APPROVED: 4/18/2019

MINUTES

Regular City Commission Meeting
6:00 PM - Thursday, March 21, 2019 - City Hall

INVOCATION: PASTOR LORENZO HAGINS

PLEDGE OF ALLEGIANCE: COMMISSIONER ALIBERTI

CALL TO ORDER: 6:03 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

2.1 February 21, 2019 - Regular City Commission Meeting

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

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

3. PRESENTATIONS

3.1 Ferran Park Phase 4 Presentation

Rick Gierok, Public Works Director, provided an overview on Phase 4 of the Ferran Park improvements. He reviewed the history of the development of the master plan. He explained the items included in the plan as follows: enhancement of bandshell viewing area; improvement of park entrance; and sidewalk connectivity to the existing lakewalk. He then reviewed those phases already completed and the costs affiliated with each portion for a total expenditure so far of $1,289,000 not including preparation of the master plan.

Mr. Gierok then reviewed the work to be included in Phases 4 and 5 with Phase 4 concentrating on the center of the park and Phase 5 being the parking area. He added that Phase 6 would include some signalization changes. He reviewed the design and engineering costs for the remaining phases for a total of $85,000. He estimated the cost for construction of Phase 4 as $1,190,000 and for Phase 5 as $320,000. He commented on the work necessary to protect the trees while installing the sidewalks. He estimated the remaining project total for Phases 4 and 5 at $1,495,250 with $1,461,000 budgeted in the CIP. He added that the cost for the seawall repair is not included. He stated there is $400,000 budgeted separately for that project.

Discussion was held regarding adding shading for the bandshell.

4. APPOINTMENTS

4.1 Appointment to the Downtown and East Town Redevelopment Agency Board (CRA Board) - Representative from the portion of the CRA east of Center Street - Gail Isaac-Thomas

Moved by Commissioner Aliberti, seconded by Vice Mayor LeHeup-Smith, to approve the appointment of Gail Isaac-Thomas to the CRA Board. Motion carried by the following votes:

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

4.2 Appointment to Firefighters' Pension Board - Ken Carpenter

Moved by Commissioner Aliberti, seconded by Vice Mayor LeHeup-Smith, to approve the reappointment of Ken Carpenter to the Firefighters' Pension Board of Trustees. Motion carried by the following votes:

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

4.3 Appointment to Firefighter's Pension Board - Jeffrey P. Stephan

Moved by Vice Mayor LeHeup-Smith, seconded by Commissioner Aliberti, to approve the reappointment of Jeffrey Stephan to the Firefighters' Pension Board of Trustees. Motion carried by the following votes:

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

4.4 Appointment to Eustis Memorial Library Board - Donna Bachowski

Moved by Vice Mayor LeHeup-Smith, seconded by Commisioner Aliberti, to approve the appointment of Donna Bachowski to the Eustis Memorial Library Board. Motion carried by the following votes:

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

4.5 Appointment to Eustis Memorial Library Board - Aja Lake

Moved by Vice Mayor LeHeup-Smith, seconded by Commissioner Aliberti, to approve the appointment of Aja Lake to the Eustis Memorial Library Board. Motion carried by the following votes:

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

4.6. Appointment to Police Officers' Pension Board - Adam Bolton

Moved by Vice Mayor LeHeup-Smith, seconded by Commissioner Aliberti, to approve the appointment of Adam Bolton to the Police Officers' Pension Board. Motion carried by the following votes:

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

5. AUDIENCE TO BE HEARD

5.1 Donald Johnson, Time Value Investments, 2020 Dixie Avenue, addressed the Commission regarding his need to get code enforcement liens lifted that were imposed on the previous owner. He explained he can't get buyer for the property without the liens being lifted.

Mr. Neibert stated that he can apply to the Commission to have the liens lifted.

Mr. Johnson indicated he has cleaned up the property.

Derek Schroth, City Attorney, indicated that there are still issues of concern to Code Enforcement.

Mr. Johnson indicated that he has cleaned everything that was listed in the code violations.

Lori Barnes, Development Services Director, explained that the property is not currently habitable. She suggested that the Commission could pass a resolution stating the Commission's intent to lift the liens once the property is brought up to code.

Mr. Johnson stated that in order to quiet the title the liens have to be lifted.

Mr. Schroth explained there would be a recorded resolution stating that the liens will be lifted once the criteria have been completed.

Mr. Johnson stated that the property is repairable with Mr. Neibert emphasizing that the property is not habitable.

Mr. Schroth explained the problem is that the property is currently not in compliance with current City codes

The Commission recommended that Mr. Johnson go through the process to bring the request to the Commission.

Darius Kerrison addressed the Commission regarding the master plan for Ferran Park. He expressed concern about the cost of the planned improvements and noted there are other areas that also need improvement. He asked for an anticipated completion date for Palmetto Plaza with Mr. Neibert indicating early May.

Gail Isaac- Thomas thanked the Commission for her appointment to the CRA Board. She questioned why the last Commission meeting was cancelled with Mr. Neibert indicating there was only one item scheduled for the agenda so it was moved to this agenda.

6. CONSENT AGENDA

6.1 Resolution No. 19-27: Approval of purchase in excess of $25,000 for Georgefest Musical Entertainment

6.2 Resolution No. 19-29: Approval of Purchase in Excess of $25,000 for Engineering Services for the Bates Avenue WWTP Expansion Study and Corresponding Budget Amendment

6.3 Resolution No. 19-30: Reduction of Code Enforcement Fine/Release of Lien for 33 West Herrick Drive, Code Enforcement Case #18-00900

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

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

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

7.1 Resolution No. 19-28: Site Plan with waivers for a Commercial Retail Building at 930 S. Bay Street

Mr. Schroth announced Resolution No. 19-28: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan with waivers for a 9,100 square foot, commercial retail building on approximately +/- 1.3 acres located at 930 S. Bay Street.

Roland Magyar, Senior Planner, reviewed the proposed site plan for a retail building and requested waivers as follows: 1) Allow a street yard setback of 133 ft. instead of 75 ft. on Herrick; 2) Allow a frontage building percentage of 27% instead of 50% on Morin Street; 3) Allow a 1 ft. landscape buffer between parcels instead of 10 ft.; 4) Allow a landscape buffer along Stevens Avenue of 7.5 ft. instead of 15 ft.; and 5) Allow a landscape buffer of +/-13.68 ft. instead of 15 ft. for the parking spaces along Morin Street. He explained the reasons for each of the waivers. He stated three people contacted the City - Two had no objections and one sent an email in objection which was provided to the Commission. He stated staff's recommendation for approval.

The Commission confirmed the location of the person objecting and whether or not the retention area would be fenced and who would be responsible for maintaining the retention area and landscaping.

Mr. Schroth opened the public hearing at 6:44 p.m. There being no public comment, the hearing was closed at 6:44 p.m.

Mr. Schroth asked for a straw poll due to the absence of Commissioner Morin. A straw poll showed the vote would be 2 to 1. It was a consensus of the Commission to defer to allow a full Commission consideration.

Daniel Young, engineer for the project, asked why the issue is being deferred again with Mr. Schroth explaining the Commission has a process to follow in the case of a curable absence.

Mr. Young commented on their efforts to follow all the City's codes and explained the difficulties presented by the site and the close proximity of the other building on the site.

Matt Cason, representing the applicant, explained their waiver request for the landscape buffer. He asked if they remove the request for the 1 ft. buffer would they still be in compliance.

Mr. Magyar explained that the code allows a zero lot line for a commercial lot type which would remove the requirement for the landscape buffer.

The Commission discussed the options between no landscape buffer under the zero lot line or a 1 ft. buffer. It was noted that the buildings are actually only 16 feet apart, not 30 feet. Concern was also expressed about the need to allow the objecting property owner to be present to explain their objections.

Commissioner Aliberti moved to postpone Resolution No. 19-28 to the April 4, 2019, Commission meeting. The motion died for lack of a second.

Further discussion was held regarding the landscape buffer waiver.

Moved by Vice Mayor LeHeup-Smith, seconded by Mayor Holland, to approve Resolution No. 19-28. Motion carried by the following vote:

Ayes: Vice Mayor LeHeup-Smith and Mayor Holland

Nays: Commissioner Aliberti

7.2 Resolution No. 19-31: Approval of Memorandum of Understanding - Annexation Agreement for voluntary annexation of Eustis Middle School property

Mr. Schroth announced Resolution No. 19-31: A Resolution of the City Commission of the City of Eustis, Florida, authorizing the Mayor to execute a Memorandum of Understanding regarding the annexation of the Eustis Middle School property pursuant to certain conditions.

Ms. Barnes explained staff has been working with the School Board regarding the middle school property and reviewed the stipulations in the Memorandum of Understanding which would allow the City to annex the middle school property with those stipulations being met. She indicated staff has already begun the process to obtain the environmental study once the resolution is approved.

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 Aliberti, seconded by Vice Mayor LeHeup-Smith, to approve Resolution No. 19-31. Motion carried by the following vote:

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

FIRST READING

7.3 Ordinance No. 19-12: Amendment to the Land Development Regulations, Chapter 109

Mr. Schroth read Ordinance No. 19-12 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County Florida, amending the Land Development Regulations, Chapter 109, Section 109-4: Use Regulations Table to allow mobile vendors in the Central Business District (CBD) with a conditional use permit approval subject to certain conditions, and to eliminate single family attached as a permitted use in the Mixed Commercial/Industrial district; providing for codification, severability and an effective date.

Lori Barnes, Development Services Director, explained the proposed amendments to Chapter 109 of the Land Development Regulations to allow mobile food vendors in the Central Business District as a conditional use and remove the single-family residential attached use from Mixed Commercial Industrial. She noted the a la carte street food and craft beer business that recently opened in Orlando. She indicated that some similar type businesses also provide gaming areas. She stated staff's recommendation for approval noting that any food truck operations would have to come before the Commission as a conditional use.

Mr. Schroth opened the public hearing at 7:02 p.m.

Daniel DiVenanzo expressed concern regarding the proposal and whether or not the ordinance would address how the trucks look, how power will be supplied, and whether or not the local restaurants were aware of the proposed ordinance. He encouraged the Commission to wait until there is a full Commission.

There being no further public comment, the hearing was closed at 7:07 p.m.

Mayor Holland reported that he did hear from the owner of Tilly's who expressed concern regarding the proposal. He explained the reason the Commission may postpone an item is if an item is denied it cannot be heard again for six months.

The Commission confirmed that the proposal is only within the Central Business District (CBD) and questioned where the boundaries are located.

Ms. Barnes explained the boundaries of the CBD and reviewed those land use designations that allow mobile food vendors and the criteria. She explained why staff drafted the regulations for the CBD as a conditional use. She indicated they could have drafted specific regulations but felt the conditional use would allow the Commission to consider each site individually and allow staff to work with each applicant to make sure the site is workable.

The Commission confirmed that a CUP is granted to the location with Ms. Barnes noting the Commission would have the discretion to include requirements for different conditions.

Mr. Neibert explained the Commission could require that there has to be a minimum amount of space per food truck.

Mr. DiVenanzo expressed concern about not having specific regulations due to future applicants and creating a precedent.

Mayor Holland conducted a straw poll with Vice Mayor LeHeup-Smith expressing support for the proposal but agreeing to a postponement. Commissioner Aliberti expressed opposition.

Mr. Neibert asked what additional information the Commission would want prior to bringing back the proposal.

The Commission asked to see a draft of a CUP showing what it would look like and expressed concern regarding allowing it within the CBD and the mobile vendors being in close proximity to the City's existing major restaurants.

Moved by Commissioner Aliberti, seconded by Vice Mayor LeHeup-Smith, to postpone first reading of Ordinance No. 19-12 to the April 4, 2019, Commission meeting. Motion carried by the following votes:

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

8. OTHER BUSINESS

8.1 Discussion of Extension of Annexation Incentive Program

Ms. Barnes explained that the previously approved annexation incentive program included a provision that the Commission could extend the program for another year as long as it was approved prior to the end of the program. She stated that the current program will expire April 30th. She reported on the success of the program with some annexations coming before the Commission on April 4th. She commented on the benefits to the City and indicated that the cost of the program would be recouped through the increased ad valorem revenues.

The Commission questioned why the City may not want to annex a parcel with Mr. Neibert indicating the cost of extending services to a parcel might be more than the City thought would be beneficial.

Ms. Barnes indicating some properties may not be legally able to be annexed at the time of request.

Discussion was held regarding annexation of enclaves with Ms. Barnes indicating some of those will be coming before the Commission on April 4th.

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

8.2 Selection of Interim City Commissioner, Seat #5

Mr. Schroth stated that Commissioner Morin has asked the Commission to consider postponing this item until he can be present.

Mr. Neibert explained staff is recommending the same process as used in the past for interim appointments. He stated the recommended application period would be from March 25th through April 5th. He suggested the special meeting be held April 11th but he would contact Commissioner Morin to confirm that date would be good for him.

CONSENSUS: It was a consensus of the Commission to proceed with the recommended process with an application period of March 25th through April 5th and to tentatively schedule the special meeting for April 11, 2019.

9. FUTURE AGENDA ITEMS

9.1 Commissioner Aliberti asked for staff to move forward with the dog park and that it be named after Commissioner Gnann-Thompson. Mr. Neibert stated a recommendation for the dog park would be on the next agenda.

10. COMMENTS

10.1 City Commission

Commissioner Aliberti reported on the Georgefest wrap up meeting. She indicated there were many good ideas for the theme and recommendations for changing some items. She stated they are trying to get more input from the business community. She commented on an event in Tavares she attended. She explained they came back by boat and noted how beautiful Lake Eustis and the City's shoreline was at night. She emphasized the need for the City to utilize the lake more.

10.2 City Manager - None

10.3 City Attorney

Mr. Schroth commented on the passing of Commissioner Gnann-Thompson and how much she will be missed.

10.4 Mayor

Mayor Holland thanked everyone for their support on behalf of him and his cousin. He stated he would be looking for someone who has a heart for the City and will work for the City. He cited how much Commissioner Gnann-Thompson was involved and her love for everyone and the City. He thanked the police and firefighters for being pallbearers.

11. ADJOURNMENT: 7:30 P.M.

Mayor Holland, Mayor/Commissioner

Mary C. Montez

Mary C. Montez, City Clerk

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.