenses, citing those applications that did not meet the stated grant criteria and explained the committee's recommendation for funding. The recommendations for funding were as follows:

1. 12 Volt Bolt Robotics Team - 0 dollars
2. Amazing Race for Charity - $6,500
3. Bay Street Players - $3,600
4. El Shaddai Community - 0 dollars
5. Eustis Historical Museum - $1,000
6. Lakes Cares, Inc. - $3,000
7. LifeStream (Open Door) - $5,000
8. Oklawaha Valley Audubon Society - $1,400
9. Public Arts and Music - $1,500
10. Ronald Groody - 0 dollars
11. TedX Eustis - $1,000
12. Trout Lake Nature Center - $6,500

13. W.I.N. 1 Ministries - $500

Mr. Carrino explained that, if approved, the funds would be included in the FY2019-2020 budget.

The Commission discussed the possibility of including more funding for grants in the future and possibly having two grant cycles. They also questioned how the committee determined how much to award noting that some asked for a lot more than what they are recommended to receive.

Mr. Carrino explained that the organizations have to include in the application what they are using the funding for. He further explained that, depending on their scoring, a percentage of the request is recommended.

CONSENSUS: It was a consensus of the Commission that the recommendations be included in the draft budget.

4. APPOINTMENTS

4.1 Appointment to Code Enforcement Board - Richard K. Bartzer

Richard Bartzer introduced himself to the Commission noting that he is retired from the Marine Corps and later retired from the Florida Dept. of Corrections. He stated his desire to give back to the community.

Moved by Commissioner Morin, seconded by Commissioner Aliberti, to approve the appointment of Richard Bartzer to the Code Enforcement Board. Motion carried by the following votes:

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

4.2 Appointment to Library Board of Trustees - Carole Martin

Carole Martin introduced herself to the Commission stating she is a new resident to the City, employed with Advent Health and a registered nurse. She indicated her desire to give back to the community and her interest in the library.

Moved by Commissioner Lee, seconded by Commissioner Morin, to approve the appointment of Carole Martin to the Eustis Memorial Library Board of Trustees. Motion carried by the following votes:

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

5. AUDIENCE TO BE HEARD

Pastor Renee Hill addressed the Commission expressing concern regarding their grant award being reduced to $500 and the previous success of their program. She explained the funding pays for their girls' registration and many are from single parent homes.

Mayor Holland explained that what was approved tonight was to move the funds into the budget and the Commission can further discuss individual awards later.

Gail Isaac Thomas asked about the plaque for the Carver Park boardwalk and if there could be a re-dedication when it is installed with Mayor Holland indicating he would discuss it with the City Manager.

Clarence Johnson commented on a retention pond across from his house and stated it has not been maintained very well. He expressed concern about the snakes and lack of maintenance.

Jeffrey Robinson addressed the Commission regarding Special Olympics and thanked the City for allowing them to use the Community Building for a fundraiser at which they earned $10,000. He asked for them to be allowed to use the center again.

Commissioner Morin recognized Mrs. Robinson for her work with Special Olympics.

Mrs. Robinson thanked the Commission for the City's support of Special Olympics with Ron Neibert, City Manager, asking her to contact him to schedule the use of the Community Building.

6. CONSENT AGENDA

6.1 Resolution Number 19-58: Amending the City's contract with Waste Management Inc. of Florida modifying collection schedules to accommodate holidays

6.2 Resolution Number 19-59: Subdivision Construction Bond for Eleven Oaks

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

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

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

7.1 Resolution Number 19-57: Site Plan with Waivers - Southwest Corner of Morin Street and Key Avenue

Derek Schroth, City Attorney, announced Resolution Number 19-57: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan with waivers for a 2,880 square foot office warehouse on approximately +/- 0.20 acres located at southwest corner of Morin Street and Key Avenue.

Lori Barnes, Development Services Director, reviewed the proposed site plan, future land use designation and design district designation and waivers. The waivers were as follows: 1) Lot typology waiver to allow an industrial lot typology within an Urban Neighborhood design district; 2) Reduction in required parking spaces from six to four spaces; 3) Allow back out egress instead of forward egress; 4) Allow loading space depths of 20 feet instead of 25 feet for the Key Avenue loading spaces and allow 10 foot vertical clearance instead of 15 feet for all bay openings due to the smaller size of their trucks; and 5) Waiver of the required landscape buffer due to the close proximity to the lot perimeter landscaping and use as stormwater conveyance. She stated no correspondence or inquiries were received regarding the request and staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:50 p.m. There being no public comment, the hearing was closed at 6:50 p.m.

Moved by Vice Mayor LeHeup-Smith, seconded by Commissioner Morin, to approve Resolution Number 19-57. Motion carried by the following votes:

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

FIRST READING

7.2 Ordinance Number 19-17 – Voluntary Annexation
Ordinance Number 19-18 – Comprehensive Plan Amendment
Ordinance Number 19-19 – Design District Assignment

Mr. Schroth read Ordinance Number 19-17 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 63.05 acres of real property located at Lake Lincoln Lane east of Estes Road and East Orange Avenue at SR 44, Eustis, FL.

Lori Barnes, Development Services Director, reviewed the proposed annexation and the related future land use map amendment and design district designation to be considered under Ordinance Numbers 19-18 and 19-19. She provided a history of the Pebble Creek property previously approved under Lake County and reviewed the current future land use designations within the County. She indicated it is a mixed use area with suburban character. She stated that, with the existing mix of uses, the requested designations of Mixed Commercial Residential and Suburban Residential are appropriate. She added that the requested designations are more intense than the Lake County designations that is to be expected when changing from unincorporated Lake County land use to a municipal land use. She stated that the City's facilities have the capacity to serve even up to the maximum development on the property. She indicated that the property is in the Wekiva Study Area and any future development application will be required to submit an environmental report that evaluates the site for those specific vegetative species within the study area which impact the allowable open space requirement for the project and the potential unit count due to the loss of the open space land.

Ms. Barnes confirmed that staff evaluated the transportation corridors and the potential traffic based on the maximum development potential and determined that the level of service can be sustained even up to the maximum development potential. She stated that the proposed designations are consistent with the existing land uses in the area and the City's comprehensive plan. She reviewed the requested design district designations and noted that the City's land development regulations do not allow multi-family lot types within the Suburban Neighborhood designation. She stated that, coupled with the open space, stormwater and road right-of-way requirements, will make it not feasible for them to reach a five-unit per acre count. She further indicated that on the southern portion, under the Mixed Commercial Residential, if it is developed as commercial only the floor area ratio will guide development. If it is developed as a multi-family product, they would be allowed up to 12 units per acre; however, only the southern 7.3 acres could use the multi-family lot type.

Ms. Barnes stated that staff received two emails and one phone call expressing concern and opposition and one phone call in support of the annexation. She stated staff's recommendation for approval indicating that the proposed annexation and designations are compatible.

Mr. Schroth opened the public hearing at 7:01 p.m.

The following individuals expressed concern regarding the annexation, the need to know what is going to be developed on the property, the probable increase in traffic and school population; the need for any development to not utilize Lincoln Lane; the effect on wildlife; and waiving of the annexation fees: 1) Egor Emery; 2) Rick Gonzalez; 3) Kathy Gonzalez; 4) Dough Rehman; 5) Lee Owen; 6) Amber Hardy; and 7) Joyce Eileen Johnson.

Ron Neibert, City Manager, explained that a developer cannot submit a development proposal unless the property has already been annexed and has a future land use and design district designation. He also explained that the annexation fees are approximately $2,000 and go into the General Fund.

Greg Beleveaux, representing the property owners, asked that all his testimony from the LPA meeting be incorporated into the record. He stated that the traffic counts were conducted during a.m. and p.m. peak travel times and will not be developed at maximum density but under the suburban residential density.

The Commission asked if the County plans are what will be proposed with Mr. Beleveaux stating that the plans will have to be completely redone to meet the City's development codes. He indicated that an environmental survey has already been conducted on the site.

There being no further public comment, the hearing was closed at 7:21 p.m.

Vice Mayor LeHeup-Smith explained her support for the annexation so that the City has a say in how it develops rather than it developing in the County without any City input.

Commissioner Morin agreed and commented on previous developments the City had issues with. He then asked Ms. Barnes to explain recent legislation that passed that requires a municipality to pay the legal fees if a developer decides to sue the City.

Ms. Barnes explained that if a city adopts any regulation that is pre-empted by the State of Florida it is open to being sued and having to pay the legal fees.

Commissioner Lee expressed concern about the City not knowing what will be developed on the property and urged the developers to recognize the impact a large number of homes would have on the local schools, police and fire.

Moved by Vice Mayor LeHeup-Smith, seconded by Commissioner Aliberti, to approve Ordinance Number 19-17 on first reading. Motion carried by the following votes:

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

7.3 Mr. Schroth read Ordinance No. 19-18 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 approximately 63.05 acres of recently annexed real property located on Lake Lincoln Lane east of Estes Road and E. Orange Avenue at SR 44 from Urban Low and Rural Transitional in Lake County to Suburban Residential (SR) and Mixed Commercial Residential (MCR) in the City of Eustis.

Commissioner Aliberti left the meeting at 7:25 p.m. due to another commitment.

Mr. Schroth opened the public hearing at 7:25 p.m. There being no public comment, the hearing was closed at 7:25 p.m.

Moved by Commissioner Morin, seconded by Vice LeHeup-Smith, to approve Ordinance No. 19-18 on first reading. Motion carried by the following votes:

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

7.4 Mr. Schroth read Ordinance Number 19-19 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the suburban corridor and suburban neighborhood design district designation to approximately 63.05 acres of recently annexed real property located at Lake Lincoln Lane east of Estes Road and E. Orange Avenue at SR 44.

Mr. Schroth opened the public hearing at 7:26 p.m. There being no public comment, the hearing was closed at 7:26 p.m.

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

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

7.5 Ordinance Number 19-20: Conditional Use Permit for Mobile Food Truck Venue at 201 E. Orange Avenue

Mr. Schroth read Ordinance Number 19-20 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a conditional use permit to allow a mobile food truck venue (mobile vendor food trucks as an accessory to an eating/drinking establishment) on 0.21 acres in the Central Business District future land use district at 201 E. Orange Avenue.

Ms. Barnes reviewed the conditional use permit application to allow a mobile food truck at 201 E. Orange Avenue with a maximum of three food trucks and an estimated 98 seats including an outdoor seating area and a play area. She stated they anticipate operating Wednesday through Saturday but may expand days of operation. She reviewed the business plan and the traffic pattern for the property.

The Commission discussed the planned parking and placement of the food trucks with Ms. Barnes presenting a map of the parking and driveway area. She noted that additional parking will be available at the City parking garage at Orange and Eustis.

Ms. Barnes explained staff's review of the proposal under the conditional use requirements and reviewed the following: 1) surrounding land uses, 2) other permitting/inspection agencies that will have oversight of the project; and 3) additional approval processes that will be required including administrative site plan review, change of use building permit, ABT alcoholic beverage permit, DBPR mobile food dispensing vehicle permits and a business tax receipt for both the primary business and each food truck.

Ms. Barnes then reviewed the conditions for approval included within the ordinance: 1) Improvements shall be generally consistent with the Site Plan attached as Exhibit A; 2) No more than three food trucks permitted onsite at one time; 3) Food trucks are a temporary use and no truck shall remain onsite in the same location for more than 180 days; 4) Food trucks shall not utilize generators for power but must connect to the onsite power via pedestal connection. Extension cords shall be prohibited; 5) Food preparation by-products must be self-contained within the food trucks and disposed of via mobile pumping services; 6) The primary establishment and all food vendors must maintain an active Eustis business tax receipt and state license; 7) Other approval processes will be required prior to opening; 8) Food truck placement must comply with the distance requirements per the Florida Building Code and National Fire Protection Association requirements; 9) Administrative Site Plan approval must be obtained within six months and the change of use building permit must be obtained within one year; and 10) Any modifications to the food truck venue will require City Commission approval via a CUP modification.

Mr. Schroth opened the public hearing at 7:43 p.m.

Tim Green, Green Consulting Group, addressed the Commission representing the applicant and property owner.

Mr. Schroth closed the public hearing at 7:45 p.m.

Moved by Commissioner Lee, seconded by Vice Mayor LeHeup-Smith, to approve Ordinance Number 19-20 on first reading. Motion carried by the following votes:

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

8. OTHER BUSINESS

8.1 Discussion on establishing a curfew for the Ferran Park Lake Walk

Mr. Neibert explained there had been a number of vandalism and law enforcement issues with fights and people camping out in the area of the Lake Walk. He stated staff's request to impose a curfew from 11 p.m. to 6 a.m.

CONSENSUS: It was a consensus of the Commission to prohibit access to the Lake Walk from 11 p.m. to 6 a.m.

8.2 Cancellation of August 15, 2019, Commission meeting

Mr. Neibert noted that the meeting conflicts with the League of Cities conference.

CONSENSUS: It was a consensus of the Commission to cancel the August 15, 2019, Commission meeting.

8.3 Consideration of Fee Waiver Request - Trout Lake Nature Center Site Development Permit for Access Drive, Water and Wastewater

Ms. Barnes explained Trout Lake Nature Center's efforts to create an access drive loop system and connect to City sewer. She stated they are now requesting a waiver of the site development permit fee in the amount of $3,382.50 due to extreme economic hardship. She stated that, if the fee is waived, funds will not have to be transferred into the building fund to cover the fees. She added that they will also have to pay sewer impact fees in the amount of $3713 and a sewer connection fee in the amount of $165. She explained they have not requested a waiver of those fees at that time; however, if they later request waiver of those fees, then funds would have to be transferred into the Water & Sewer Fund to pay those fees.

The Commission discussed the total amount of all three fees and the benefits to the community by the Center. They also questioned how much was recommended to be paid to the Center through the organization grant program and what those funds would be used for with Mr. Neibert indicating the committee recommended an award of $6500.

The Commission discussed revisiting the organizational grants during the budget discussions.

Mr. Neibert explained the City would be better off waiving the impact fees as those can only be used for water and sewer purposes.

Joan Bryant, TLNC President, stated that the $6500 grant award would go into the operations budget for the education programming. She explained that is totally separate from the capital building fund. The impact fees and site plan fees would be paid out of the capital building fund which has been raised from the community.

Moved by Commissioner Morin, seconded by Vice Mayor LeHeup-Smith, to approve the waiver of all of the fees including the site development permit, sewer impact fees and sewer connection fee. Motion carried by the following votes:

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

9. FUTURE AGENDA ITEMS: None

10. COMMENTS

10.1 City Commission

Vice Mayor LeHeup-Smith reported on the Lake Community Action Agency meeting.

10.2 City Manager

Mr. Neibert reported on his efforts to locate a facility for the robotics team. He stated the City does not have a facility adequate for their needs but staff is attempting to help them locate a space. He indicated they are trying to work with the company who owns the old telephone company building. He explained the issue is the amount of space they need for the machines and supplies for construction of the robots.

10.3 City Attorney - None

10.4 Mayor

Mayor Holland commented on the Father's Day event at Palmetto Plaza and expressed regret about the low turnout. He urged the public to get out and support the local events. He announced that the City's Independence Day celebration would be held on July 5th and cited some of the activities and entertainment.

Vice Mayor LeHeup-Smith announced there would be a free microchip and vaccination clinic at Lake Square Mall as well as a presentation regarding hurricane preparedness.

Mayor Holland asked everyone to remember the Gnann family.

11. 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

MARY C. MONTEZ
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner