APPROVED: 2/1/2018

City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, January 18, 2018 | **6:00 PM** | **City Hall**

INVOCATION: David Williamson, Central Florida Free Thought Community

PLEDGE OF ALLEGIANCE: Commissioner Gnann-Thompson

CALL TO ORDER: Mayor Morin

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: 5 - Commissioner Carla Gnann-Thompson; Commissioner Anthony Sabatini; Vice-Mayor Marie Aliberti; Commissioner Linda Bob; and Mayor Robert Morin

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

18-0030 January 4, 2018 - Regular City Commission Meeting

A motion was made by Commissioner Sabatini, seconded by Commissioner Bob, that the Minutes be Approved. On a voice vote, the motion passed unanimously.

III. PRESENTATIONS

18-0023 Presentation of Certificate of Appreciation to Life Changing Ministries Thrift Store

Mayor Morin presented a Certificate of Recognition to Roy Peters, representing Life Changing Ministries Thrift Store, and recognized them for their support of the community.

Mr. Peters commented on the organization's efforts and how the thrift store was started noting that over $6.5 million worth of goods have gone through the organization and back into the community.

18-0026 Presentation by LEASH, Inc. regarding local Trap-Neuter-Release program

Marie Rich addressed the Commission regarding LEASH, Inc., how it was begun and the trap - neuter - return program. She asked the Commission to consider again providing a donation for the program.

Karen LeHeup-Smith provided an update on the Trap - Neuter - Return program, the use of the City's $5,000 donation and the need for volunteers to assist with the program.

Mr. Kelsey, Kelsey's Lube and Car Wash, commented the effect on his business when he first opened and the reduction in the feral colony.

Ms. LeHeup-Smith stated the organization's request for additional funding.

Christine Cruz added that the organization also provides rabies shots to all of the trapped cats.

Ron Neibert, City Manager, stated that the donation has not been specifically budgeted but there are funds available in Contingency.

A motion was made by Commissioner Bob, seconded by Commissioner Gnann-Thompson, for $5,000 to be transferred from Contingency and awarded to LEASH, Inc. for the Trap - Neuter - Return program. On a voice vote, the motion passed unanimously.

IV. APPOINTMENTS

18-0021 Appointment to Code Enforcement Board - Joanne Rittenhouse

Joanne Rittenhouse addressed the Commission stating her desire to be appointed to the Code Enforcement Board and provided a brief background.

The Commission asked Ms. Rittenhouse regarding her thoughts about code enforcement in the community with Ms. Rittenhouse stating the need to assist some residents with their homes.

A motion was made by Commissioner Sabatini, seconded by Commissioner Bob, that Joanne Rittenhouse be appointed to the Code Enforcement Board. On a voice vote, the motion passed unanimously.

18-0022 Appointment to Eustis Housing Authority - Jasmine Melendez

Jasmine Melendez addressed the Commission regarding her desire to be appointed to the Eustis Housing Authority and provided a brief background.

The Commission asked why she wants to serve on the board with Ms. Melendez indicating her desire to help keep the apartment complex nice.

The Commission encouraged her to talk to the City about the Community Redevelopment Area activities and to work on the possibility of offering a summer feeding program in that area.

A motion was made by Commissioner Sabatini, seconded by Commissioner Bob, that Jasmine Melendez be appointed to the Eustis Housing Authority. On a voice vote, the motion passed unanimously.

IV. AUDIENCE TO BE HEARD

Darius Kerrison addressed the Commission regarding the upcoming Comedy Show at the Community Building on Saturday, January 20th. He then reported on the Special Olympic participants and their recent basketball games at the Big House. He noted their team would be going to state.

Tom Carrino, Economic Development Director, provided a review of the upcoming City events.

V. CONSENT AGENDA

18-0016 Resolution No. 18-05: Water Service/Annexation Agreement - 2010 Country Club Drive, Outside the City Limits

18-0027 Resolution No. 18-08: Bid award for purchase of Fire Rescue Truck

18-0013 Resolution No. 18-10: Release of Lien, 5 East Pendleton Avenue, Case #07-218

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

Aye: 5 - Commissioner Gnann-Thompson; Commissioner Sabatini; Vice-Mayor Aliberti; Commissioner Bob; and Mayor Morin

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

18-0014 Resolution No. 18-02: Site Plan Modification for Randazzo Storage Facility Located at 2200 CR 452

Derek Schroth, City Attorney, announced Resolution No. 18-02: A Resolution of the City Commission of the City of Eustis, Florida; approving a modification to an approved site plan to change phasing requirements and allow an on-site fire tank on approximately 4.39 acres located at 2200 CR 451, Eustis FL.

Roland Magyar, Senior Planner, explained the requested modifications to the Randazzo Storage Facility approved site plan as follows: 1) Change to the phasing dates with Phase I to be completed by March 2018; and 2) Addition of a water tank on the site. The justification for the extension was due to problems with obtaining a feasible water connection. He stated that the requested water tank is allowed as an accessory structure. He reviewed the completion dates for all three phases of the project. He stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 7:06 p.m. There being no public comment, the hearing was closed at 7:06 p.m.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to approve Resolution No. 18-02. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Commissioner Sabatini; Vice-Mayor Aliberti; Commissioner Bob; and Mayor Morin

18-0017 Resolution No. 18-03: Subdivision Final Plat Approval for the Cobb Commerce Park Subdivision (E. CR 44 and Hicks Ditch Road)

Mr. Schroth announced Resolution No. 18-03: A Resolution of the City Commission of the City of Eustis, Florida; approving a final subdivision plat for the Cobb Commerce Park Subdivision, an eight lot commercial/industrial subdivision, on approximately 30.8 +/- acres located at East CR 44 and Hicks Ditch Road.

Mr. Magyar explained staff's request to continue consideration of Resolution No. 18-03 and approval of the final plat to a date certain in order to allow time for the City's surveyor to present comments on the final plat.

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

A motion was made by Commissioner Gnann-Thompson, seconded by Vice-Mayor Aliberti, that Resolution No. 18-03 be postponed to February 15, 2018. On a voice vote, the motion passed unanimously.

18-0015 Resolution No. 18-04: Site Plan Modification for Eustis Retail Center, Pad E Located at 17315 US Hwy 441

Mr. Schroth announced Resolution No. 18-04: A Resolution of the City Commission of the City of Eustis, Florida; approving a modification to an approved site plan to change the building size, retaining wall location and parking area on approximately 1.11 acres located at US Hwy. 441 on Lake Louise, Eustis FL.

Mr. Magyar reviewed the requested modifications to the Eustis Retail Center site plan as follows: 1) Increase size of building to 6,988 sq. ft., 2) Add eight additional parking spaces; and 3) relocate the west 45 feet of the retaining wall. He stated the applicant's justification for the request was the demand for retail space and parking was greater than expected, and the requested modifications meet the land development regulations. He stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 7:13 p.m.

Tom Robinson explained he lives adjacent to the development and questioned whether or not there is anything to keep people from going over the wall. He then clarified that he meant vehicles.

Mr. Magyar indicated there would be a dumpster with a concrete wall and a long drop on the other side of the retaining wall.

There being no further public comment, the hearing was closed at 7:15 p.m.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to approve Resolution No. 18-04. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Commissioner Sabatini; Vice-Mayor Aliberti; Commissioner Bob; and Mayor Morin

18-0010 Resolution No. 18-06: Bid award for CDBG administrative services

Mr. Schroth announced Resolution No. 18-06: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, awarding Bid No. 001-18 to Fred Fox Enterprises, Inc., for grant administration services related to the Small Cities Community Development Block Grant and authorizing the City Manager to execute the contract based on the amount quoted on the attached bid response.

Mike Brisson, Project Manager, explained the requested bid award to Fred Fox Enterprises Inc. for grant administrative services for the City's Small Cities Community Development Block Grant.

The Commission discussed whether or not the City should have its own inhouse grants writer and the possibility of partnering with Lake County for CDBG administration.

Mr. Neibert explained the funding would only provide for a portion of a grants writer position. He stated there are not that many grant programs available anymore and that many require a particular grant oversight agency. He stated that realistically the City would only be able to get a CDBG grant every other year. Regarding partnering with the County, he indicated that could be considered for the future; however, the County would have had to submit a proposal under the HUD guidelines and it was too late for them to do that.

Mr. Schroth opened the public hearing at 7:22 p.m.

Shawna Wells-Booth expressed support for having a citizen selected for the position.

Gail Isaac Thomas asked if the administrative services would be paid out of the grant monies with Mr. Neibert confirming.

There being no further public comment, the hearing was closed at 7:24 p.m.

A motion was made by Commissioner Gnann-Thompson, seconded by Vice-Mayor Aliberti, to approve Resolution No. 18-06. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Commissioner Sabatini; Vice-Mayor Aliberti; Commissioner Bob; and Mayor Morin

18-0011 Resolution No. 18-07: Approval of purchase in excess of $25,000 for Police Vehicles

Mr. Schroth announced Resolution No. 18-07: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, authorizing a purchase in excess of $25,000 for the Police Department to purchase and equip four (4) police vehicles utilizing the Sales Tax Revenue funds allocated in the Police Department's approved fiscal year 2017-18 budget.

Gary Calhoun, Police Chief, reviewed the requested purchase of the four police vehicles.

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.

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Bob, to approve Resolution No. 18-07. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Commissioner Sabatini; Vice-Mayor Aliberti; Commissioner Bob; and Mayor Morin

18-0025 Resolution No. 18-09: Expressing support for all Legislative efforts to protect Florida's Home Rule powers

Mr. Schroth announced Resolution No. 18-09: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; supporting all legislative efforts to protect and strengthen the rights of Florida citizens to govern themselves under municipal Home Rule powers conferred upon them by the Florida Constitution; providing for authority to the City Manager for implementing administrative actions; conflicts, severability and an effective date.

Mr. Neibert explained the purpose of the resolution to support any legislation increasing the City's Home Rule authority. He stated it has no force and effect and cited the presentation by Lynn Tipton from the League of Cities.

Commissioner Sabatini commented on the lack of home rule in other states, reviewed the history of home rule in Florida, commented on activities of the Florida League of Cities in support of unlimited home rule and expressed his opposition to unlimited home rule. He emphasized that cities are created by the State.

Commissioner Bob expressed concern regarding home rule but noted there are issues with the State as well.

Mayor Morin commented on the need for the residents to be able to govern themselves and cited recent issues with the State trying to take away certain powers.

Mr. Schroth opened the public hearing at 7:32 p.m. There being no public comment, the hearing was closed at 7:32 p.m.

A motion was made by Commissioner Gnann-Thompson, seconded by Vice-Mayor Aliberti, to approve Resolution No. 18-09. The motion carried by the following vote:

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

Nay: 1 - Commissioner Sabatini

FIRST READING

18-0024 Ordinance No. 18-01: Amending Chap. 10, Sec. 10-86(a) Amusements and Entertainment, expanding the on-street possession/consumption of alcohol to Monday through Sunday with no time restrictions

Mr. Schroth read Ordinance No. 18-01 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending Chapter 10, Section 10-86(a) Amusements and Entertainment; providing for codification; and providing for an effective date.

Mr. Carrino explained the proposed amendment to allow the public consumption and possession of alcohol within the downtown entertainment district for all seven days each week instead of the current Thursday through Saturday but with no changes to the hours. He reported that Tavares has no limitations and Mount Dora does not yet have an entertainment district.

The Commission discussed the allowed hours for public consumption and encouraged the downtown businesses to provide input prior to second reading of the ordinance.

Mr. Schroth opened the public hearing at 7:39 p.m.

Ms. Wells-Booth commented on downtown alcohol sales and closing times.

There being no further public comment, the hearing was closed at 7:40 p.m.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to approve Ordinance No. 18-01 on first reading with the following amendment: that the specified hours be eliminated. The motion carried by the following vote:

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

Nay: 1 - Commissioner Bob

18-0029 Ordinance No. 18-06: Amending Chapter 62 - Offenses; adding Article III - Aggressive Solicitation

Mr. Schroth read Ordinance No. 18-06 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending Chapter 62 – Offenses; adding Article III – Aggressive Solicitation; providing severability; providing an effective date.

Chief Calhoun reviewed the proposed ordinance which would ban aggressive solicitation, provide specific definitions that will assist with enforcement and prohibit false or misleading solicitation.

Mayor Morin noted that a point in time count would occur the next week and expressed support for postponing consideration of the ordinance. He noted the presence of organization representatives that could provide input regarding the effect on the homeless population.

Mr. Neibert stated the ordinance would address issues in the public right-of-way and that incidents occurring on private property could be addressed with trespass ordinances.

The Commission discussed the possibility of postponing first reading of the ordinance, the effects on downtown businesses and people using the parks, the City's efforts to assist local homeless residents, the intent of the ordinance not being to address the homeless problem but aggressive solicitation, individuals preying on local residents that are not actually homeless or that request donations with a story that is false, the need to assist the police in enforcement, and the City's need to address the homeless issue.

Mr. Schroth opened the public hearing at 7:53 p.m.

B. E. Thompson, Lifestream Behavioral Center and director over the Open Door, cautioned the City to make sure the ordinance is in compliance with the "Pottinger Rule", which states the City cannot make laws that criminalize homelessness.

Barbara Wheeler, Executive Director of Mid Florida Homeless Coalition, explained their efforts to move homeless people into housing and help them to become self-sustaining. She cited the lack of cold weather shelters and the need for homeless individuals to obtain funds for a motel room to get out of the cold. She commented on the difficulties in assisting newly released prisoners to obtain housing and jobs due to their criminal record.

Mayor Morin disclosed that he is on the Coalition's Board.

Mr. Thompson reported on his discussions with County Commissioners Campione and Breeden and Lake County Community Services. He stated they are going to be bringing in Susan Porsho, former director of Big Bend Continuum of Care and now CFO and Director for Florida Housing Coalition. Ms. Porsho has introduced them to several models regarding housing programs and she wants to come to the coalition to discuss Housing First and some other initiatives. He stated they are hoping to have her here in late February or early March and encouraged the City to participate in that discussion.

Commissioner Sabatini reiterated that the ordinance is not about homelessness and cited other people that may fall under the prohibited behaviors.

There being no further public comment, the hearing was closed at 8:03 p.m.

The Commission discussed the following: 1) individuals trying to scam others; 2) whether or not aggressive solicitation is a criminal offense; 3) the ordinance making the police department's job easier; 4) the ability of the Commission to deny the ordinance on second reading; 5) and the need for the police to not specifically target homeless people.

Chief Calhoun explained that for aggressive solicitation to reach the assault level would require the victim to feel in fear. He further explained that someone with a sign would not be in violation or if the person approached says "no" and they walk away then they would not be in violation. He emphasized that the department would always use discretion and other methods before arresting someone.

A motion was made by Commissioner Sabatini, seconded by Commissioner Bob, to approve Ordinance No. 18-06 on First Reading. The motion carried by the following vote:

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

Nay: 1 - Vice-Mayor Aliberti

VII. OTHER BUSINESS

18-0012 Consideration of Fee Waiver Request: Final Engineering & Construction Plan Review - Trout Lake Nature Center

Lori Barnes, Development Services Director, explained the fee waiver request from the Trout Lake Nature Center for their final engineering and construction plan review. She noted their budget documents which show they are operating at a deficit for the fiscal year. She stated staff's recommendation for approval of the fee waiver.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to approve the fee waiver request for the Trout Lake Nature Center final engineering and construction plan review. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Commissioner Sabatini; Vice-Mayor Aliberti; Commissioner Bob; and Mayor Morin

18-0028 Update on Property Located at 17 East Magnolia Avenue

Mr. Carrino reviewed the history of the property, explained the City's previous lease of the site for the downtown pocket park and the subsequent decision by the owners, Rock and Pickle, to not extend the lease but to offer the site and adjoining building for sale. He explained the subsequent agreement for the City to purchase the park property and building and then sell the property to Teems Inc. over a period of five years. Part of that purchase agreement was for Teems Inc. to complete $92,500 worth of improvements by December 31, 2017. He stated that Teems has *missed that deadline and the second annual payment. He reported that he has met with Teems this week and they are requesting a seven month extension for the improvements. If approved, they will make the $37,000 second annual payment. He reviewed the Commission's options as follows: 1) for Commission to consider modifying the mortgage to allow for the requested 7-month extension; or 2) to declare default or nonperformance of the mortgage under which the City could accelerate the payments or initiate foreclosure procedures.*

Commissioner Bob confirmed Teems representatives were not present and that the January 8th payment had not been made.

Mr. Carrino explained they did not make the payment in case the City was either going to call the loan or foreclose. He stated they are prepared to make the payment.

Commissioner Bob then asked if any renovation has been undertaken with Mr. Carrino stating the City has not received any receipts so the City has no evidence of any improvements being done.

Commissioner Sabatini expressed opposition to the City undertaking legal action. He expressed support for approving the requested extension but if nothing is done within the seven months then not extending again.

Commissioner Bob expressed concern about nothing being done with Mr. Neibert stating that he has been in meetings with them and has seen preliminary renovation plans. He explained they did not want to spend the money on the renovations if the City was going to foreclosure since the deadline was close. They have made some good faith effort.

Vice Mayor Aliberti emphasized the requirements are in the mortgage. She stated the reason for the $92,500 renovation requirement was so the City had a viable storefront. She expressed support for foreclosure.

Mayor Morin stated that a good faith effort would have meant they were here with their check in hand. He asked if the building is listed for sale with Mr. Carrino confirming it is for sale.

Commissioner Gnann-Thompson expressed support for foreclosure and for the City to take it back and then put it up for sale.

Mr. Schroth explained that, if the Commission wants to foreclose, the City needs to accelerate the payment first. He recommended giving them the option to deed back to City in lieu of foreclosure. He stated that the City then would forgive the debt in exchange for the deed. He stated it is difficult to collect on a judgment and recommended getting the deed in lieu of foreclosure.

Mayor Morin opened floor to public comment at 8:31 p.m.

Gail Isaac Thomas expressed agreement with proceeding with the acceleration.

Shawna Wells-Booth confirmed that Teems had begun plans for the renovation and asked when the contract was initiated and plans begun.

Greg Mack stated that the building is on the market for $200,000. He stated his belief that they drove an existing business out of town that subsequently moved to Mount Dora.

Mr. Neibert noted that the tenant was four to five months in arrears at that time.

Ms. Isaac Thomas expressed concern regarding how long the current owners are in arrears with Mr. Neibert explaining that the second payment was only due on January 8th and the renovations were due by December 31, 2017.

There being no further public comment, the floor was closed to comment at 8:36 p.m.

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Gnann-Thompson, to have staff accelerate the payment for the property located at 17 E. Magnolia Avenue and offer an option for Teems Inc. to provide a deed to the City in lieu of foreclosure. The motion carried by the following vote:

Aye: 3 - Commissioner Gnann-Thompson; Vice-Mayor Aliberti; and Mayor Morin

Nay: 2 - Commissioner Sabatini; and Commissioner Bob

VIII. FUTURE AGENDA ITEMS

Vice Mayor Aliberti noted that at the last meeting she had asked about an ordinance to address vacant or unoccupied buildings with Mr. Neibert indicated that the City Attorney would have a report on that under his comments.

Commissioner Sabatini asked to have new discussion regarding backyard chickens on the February 1st agenda.

The Commission discussed whether or not they were in agreement with again discussing allowing backyard chickens with a final consensus to have a brief discussion on the February 1st agenda.

IX. COMMENTS

City Commission - None

City Manager

Mr. Neibert announced that the next week's workshop had been moved to Wednesday, January 24th at 6 p.m. due to the City being invited to attend the Mount Dora Chamber's annual meeting. He explained they have invited all of the area cities to provide a report on their activities.

City Attorney

Mr. Schroth reported that the City has an existing ordinance in Chapter 34 which has requirements for storefronts vacant for more than 15 days. He stated that the City can only have a tax or fee which is allowed under state law. He noted other areas that require registration of vacant property but that is not allowed in Florida. He stated the City really can only require that they beautify the storefronts and the City currently requires the storefronts be cleaned and the interior blocked from view.

Mayor

Mayor Morin commented on the Commission having to make decisions on difficult issues.

X. ADJOURNMENT - 8:49 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.