City of Eustis, Florida

City Hall
10 North Grove Street
Post Office Drawer 68
Eustis, FL 32727-0068

Meeting Minutes – Final*
City Commission

Thursday, April 5, 2018 | **6:00 PM** | **City Hall**

INVOCATION: Rev. Tracie Barrett-Welser, Unitarian Universalist Cong. of Lake County

PLEDGE OF ALLEGIANCE: Mayor Morin

CALL TO ORDER: Mayor Morin - 6:17 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: 4 - Commissioner Linda Bob; Commissioner Carla Gnann-Thompson; Vice-Mayor Marie Aliberti; and Mayor Robert Morin

Absent: 1 - Commissioner Anthony Sabatini

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

18-0090 March 15, 2018 - Regular City Commission Meeting

A motion was made by Commissioner Gnann-Thompson, seconded by Vice-Mayor Aliberti, that the Minutes be Approved. On a voice vote, the motion passed unanimously.

III. PRESENTATIONS

18-0085 Eustis Police Department Promotion Ceremony: Cpl. Jonathan Fahning and Ofc. Brian Jenkins

Police Chief Gary Calhoun presided over the promotion ceremony for Corporal Jonathan Fahning, who was promoted to Sergeant, and Officer Brian Jenkins, who was promoted to Corporal.

IV. AUDIENCE TO BE HEARD

Gertrude Cobbs addressed the Commission regarding Resolution No. 18-23 and representing her aunt Jessie Darville who was in a nursing home. She explained that when her aunt went into the nursing home she was told they couldn't pull the meter because she was on Medicaid. She was told to bring them her death certificate when she passed and they would pull the meter then. She did so and thought the matter was closed until she learned about the proposed lien.

Ron Neibert, City Manager, offered to meet with Ms. Cobbs and the Finance Director to discuss the account.

Tom Carrino announced the upcoming events including the April First Friday, Amazing Race for Charity, Eustis Music Fest, and May First Friday.

V. CONSENT AGENDA

18-0047 Resolution No. 18-18: Approval of Purchase in Excess of $25,000 for VT-SCADA and Server Upgrades

18-0082 Resolution No. 18-25: Purchase in Excess of $25,000 for City Hall Re-roofing Project

A motion was made by Commissioner Gnann-Thompson, seconded by Vice-Mayor Aliberti, to Approve the Consent Agenda. The motion carried by the following vote:

Aye: 4 - Commissioner Bob; Commissioner Gnann-Thompson; Vice-Mayor Aliberti; and Mayor Morin

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

18-0083 Resolution No. 18-23: Recording Water, Wastewater and Irrigation Liens

Derek Schroth, City Attorney, announced Resolution No. 18-23: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; approving the recording of water, wastewater and irrigation liens.

Colleen Scott, Finance Director, cited the previously approved ordinance and reviewed the utility collection process. She stated that, based on the past due amount, an account would be first sent to collections. She explained they are now requesting to place liens for accounts with a threshold of over $2,500. She reported that, since the resolution was posted, three accounts have been paid off and one is making arrangements. She stated that, if the resolution passes, then the remaining customers will be sent a letter giving them ten days to pay the amounts or a lien will be placed on the property. She explained that, whenever the properties are sold, the City would be reimbursed for the utility services. She also noted that the accounts are all property owners, not tenants.

The Commission noted that for a number of the accounts the owners are deceased and asked what happens if the family provides a death certificate.

Ms. Scott explained the services due occurred before they passed and are still due. She stated that the meter may be pulled when they provide a death certificate. With the lien placed, then the amount will be paid whenever the property is sold.

Ron Neibert, City Manager, further explained the amounts are for services provided before the property owner died. He noted that there are monthly availability charges whether or not water is used. He indicated he would be meeting with Ms. Cobb to discuss her situation.

The Commission commented on the economic level of the individuals in question, previous situations where the City has waived a lien due to financial difficulty and whether or not individuals were living in the homes.

Mr. Neibert explained the lien would not force someone to sell the property but would allow the City to collect for the services whenever the property does get sold. He also explained that the lien waivers typically were code enforcement liens

Ms. Scott explained there was only one home with tenants; however, the amount to be liened is only for those times when the account was in the owner's name.

The Commission discussed deferring consideration to the next Commission meeting.

A motion was made by Commissioner Bob, seconded by Commissioner Gnann-Thompson, to defer Resolution No. 18-23 to April 19, 2018. The motion carried by the following vote:

Aye: 4 - Commissioner Bob; Commissioner Gnann-Thompson; Vice-Mayor Aliberti; and Mayor Morin

18-0080 Resolution No. 18-24: Tax-exempt Loan Financing with United Southern Bank

Mr. Schroth announced Resolution No. 18-24: A Resolution of the City of Eustis, Lake County, Florida; accepting the proposal of United Southern Bank to purchase the City's not to exceed $800,000 capital improvement revenue note, series 2018, to finance the City's cost of acquiring certain capital improvements including, but not limited to a fire truck and related equipment; amending the fiscal year 2017-2018 sales tax fund budget in support of the approved loan financing in the amount of $800,000; authorizing the execution and delivery of a loan agreement with said bank to secure the repayment of the 2018 note; providing for the payment of the 2018 note from the City's covenant to budget and appropriate non ad valorem revenues, all as provided in the loan agreement; authorizing the proper officials of the City to do any other additional things deemed necessary or advisable in connection with the execution of the loan agreement, the 2018 note, and the security therefore; authorizing the execution and delivery of other documents in connection with the 2018 note; designating the 2018 note as "bank qualified"; providing for severability; and providing an effective date.

Ms. Scott explained staff is seeking approval to fund the purchase of the fire ladder truck through the proposed United Southern Bank note. She explained the truck has to be ordered this year in order to receive it by next year. She reviewed the proposed financing and cost for the truck and equipment of $800,000. She stated the City put out a bid for the financing and the lowest proposal was from United Southern Bank.

Mr. Schroth opened the public hearing at 6:38 p.m. There being no public comment, the hearing was closed at 6:38 p.m.

A motion was made by Commissioner Bob, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 18-24. The motion carried by the following vote:

Aye: 4 - Commissioner Bob; Commissioner Gnann-Thompson; Vice-Mayor Aliberti; and Mayor Morin

18-0089 Resolution No. 18-28: Approval of Purchase of Fire Department Ladder Truck and Equipment

Mr. Schroth announced Resolution No. 18-28: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, authorizing a purchase in excess of $25,000 for the Fire Department to purchase a ladder truck and equipment utilizing funds allocated in the Fire Department's approved fiscal year 2018-2019 budget.

Fire Chief Mike Swanson explained the City is purchasing in one amount so they are receiving a $30,000 reduction. He further explained they will be going directly to the equipment manufacturers to purchase the equipment which will result in a significant savings. He stated that, if the truck is ordered this month, it will be finished next year.

Mr. Neibert noted there is a web site where people can watch the truck being built.

Mr. Schroth opened the public hearing at 6:41 p.m. There being no public comment, the hearing was closed at 6:41 p.m.

A motion was made by Commissioner Bob, seconded by Vice-Mayor Aliberti, to Approve Resolution No. 18-28. The motion carried by the following vote:

Aye: 4 - Commissioner Bob; Commissioner Gnann-Thompson; Vice-Mayor Aliberti; and Mayor Morin

18-0084 Resolution No. 18-26: Addendum to Commercial Lease with The Ella Marie Pizzeria & Sub Shop LLC for 200 N. Bay Street

Mr. Schroth announced Resolution No. 18-26: A Resolution of the City Commission of the City of Eustis, Florida, authorizing the City Manager to execute an addendum to a commercial lease agreement with the Ella Marie Pizzeria & Sub Shop LLC, a Florida limited liability corporation, for City-owned property at 200 North Bay Street.

Tom Carrino, Economic Development Director, reviewed the history of the lease agreement and explained the proposed addendum to the commercial lease with the Ella Marie Pizzeria & Sub Shop LLC which would extend the time period that the company would have use of the building rent-free to allow more time for renovations. He stated staff's recommendation for approval noting that during the renovation period Mr. Tilquist was not generating any revenue. He added that Mr. Tilquist has been paying the required rent.

The Commission questioned the cost of the improvements and why the City was renting the property rather than selling it with Mr. Carrino estimating the amount of renovations at $70,000 and explaining that staff was unsure about the future of the lakefront and determined there might be a future benefit to owning the property.

Mr. Neibert further explained that Mr. Tilquist requested a longer term lease to allow him more time to recoup his investment.

The Commission discussed businesses paying for improvements to rental property versus purchasing the property.

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.

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 18-26. The motion carried by the following vote:

Aye: 4 - Commissioner Bob; Commissioner Gnann-Thompson; Vice-Mayor Aliberti; and Mayor Morin

18-0086 Resolution No. 18-27: Annexation Incentive Program

Mr. Schroth announced Resolution No. 18-27: A Resolution of the City Commission of the City of Eustis, Florida, establishing an annexation incentive program to waive, temporarily, all application fees associated with voluntary annexation of property; providing for an effective date and expiration date.

Lori Barnes, Development Services Director, reviewed the proposed annexation incentive program and the history of a similar program offered in 2013 which resulted in 23 properties being annexed. She noted that there are only 1491 vacant parcels within the City with not all of them buildable. She stated the program would waive the fees associated with annexation of both enclave parcels as well as contiguous parcels within the Joint Planning Area (JPA). She further stated the program would allow a one year application period with an option to extend; provide notification on the City's website with press releases and direct letters to enclave parcels; and consolidate advertising to minimize the cost to the City. She stated the benefits of the program as follows: 1) Encourages voluntary annexation; 2) Potential reduction/elimination of duplicate services and confusion regarding jurisdiction within enclaves; 3) Move toward realizing the vision of the JPA by bringing properties into the City; and 4) Potential increased ad valorem revenue to the City. She stated the program is consistent with state statute and expressed staff's recommendation for approval.

The Commission questioned whether or not the enclaves utilize City utilities with Ms. Barnes responding that the majority are probably connected. She noted those would have been connected prior to 2008 when the City adopted a policy requiring an agreement to annex in order to receive utilities. She stated the appeal to them will be the reduction in the utility costs, potential reduction in taxes and access to other City services.

The Commission questioned whether or not the enclaves are on septic or sewer with Ms. Barnes responding that some have sewer and some have septic. She explained that under state statute the City cannot require annexation for connection to sewer. If it is available, the City has to provide it.

The Commission questioned what fees would be waived under the program with Ms. Barnes explaining those fees would be the annexation fee and the comprehensive plan amendment fee. She further explained that if a property is already connected to City water and sewer they won't pay connection fees or annexation fees. However, if it is a new or existing home that does not currently have water and sewer, they would normally have to pay the annexation fee of $1250, once annexed and hooked to City utilities, they would pay approximately $3,000 in water and sewer impact fees and approximately $175 in connection fees.

Mr. Neibert summarized that if they take advantage of the annexation program and the other City proposed program they will save approximately $4,200.

The Commission questioned the application deadline with Ms. Barnes explaining applications will be accepted beginning May 1, 2018. Staff will review and package them monthly and then bring them to the Commission with the deadline for applying being April 30, 2019, unless the Commission extends the deadline for another year before the deadline expires.

Mr. Schroth opened the public hearing at 7:00 p.m. There being no public comment, the hearing was closed at 7:00 p.m.

A motion was made by Commissioner Gnann-Thompson, seconded by Commissioner Bob, to Approve Resolution No. 18-27. The motion carried by the following vote:

Aye: 4 - Commissioner Bob; Commissioner Gnann-Thompson; Vice-Mayor Aliberti; and Mayor Morin

18-0088 Resolution No. 18-29: Development Incentive Program

Mr. Schroth announced Resolution No. 18-29: A Resolution of the City Commission of the City of Eustis, Florida; establishing an economic development incentive program to encourage development by waiving contractor/developer/property owner responsibility to pay water and sewer impact fees for new construction within the City limits, and authorizing the Finance Director to utilize water and sewer fund revenues to fund water and sewer impact fee payments for new construction within the City limits.

Ms. Barnes reviewed the proposed economic development incentive program which would waive water and sewer impact fees for new construction within the City limits with the fees to be paid utilizing water/sewer impact fees. She explained staff's feeling that properties already in the City should also be eligible for the incentive program to encourage development within the City. She stated the application period would be from May 1, 2018, through April 30, 2020. She cited the benefits of the program as follows: 1) Assistance with upfront costs of construction could generate development interest within the City; and 2) Cost of the incentives would be recovered by increased ad valorem tax revenue.

The Commission questioned why Habitat for Humanity has not been building in Lake County with Mr. Neibert indicating it was primarily due to the school impact fee. Ms. Barnes added that they are currently considering a 30 unit development in Tavares and possibly an additional development in Eustis.

Mr. Neibert reported that Habitat deeded most of their Eustis property over to the Eustis Housing Authority.

The Commission recommended that a meeting be scheduled with the Housing Authority and discussed the need to have more low cost activities for the youth and to determine what can be done with unused City property.

Ms. Barnes stated staff's recommendation for approval adding that the program is consistent with the Comprehensive Plan.

The Commission confirmed that, if approved, the program would not affect the existing corridor improvement program, and questioned whether there was interest in the program.

Mr. Neibert and Ms. Barnes indicated a number of developers have expressed interest in participating.

Mr. Schroth opened the public hearing at 7:14 p.m. There being no public comment, the hearing was closed at 7:14 p.m.

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 18-29. The motion carried by the following vote:

Aye: 4 - Commissioner Bob; Commissioner Gnann-Thompson; Vice-Mayor Aliberti; and Mayor Morin

SECOND READING

18-0075 Ordinance No. 18-10: Conditional Use Permit for Accessory Apartment - 801 W. Woodward Avenue

Mr. Schroth read Ordinance No. 18-10 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 for an accessory apartment in the Suburban Residential (SR) Land Use District on approximately 0.172 acres located at 801 W. Woodward Avenue.

Mr. Schroth opened the public hearing at 7:14 p.m. There being no public comment, the hearing was closed at 7:15 p.m.

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Gnann-Thompson, to Adopt Ordinance No. 18-10 on second reading. The motion carried by the following vote:

Aye: 4 - Commissioner Bob; Commissioner Gnann-Thompson; Vice-Mayor Aliberti; and Mayor Morin

VII. FUTURE AGENDA ITEMS

Mayor Morin stated a number of cities have decided to join together to sue the State based on action they took back in 2011 restricting cities and counties from making any legislation regarding guns. He commented on an issue that arose in the City previously regarding not allowing a vendor to display guns at City events and asked to have a discussion on the next agenda.

Mayor Morin asked the City Manager to report on a meeting they had with the Florida Department of Transportation (FDOT).

Mr. Neibert reported on the meeting stating that FDOT indicated that some of the City's intersections within the study area might be eligible for study funding due to safety issues. He stated staff would submit a letter of request for those safety studies and would keep the Commission updated.

VIII. COMMENTS

City Commission

Commissioner Bob complimented staff on recent improvements including painting of the buildings and improved lighting.

City Manager

Mr. Neibert reported he had contacted the Mount Olive Cemetery Board president regarding maintenance issues. The president wasn't comfortable meeting individually so they are waiting for him to call a meeting of the full board. He then reported he had contacted the Lake County School Board Superintendent regarding the ballfields and is waiting for the appropriate staff member to return to the office so they can meet.

City Attorney

Mr. Schroth reported that the lawsuit has been filed against Teems and asked if the Commission wanted to be copied on all filings.

Commissioner Bob expressed concern regarding the probable cost in attorney fees with Mr. Neibert indicating the City could still approach them with a settlement offer.

Mr. Schroth noted that now that the lawsuit has been filed, the Commission can meet in a closed session to discuss any settlement offer.

Mr. Neibert suggested holding a closed session prior to the next Commission meeting.

CONSENSUS: It was a consensus of the Commission to hold a closed session at 5:15 p.m. on April 19th.

Mayor

Mayor Morin reported on his attendance at a retirement ceremony for John Hitt, retiring President of UCF, and commented on the possibility of UCF having a presence in Eustis.

IX. ADJOURNMENT - 7:28 p.m.

Mary C. Montez

MARY C. MONTEZ
City Clerk

Robert R. Morin, Jr.

ROBERT R. MORIN, JR.
Mayor/Commissioner

*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.