APPROVED: 2/7/2019

MINUTES
Regular City Commission Meeting
6:00 PM - January 17, 2019 – City Hall

INVOCATION - PASTOR BUDDY WALKER, COMMISSIONED BEYOND BORDERS

PLEDGE OF ALLEGIANCE - COMMISSIONER GNANN-THOMPSON

CALL TO ORDER - 6:03 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: Commissioner Marie Aliberti, Commissioner Carla Gnann-Thompson, Vice Mayor Karen LeHeup-Smith, Commissioner Robert Morin, and Mayor Michael L. Holland

I. AGENDA UPDATE - NONE

II. APPROVAL OF MINUTES

1. **January 3, 2019 - Regular City Commission Meeting**

   A motion was made by Vice Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to approve the Minutes.
   Motion carried by the following votes:

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

III. PRESENTATIONS

1. **Recognition of Eustis Fire Department personnel for response to call for assistance following Hurricane Michael**

   Fire Chief Mike Swanson recognized the following personnel for their assistance during Hurricane Michael: Lt. Chuck Messer, FF/Engineer Kyle Bateman, Lt. Chad Williamson and FF/Engineer Clay Rich. He provided an overview of the team's work in the Panhandle following the storm. It was noted that Chief Swanson also assisted as the Engine Strike Team Leader.

2. **Recognition of Stemi Star Award Recipients**

   Fire Chief Swanson explained the purpose of the STEMI Award and recognized the following personnel for their receipt of the award: FF/Engineer/Paramedic Jerry Donaldson and FF/Engineer/EMT Brad Carroll.

He stated they transported the victim within 18 minutes which was a new record.

Mike Koerting, Director of Cardiovascular Services at AdventHealth, presented Paramedic Donaldson and EMT Carroll with special mugs in recognition of their efforts.

3. **Presentation by Pastor Buddy Walker regarding Commissioned Beyond Borders community activities**

Pastor Buddy Walker, Commissioned Beyond Borders, provided an update on the organization's various community programs through the Eustis Resource Center. He explained the history of the organization and how it was started and provided an overview of the number of people served through the food pantry. He expressed thanks to the many volunteers that have assisted with the program.

4. **Reappointment to Eustis Housing Authority - Jasmine Melendez**

Mary Montez, City Clerk, explained the Eustis Housing Authority (EHA) has requested that Jasmine Melendez be reappointed for a full four-year term.

Jasmine Melendez thanked the Commission for the ability to serve.

The Commission asked whether a Commissioner could be a member of the Authority.

EHA Director Horace Jones indicated that could be considered for the future.

A motion was made by Commissioner Morin, seconded by Commissioner Gnann-Thompson, to approve the appointment of Jasmine Melendez to the Eustis Housing Authority for a four-year term to expire October 31, 2022.
Motion carried by the following votes:

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

5. **Presentation regarding the Florida Sunshine Law, Public Records and Ethics Laws, City Commission Rules of Order and Governance Guide**

Derek Schroth, City Attorney, provided to the Commission an overview of the Florida Sunshine and Ethics laws, and the City Commission Rules of Order and Governance Guide. He cautioned the Commission about the appearance of improprieties through social contact. He explained that everything not verbal is a public record and recommended that any emails received be forwarded to the City Clerk who will retain the email as the public record. He recommended avoiding conducting City business on their private computer or phone but to forward anything received privately concerning the City to the City Clerk.

Mr. Schroth then commented on the Ethics Law and avoiding even the appearance of receiving favors or payment in exchange for a vote. He also cautioned them against using privileged information for their personal gain.

IV. AUDIENCE TO BE HEARD

Stephanie Carder addressed the Commission on behalf of the Lake Eustis Area Chamber of Commerce. She announced their sale of the 2019 Georgefest commemorative buttons and the affiliated door prizes. She complimented the Eustis Fire Department and noted she had observed them in action that week in response to a medical emergency.

Lorenzo Hagins announced that the funeral services for James Trent would occur Saturday at New Covenant House of Worship in Sanford. He added there would be a prayer vigil at his home on Bates Avenue Friday evening.

V. CONSENT AGENDA

1. **Resolution No. 19-05: Approving Second Addendum to Lease between Eustis and LEMA for City-Owned Property at One West Orange Avenue**
2. **Resolution No. 19-07: Reduction of Code Enforcement Fine/Release of Lien for a vacant lot east of 1009 Hazzard Avenue, Code Enforcement Case #17-00523**
3. **Resolution No. 19-08: Partial Release of Code Enforcement Lien - 2307 Coolidge Street, Case #15-00284**
4. **Resolution No. 19-09: Approval of Purchase in Excess of $25,000 for annual Microsoft software licensing**
5. **Resolution No. 19-10: Termination of Developer's Agreements (Pebble Creek)**
6. **Resolution No. 19-13: Supporting the designation of a portion of CR 44 in honor of PFC Derek Arthur Gibson**

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

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

SECOND READING

1. **ORDINANCE NO. 19-01: CONDITIONAL USE PERMIT FOR A RESTAURANT WITH A DRIVE-THRU (NW CORNER OF ORANGE AVE. AND CRICKET HOLLOW LANE)**

Mr. Schroth read Ordinance No. 19-01 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a Conditional Use Permit to allow a restaurant with a drive-thru in the Residential Office-Transitional (RT) Land Use District on approximately 0.62 acres located at the northwest corner of Cricket Hollow Lane and Orange Avenue.

Mr. Schroth opened the public hearing at 6:46 p.m.

Russell Trunzo and Brian Nagy expressed opposition to the development and concern regarding consistency with the comprehensive plan and land development regulations, impact on the area from additional stormwater runoff and whether or not a study has been conducted on the impact to the wildlife and the wetlands.

Roland Magyar, Senior Planner, stated that all of the concerns expressed would be addressed during the site plan review process including a stormwater and environmental study. He noted that Rick Harvesteen is present to represent the developer.

The following individuals expressed additional opposition to the development, presented a petition to the City Clerk with 133 signatures and expressed concern regarding the potential danger to students due to the school bus stop location: Tina Nagy, Jennifer Gorman, Fran Coleman, John Musoff and Pat Bradley.

There being no further public comment, the hearing was closed at 7:05 p.m.

The Commission confirmed that the specific request is for a fast food restaurant with a drive through and asked if it could be done without a drive through.

Rick Harvesteen responded the application was originally submitted without the drive through and indicated they could withdraw the request for the drive through. He also indicated the development could be for something other than a restaurant.

The Commission discussed the following: 1) the number of homes in the development and the number of homes notified of the proposal; 2) whether or not the proposal is appropriate for the area; and 3) what is included in the specific request.

Ron Neibert, City Manager, asked what could be placed on the site under the current land use designation.

Lori Barnes, Development Services Director, explained the current land use would allow residential/professional such as a beauty salon. She stated that any regular commercial use would require a CUP.

A motion was made by Vice Mayor LeHeup-Smith, seconded by Carla Gnann-Thompson, to deny Ordinance No. 19-01 on second and final reading.
Motion to deny Ordinance No. 19-01 carried by the following votes:

Ayes: Mayor Michael L. Holland, Vice Mayor Vice Mayor LeHeup-Smith, Commissioner Robert Morin, Vice Mayor Marie Aliberti, and Commissioner Carla Gnann-Thompson

FIRST READING

1. **Ordinance No. 19-02: Conditional Use Permit for Eustis Marina, located at 350 Lakeshore Drive**

Mr. Schroth read Ordinance No. 19-02 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a Conditional Use Permit for a pre-existing non-conforming marina and expansion of same in a Suburban Residential (SR) Future Land Use District at 350 Lakeshore Drive.

Ms. Barnes reviewed the request for a conditional use permit for the Eustis Marina. She explained that Lake Investment Ventures recently purchased the property for the purpose of renovating the marina. She further explained that the purpose of the CUP is to bring the existing, legally non-conforming marine into compliance. She provided a draft site plan for the renovated marina and cited some of the planned improvements. She stated the LDR's do allow a marina as a conditional use in the SR land use district. She reviewed staff's analysis of the request.

Ms. Barnes then reviewed the conditions for approval: 1) Marina operation shall be limited to traditional marina accessory structures and uses; 2) Marina access hours and restaurant hours are limited to 6 a.m. to 10 p.m.; 3) Gates to boat storage area will remain unlocked and open during marina access hours; 4) Property owner shall grow and maintain an opaque vegetation barrier along the eastern property line; 5) Improvements shall generally conform to the site plan attached as Exhibit A; 6) Administrative site plan approval must be obtained within six months; 7) Site development permit and/or building permit for construction of site improvements must be obtained within one year; and 8) Any modifications to the marina operation will require Commission approval via a CUP modification. She stated staff's recommendation for approval subject to the conditions stated.

The Commission asked what time Crazy Gator's has to close with Ms. Barnes explaining they may not have a limitation as they are located in the Central Business District and not adjacent to residential. Ms. Barnes noted the applicant included the hours in the application.

Mr. Neibert explained the conditions were offered by the applicant.

Ms. Barnes explained the proximity of the gates to the parking area and the handicapped parking and the need to keep the gates open to provide access. She added that the applicant has agreed to the conditions.

The Commission discussed whether the stated restrictions are necessary.

Mr. Schroth opened the public hearing at 7:28 p.m.

Gene Day explained he lives just beyond the boat ramp. He expressed support for the marina and the need for the new boat storage. He expressed concern about the restaurant actually being a bar with live music. He commented on how sound travels across the water. He noted that the restaurant isn't supposed to have cooking facilities. He further commented on the probable increase in traffic on Lakeshore Drive.

Daniel DiVenanzo, representing Lake Investment Ventures, stated they had volunteered the limitations. He added there will be some cooking facilities but there would be only beer and wine, not alcohol. He explained his concept of a pull-up restaurant with light entertainment. He indicated there will only be about ten pull-up boat slips.

The Commission expressed concern about a conflict between the Crazy Gator boat rentals and the marina with Ms. Barnes indicating that boat rentals are part of a marina and Mr. DiVenanzo indicating they would only have two boats for rent.

There being no further public comment, the hearing was closed at 7:36 p.m.

A motion was made by Robert Morin, seconded by Vice Mayor LeHeup-Smith, to approve Ordinance No. 19-02 on first reading.
Motion carried by the following votes:

Ayes: Mayor Michael L. Holland, Vice Mayor Vice Mayor LeHeup-Smith, Commissioner Robert Morin, Vice Mayor Marie Aliberti, and Commissioner Carla Gnann-Thompson

VII. OTHER BUSINESS

1. Appointment to the Downtown and East Town Redevelopment Agency Board (CRA Board) - Two Positions

Tom Carrino, Economic Development Director, recommended that the Commission appoint Dan Kelsey as the west side representative and re-open the application period for the east side position. He suggested the application period be re-opened for a month. He clarified that Mr. Kelsey's appointment would be for a two-year period that could be reappointed for a four year period.

A motion was made by Robert Morin, seconded by Marie Aliberti, to appoint Dan Kelsey to the west side CRA Board position and to re-open the application period for the east side position for a period of 30 days.
Motion carried by the following votes:

Ayes: Mayor Michael L. Holland, Vice Mayor Karen LeHeup-Smith, Commissioner Robert Morin, Vice Mayor Marie Aliberti, and Commissioner Carla Gnann-Thompson

2. Report on traffic patterns and safety measures around schools

Mr. Neibert reported that, due to a request by the Eustis High School vice principal, he, the Chief of Police and Public Works Director Rick Gierok had met with EHS staff. They have already updated the striping in the area and are working on updating the signage. Mr. Gierok is reviewing of one of the intersections to convert it to a four-way stop to improve safety. He stated staff would continue to update the Commission as the work is completed.

3. Report on crime statistics within the City of Eustis

Police Chief Gary Calhoun reviewed the crime statistics report previously provided to the Commission. He acknowledged that the City had four homicides in 2018. He reviewed the outcomes of the cases stating that three of the four have been cleared with pending arrests.

Chief Calhoun then explained the uniform crime report and reviewed the crime rates for 2016 and 2017. He stated rates are still preliminary for 2018 stating that the City is looking at a 19% decrease in serious crimes. He reviewed the arrest statistics for 2016, 2017 and 2018 and the number of drug related arrests and presented a map showing the locations of burglaries and robberies within the City.

The Commission discussed encouraging more Neighborhood Watch programs.

Chief Calhoun announced that a police officer swearing-in ceremony would be held the next week and invited Commissioners to attend.

VIII. FUTURE AGENDA ITEMS AND COMMISSION COMMENTS

Commissioner Gnann-Thompson thanked residents for attending the meeting and expressing their concerns. She expressed concern regarding motorists not stopping at the four-way stop signs. She commented on the status of the Lakeview Street project.

Vice Mayor LeHeup-Smith asked to have something on the agenda regarding allowing "tiny homes". She noted that Tavares is building a tiny home village with Mr. Neibert indicating that the City does not have any regulations regarding size of homes. He noted that the Methodist Church is working on small homes for transitional homes for homeless youth.

The Commission discussed various tiny home developments being proposed with Commissioner Morin stating that Forward Path is looking at small homes, not tiny homes. He explained the homes are approximately 600 sq. ft. homes not the pull-behind tiny homes.

Ms. Barnes reported that the Methodist church and Forward Path have approached her. She indicated that the City does not have minimum square footage for homes; however, a single family residence is required to have a 300 sq.ft. garage. She commented on the difference between a small square footage site built home versus a "tiny home" on wheels which would be considered as a mobile home.

Gary Ashcraft expressed opposition to the tiny homes on wheels.

The Commission recommended that Mr. Ashcraft discuss his concerns with Ms. Barnes and explained they will be discussing this at a future Commission meeting.

IX. COMMENTS

1. City Manager

Mr. Neibert reported the developer for the property adjacent to the Mount Olive Cemetery will be planting a hedge that should reach six feet.

He recommended the all day retreat be scheduled for March 2nd at 9 a.m. at the American Legion building. He asked the Commissioners to send him any suggestions for agenda items.

2. **City Attorney**

Mr. Schroth reminded the Commissioners that he is available to them to discuss any issues they have and their discussions are privileged.

3. **Mayor**

Mayor Holland thanked all of the City staff for their work on behalf of the City. He cited the number of residents that have recently died including James Trent, Billy Spikes, Coach David Lee and Wally Banks.

X. 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.*

Michael L. Holland, Mayor/Commissioner

Mary C. Montez

Mary C. Montez, City Clerk