APPROVED: 1/17/2019

MINUTES
Regular City Commission Meeting

6:00 PM - January 3, 2019 City Hall

INVOCATION - PASTOR THEO BOB

PLEDGE OF ALLEGIANCE: COMMISSIONER BOB

CALL TO ORDER - 6:04 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE - NONE

II. APPROVAL OF MINUTES

1. **December 6, 2018 - Regular City Commission Meeting**

   A motion was made by Commissioner Holland, seconded by Commissioner Gnann-Thompson, to approve the minutes.
   Motion carried unanimously.

III. ANNUAL ORGANIZATIONAL ITEMS

1. **RETIRING MAYOR'S MESSAGE FOR 2018**

   Mayor Morin announced he would be calling people up for pictures and would make comments explaining each as his message. He asked his wife and son to join him for a photo with the Commission. He then asked the Police Chief, Fire Chief, Public Works Director and Finance Director to join them and commented on their support and efforts to keep him informed. He thanked Vice Mayor Aliberti and Commissioner Gnann-Thompson for their assistance.

2. **PRESENTATION OF PLAQUES TO OUTGOING COMMISSIONERS AND MAYOR**

   Ron Neibert, City Manager, presented a recognition plaque with gavel to Mayor Robert Morin for his service as Mayor from January 2017 through December 2018. He then presented a plaque to outgoing Commissioner Linda Bob for her service on the Commission from January 2011 through December 2018.

3. **SWEARING-IN AND SEATING OF NEW COMMISSIONERS**

   Mary Montez, City Clerk, administered the Oath of Office to newly-elected Commissioners Karen LeHeup-Smith, Seat #1, and Michael L. Holland, Seat #2.

4. **APPOINTMENT OF CITY CLERK AS TEMPORARY CHAIRMAN**

Mayor Morin relinquished the meeting to the City Clerk for election of the Mayor.

5. **ELECTION AND SEATING OF MAYOR AND VICE MAYOR**

Ms. Montez explained the process to be used for the election of the Mayor and Vice Mayor. She opened the floor to nominations for Mayor.

Commissioner Gnann-Thompson nominated Michael Holland as Mayor.

Commissioner Morin nominated Marie Aliberti as Mayor.

There being no further nominations forthcoming, Ms. Montez asked for a motion to close the nominations.

Commissioner Holland moved that the nominations for Mayor be closed. Commissioner LeHeup-Smith seconded the motion.

On a voice vote, the motion passed unanimously.

A roll call was taken on the nomination of Michael Holland as Mayor. The nomination passed on a 4 to 1 vote with Commissioner Aliberti dissenting.

Mayor Holland assumed control of the meeting and opened the floor to nominations for Vice Mayor.

Commissioner LeHeup-Smith nominated Carla Gnann-Thompson as Vice Mayor.

Commissioner Morin nominated Marie Aliberti as Vice Mayor.

Commissioner Gnann-Thompson nominated Karen LeHeup-Smith as Vice Mayor and explained why she would prefer not to be Vice Mayor.

There being no further nominations forthcoming, Mayor Holland asked for a motion to close the nominations.

Commissioner Morin moved that the nominations for Vice Mayor be closed. Commissioner LeHeup-Smith seconded the motion.

On a voice vote, the motion passed unanimously.

A roll call vote was taken on the nomination of Carla Gnann-Thompson. The motion failed on a 4 to 1 vote with Commissioner LeHeup-Smith assenting.

A roll call vote was taken on the nomination of Marie Aliberti. The motion failed 3 to 2 with Commissioners Aliberti and Morin assenting.

A roll call vote was taken on the nomination of Karen LeHeup-Smith. The motion passed 3 to 2 with Commissioners Aliberti and Morin dissenting.

Ms. Montez announced the election of Karen LeHeup-Smith as Vice Mayor.

IV. AUDIENCE TO BE HEARD

Jane Hepting, representing the Lake County Democratic Party, addressed the Commission regarding political parties being required to pay the same vendor fees as professional vendors to participate in Georgefest. She asked the Commission to charge political parties the same as not-for-profit agencies with Mr. Neibert explaining that change had already been made. He stated any agencies with an IRS not-for-profit designation, not just 501(c)(3), would be eligible for the reduced fee.

V. CONSENT AGENDA

1. **RESOLUTION NO. 19-01: PUBLIC RISK MANAGEMENT 2-YEAR CONTRACT FOR GENERAL LIABILITY INSURANCE AND WORKER'S COMPENSATION**
2. **RESOLUTION NO. 19-03: PURCHASE IN EXCESS OF $25,000 FOR A TRACK LOADER**
3. **RESOLUTION NO. 19-04: AUTHORIZING PAYMENT FOR EMERGENCY REPAIR WORK FOR A SEWER LINE ON STATE ROAD 19 AND BAY STREET AND THE CORRESPONDING BUDGET AMENDMENT NECESSARY FOR FUNDING**
4. **2019 COMMISSION MEETING SCHEDULE**

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

1. **RESOLUTION NO. 19-02: APPOINTING CITY COMMISSIONERS AND/OR STAFF MEMBERS TO VARIOUS COMMITTEES AND BOARDS OF DIRECTORS**

Derek Schroth, City Attorney, read Resolution No. 19-02 by title: A resolution by the City Commission of the City of Eustis, Lake County, Florida, to appoint liaisons, directors/members and alternate directors/members to various committees and boards of directors to ensure that the City's interests, as expressed through the City Commission, are represented on these various committees and boards of directors.

Mr. Neibert reviewed the list of boards and committees and current appointees.

The Commission discussed who wanted to volunteer for the different boards and committees with a consensus of the following appointments to be included in Resolution No. 19-02: Colleen Scott to the Police and Fire Pension Boards; Commissioner Gnann-Thompson to the Upper Ocklawaha Basin Working Group; Mayor Holland and Commissioner Aliberti to the Lake County League of Cities; Commissioner Aliberti as appointee and Vice Mayor LeHeup-Smith as alternate to the

Lake Sumter MPO; Bill Howe and Karen Crouch to Public Risk Management Group; Vice Mayor LeHeup-Smith to the Lake Community Action Agency Board of Directors with Commissioner Gnann-Thompson as alternate; Mayor Holland to the Audit Committee; Commissioner Morin to the Lake County Educational Concurrency Review Committee; and Commissioner Aliberti to the Lake Eustis Museum of Art.

Mr. Schroth opened the public hearing at 6:32 p.m. There being no public comment, the hearing was closed at 6:32 p.m.

A motion was made by Commissioner Morin, seconded by Vice Mayor LeHeup-Smith, to approve Resolution No. 19-02 with the names as agreed upon.
Motion carried by the following votes:

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

SECOND READING

1. **ORDINANCE NO. 18-29: COMPREHENSIVE PLAN TEXT AMENDMENT BASED ON EVALUATION & APPRAISAL REVIEW OF THE COMPREHENSIVE PLAN PER SECTION 163.3191 F.S.**

Mr. Schroth read Ordinance No. 18-29 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the City of Eustis Comprehensive Plan 2010-2035 pursuant to Section 163.3184 of the Florida Statutes; providing for text revisions to the Intergovernmental Coordination Element; providing for the repeal of ordinances inconsistent with the ordinance; providing for conflicting provisions; and providing for severability and effective date.

Mr. Schroth opened the public hearing at 6:33 p.m. There being no public comment, the hearing was closed at 6:33 p.m.

A motion was made by Vice Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to approve Ordinance No. 18-29 on second and final reading.
Motion carried by the following votes:

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

FIRST 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 first 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.

Roland Magyar, Senior Planner, reviewed the request for a Conditional Use Permit for a restaurant with a drive-thru to be located at the corner of Orange Avenue and Cricket Hollow Lane. He explained the analysis of the request under the Comprehensive Plan, and stated that the Land Development Regulations (LDR's) would require a traffic study to determine any road improvements that may be required. He reviewed the surrounding existing land uses. He cited comments received from the public regarding the proposed development. He stated staff's recommendation for approval based upon the following: 1) Meets the requirements of the Land Development Regulations and Comprehensive Plan; 2) Mitigates impacts through the design; 3) Promotes compact growth with a mix of uses; 4) Increases the efficiency of City utilities and 5) Increases the City's tax base.

The Commission confirmed that the City maintains the Cricket Hollow roads.

The Commission discussed what the property will be used for with Mr. Neibert explaining they do not have to disclose what type of restaurant it will be.

Mr. Schroth opened the public hearing at 6:44 p.m.

The following individuals expressed opposition to the placement of a fast-food restaurant in that location; concern regarding traffic issues on State Road 44; the existence of endangered species on the subject property or the impact on the neighborhood by commercial development: 1) Amanda Clere; 2) Brian Nagy; 3) Barbara Parker; 4) Larry O'Dorr; 5) Fran Coleman; 6) Carol Dowb; 7) Russell Trunzio; 8) Richard White; 9) Asia Lake; and 10) Jennifer Gorman.

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

Mayor Holland reminded the audience that what is being considered is only first reading and stated that sometimes a commission may pass an ordinance on first reading in order to allow more time to obtain more information. He asked if the City has any authority on the speed limit on 44 and Orange Avenue.

Police Chief Gary Calhoun stated it is a state road in the County's jurisdiction. He indicated the City could make a request. He explained that the state primarily looks at crash data in setting speed limits. He further explained they would conduct a traffic study.

The Commission discussed having a traffic study performed with Mr. Schroth stating that the Commission has the authority to request a traffic study and Mr. Neibert indicating the ordinance would require the developer to perform a traffic study.

Ms. Barnes explained that the LDR's require a traffic study to be submitted at the time of site plan approval which would indicate what roadway improvements would be required. She noted that FDOT and Lake County, as well as the Lake Sumter MPO, would also review the traffic study.

The Commission discussed plans for Orange Avenue to be four-laned with Mr. Neibert explaining that the State plans now are to reduce the existing four lanes to three lanes.

The Commission then discussed whether or not the developer could re-submit if denied with Mr. Neibert explaining they could not resubmit for six months.

Discussion was held regarding the possibility of approving the ordinance on first reading and requiring additional information prior to second reading, the need to have the developer address some of the resident concerns, and the requirement that the Commission makes its decision without knowing exactly what is going on the site.

Mr. Neibert stated that the Commission has the ability to require the developer to perform a traffic study prior to approval.

Following the vote, it was explained to the audience that second reading was scheduled for the next meeting; however, they could check the Commission agenda to confirm when the ordinance is heard again.

A motion was made by Vice Mayor LeHeup-Smith, seconded by Commissioner Morin, to approve Ordinance No. 19-01 on first reading.
Motion carried by the following votes:

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

Nays: Commissioner Aliberti and Commissioner Gnann-Thompson

VII. OTHER BUSINESS

1. **Consideration on Commission decision made regarding property adjacent to Mount Olive Cemetery**

Mayor Holland re-opened the Audience to be Heard to allow Elliott Myers to speak.

Elliott Myers, representing the Mt. Olive Cemetery Association, addressed the Commission regarding a resolution previously approved with waivers. He asked that the Commission revoke the landscaping and buffer waivers. He commented on their efforts to raise funds for improvements to the cemetery and cited other decisions made in the past that effected the cemetery.

Mr. Neibert explained the City's regulations do not provide a process for someone to appeal a land use decision other than through civil court.

Vice Mayor LeHeup-Smith suggested that the City could possibly install some additional landscaping to buffer the site and Mayor Holland suggested that Mr. Myers meet with the City Manager to discuss options.

Mr. Myers noted they had previously met with Mr. Neibert on other issues and nothing had happened yet. Mr. Neibert explained that meeting was regarding the American Legion coming into the cemetery to raise the stones and the Association was not in favor of raising the stones; however, it was agreed the Legion would come in to install some plaques to identify the veterans' graves. He indicated that project is still in process.

Mr. Myers expressed concern regarding the cemetery losing property with Mr. Neibert stating they would ask Mr. Granger to allow the City to plant landscaping on the Granger property adjoining the cemetery.

Mr. Myers expressed concern about an existing easement for a veteran's grave with Mr. Neibert responding that is a perpetual easement and they would work that out as well.

Mayor Holland indicated he would contact Mr. Myers to schedule a meeting.

2. **REQUEST BY LAKE EUSTIS MUSEUM OF ART (LEMA) TO AMEND LEASE**

Mr. Neibert noted that the Commission previously granted a three-month waiver of rent for LEMA. The three months has now expired and they are now requesting that the City either cancel their lease for the property located at 1 W. Orange Ave. or waive their rent for 2019.

Lou Buigas, President of LEMA, thanked the Commission for the three-month waiver of rent noting they were able to end the year in the black due to that.

Commissioner Morin asked what caused their financial problems with Ms. Buigas responding that the state and other grant funds have been discontinued. She further explained their problems in obtaining grants.

Mayor Holland encouraged them to send representatives to the state legislature to discuss the funding issues.

Jackie Mulsic, studio director and owner of Wild Ibis Gallery, explained their move from Mount Dora to Eustis. She expressed concern regarding the City not having an art center in town. She expressed support for the City supporting the museum however it can.

Constance Smith, LEMA assistant director, explained that the State funding for the arts went from $46 million down to $2 million for 2018. She cited the number of outreach efforts the museum conducted to try and replace the funding.

The Commission discussed the museum's financial issues and concern regarding providing free rent for an entire year and whether or not it would be helpful to the museum to waive the rent for another three months.

Tom Miranda, museum board member, stated they are looking for whatever assistance the City can provide.

The Commission discussed other options including the use of a bus or RV, or finding an alternate location with Mr. Neibert noting that the revenue from the rent is used to fund some of the economic development programs such as the facade improvement program.

Mayor Holland polled the Commission for their input with the following suggestions: 1) waiving the rent for three months; 2) releasing LEMA from the lease; 3) allowing the museum to utilize the facility on a month to month basis until the City either sells or leases the building to another entity; 4) reducing the monthly rent; and 5) waiving the rent for the next three months and then cutting the rent in half for the following six months with a final decision to either pay full rent or end the lease in nine months.

Staff noted that the current lease would expire in 2020 and includes a requirement for the City to provide a 180-day notice if it wants to end the lease early.

CONSENSUS: It was a consensus of the Commission for staff to amend the lease to allow another three month waiver of rent and for LEMA to waive the 180 day notice requirement.

Joan Bryant noted there are five local organizations that provide grants to local entities at least one of which had funds left over due to no applications. She recommended they look into those groups.

3. **DISCUSSION ON HOLDING A DAY-LONG COMMISSION RETREAT**

Mr. Neibert noted that the Commission has previously discussed holding workshops on a variety of issues that require in-depth discussion. Therefore, he is asking the Commission to consider holding a day-long retreat for review of those topics.

CONSENSUS: It was a consensus of the Commission for the City Manager to provide possible dates for a retreat and for Commissioners to send him any requests for topics to be discussed.

VIII. FUTURE AGENDA ITEMS

Commissioner Aliberti announced she was supposed to attend a grant workshop on the 17th and 18th but she cannot attend. She asked if anyone else was interested to contact staff.

Commissioner Morin asked about a requested crime report with Mr. Neibert indicating that Chief Calhoun has the data and would be sending out the report in the next week. He also confirmed staff would place on a future agenda discussion on the establishment of a Community Programs Committee.

IX. COMMENTS

1. **City Commission - None**
2. **City Manager**

Mr. Neibert reported he is still trying to schedule a meeting with the Lake County Fair Board. He explained that Mr. Norris has asked to meet with staff first and possibly one commissioner.

3. **City Attorney - None**
4. **Mayor**

Mayor Holland thanked the audience for their attendance.

X. ADJOURNMENT - 8:06 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.*

Michael L. Holland

Michael L. Holland, Mayor/Commissioner

Mary C. Montez

Mary C. Montez, City Clerk