APPROVED: 12/7/2017

City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, November 2, 2017 | **6:00 PM** | **City Hall**

INVOCATION: Pastor Brooks Braswell, First Baptist Church of Umatilla

PLEDGE OF ALLEGIANCE: Commissioner Gnann-Thompson

CALL TO ORDER: Mayor Morin - 6:02 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: 4 - Commissioner Carla Gnann-Thompson; Commissioner Anthony Sabatini; and Commissioner Linda Bob; Mayor Robert Morin

Absent: 1 - Vice-Mayor Marie Aliberti

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

16482 October 19, 2017 - Regular City Commission Meeting

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

III. PRESENTATIONS

16481 Recognition of Library Director Marlene Blye upon her retirement

Ron Neibert, City Manager, recognized retiring Library Director Marlene Blye and presented her with her retirement gift. Mayor Morin presented her with a proclamation expressing the City's appreciation for her service.

Mr. Neibert introduced the new Library Director Anne Ivey.

Ms. Blye commented on her family's history in Eustis and her love for the City.

16445 Presentation by Duke Energy regarding Transmission Line Project

Jerry Miller, Government and Community Relations Manager for Duke Energy, provided an update on their Eustis to Dona Vista transmission project. He explained that during the next year, Duke will be contacting property owners regarding easements and surveying with construction expected to begin in January 2019 and possibly concluded by July 2019. He indicated that he and additional Duke personnel would be set up in the conference room to answer any individual questions.

The Commission asked how the project is paid for and what would occur if the line didn't run through the City with Mr. Miller explaining the project is budgeted as part of their maintenance plan. He further explained that the line would have to run through the City to connect south to north.

The Commission commented on other ideas discussed to reroute the transmission lines; however, the cost for those options was too high.

IV. AUDIENCE TO BE HEARD

Karen LeHeup-Smith announced upcoming LEMA events including: 1) The weavers exhibit; and 2) Steamroller printing. She then reported on the "trap, neuter, release" program for feral cats and the use of the funds donated by the City. She reported that 91 cats have been trapped, neutered and either released back to the colony or adopted out. She noted they are always looking for foster homes and volunteers.

Sam Chapin, Lake Eustis Sailing Club, announced the annual catamaran regatta would be held that weekend.

V. CONSENT AGENDA

16473 Resolution No. 17-71: Budget Amendment for Carver Park Basketball Court Resurfacing and Equipment

16478 Resolution No. 17-72: Release of Code Enforcement Lien - 510 East Clifford Avenue

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

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

16475 Resolution No. 17-68: Lakeview Village Concept Plan

Derek Schroth, City Attorney, announced Resolution No. 17-68: A Resolution of the City Commission of the City of Eustis, Florida; approving a conceptual site plan for a 72 unit, senior (55-plus), affordable housing community located in the Central Business District Land Use District on approximately 1.80 acres located between Grove Street, Bates Ave., Eustis St. and Hazzard Ave.

Roland Magyar, Senior Planner, announced that the applicant was present and would like to give a presentation prior to opening the floor to public comment. He explained the request is for approval of a conceptual site plan which would allow the applicant to apply to the State of Florida for federal tax credits. He reviewed the concept plan for the 72 units, the projected rents and income requirements. He provided an overview of the cost of the project and projected revenues to be realized by the City from the project. He stated the current plan exceeds the density maximum allowed without a conditional use permit. He reported on the affordable housing needs within Eustis and reviewed the existing affordable housing units.

Mr. Neibert explained why staff is recommending postponement to the December 7th agenda to allow time for the Commission to consider the request to reconsider Ordinance No. 17-16. He noted that, currently, the subject property is tax exempt since it is former hospital property. He stated that since the baseline value of the property is zero, any revenues from the property taxes would go into the CRA at approximately $150,000. He asked Mr. Magyar to explain what he meant by "entitlements".

Mr. Magyar explained that the concept plan would not guarantee the applicant approval of the 72 units.

Jesse Wofpel, Richmond Group, explained the company retains ownership of all the sites they develop. He cited various benefits of the increased density as well as additional services they provide to their residents.

Mr. Schroth opened the public hearing at 7:05 p.m.

The following residents addressed the Commission regarding the proposed project: 1) Daniel DiVenanzo; 2) Sue Hooper; 3) James Tilquest; and 4) Mac Ross, representing the Richmond Group.

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

Mr. Schroth recommended that they continue the resolution and take it back up if Ordinance No. 17-16 is subsequently approved.

The Commission asked if there are other areas within the City the applicant would consider with Mr. Wopfel responding that the subject property is what they have under contract. He stated he couldn't say they wouldn't consider another location and explained their locations have to meet certain criteria to receive favorable scoring to receive the tax credits.

The Commission asked if they are also interested in the parking lot property with Mr. Wopfel responding that they were interested in that property; however, they pulled their application for that site. He confirmed that the Commission does not want residential in the subject area. He also explained that even if they applied for two sites the maximum they would be granted is one so Eustis could only get one project. He stated the City can't legally mandate retail on the bottom floor as that is not part of the City's code.

Mr. Schroth reminded the Commission that the request is for continuance to only be considered if Ordinance No. 17-16 is subsequently approved.

Lori Barnes, Development Services Director, explained the continuance needs to be to the date certain of December 7th to avoid re-advertising and noticing.

Mr. Schroth conducted a straw poll for continuance which passed 3 to 1 with Mayor Morin opposing.

The Commission discussed whether or not denying the continuance would stop everything.

Mr. Neibert recommended moving up the request to reconsider Ordinance No. 17-16.

Mr. Schroth explained why approving the continuance would not recommend denial or approval.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to continue Resolution No. 17-68 to the December 7, 2017 Commission meeting pending approval of the reconsideration of Ordinance No. 17-16. The motion failed by the following vote:

Aye: 2 - Commissioner Gnann-Thompson; and Commissioner Sabatini

Nay: 2 - Commissioner Bob; and Mayor Morin

16480 Discussion on Possible Reconsideration of Ordinance No. 17-16

RECESS: 7:28 p.m. RECONVENE: 7:35 p.m.

The Commission asked Mr. Schroth to explain the impact of the previous action.

Mr. Schroth explained the concept plan was contingent upon increasing the densities, which was why they requested continuance until after Ordinance No. 17-16 could be reconsidered. He explained he had recommended not considering the merits of the concept plan since it could not be approved due to violating the code or the applicant could state that they denied the plan without even given them a chance at achieving the density change.

Mr. Neibert explained the item for discussion is whether or not to reconsider Ordinance No. 17-16. He stated it strictly considers the density for the property not any specific project. Currently, up to 12 units per acre is allowed with no retail. He stated the decision is whether or not to allow Ordinance No.17-16 to be placed on the next agenda on first reading.

Commissioner Sabatini explained his request for reconsideration of the ordinance and why he was absent from the previous meeting due to National Guard duty and, therefore, unable to comment on the ordinance. He further explained that any time that occurs he would request reconsideration of controversial items so that he can comment. He expressed support for the entire CBD (Central Business District) to have 40 dwelling units per acre. He commented on the need for the Commission to consider the increase in density, not the merits of the proposed plan.

The Commission and staff discussed on the applicant, their other developments, their previous application for another downtown site and putting information about applications on the City's website.

Commissioner Sabatini moved to approve reconsideration of Ordinance No. 17-16. The motion died for lack of a second.

Discussion was held regarding whether to hear public comment without a motion and second.

The Commission discussed the lack of high paying jobs in town, the need for affordable housing, whether or not the project could be placed elsewhere and the need to hold a workshop to discuss the issues.

Public comment was opened at 7:50 p.m. with Mr. Neibert reminding the public that comment should be regarding the density and not the specific project.

The following individuals addressed the Commission regarding the proposed ordinance: 1) Pam Rivas; 2) George Asbate; 3) Nancy Cornwell; 4) Daniel DiVenanzo; 5) Wayne Reynolds and 6) Sean Jenness.

Mr. Schroth stated the Commission needs to have an actual motion on reconsideration of the ordinance. He conducted a strawpoll on a motion to deny the request to reconsider which passed 3 to 1 with Mr. Sabatini dissenting.

CONSENSUS: It was a consensus of the Commission to hold a workshop to discuss densities.

A motion was made by Commissioner Gnann-Thompson, seconded by Commissioner Bob, to deny the request to reconsider Ordinance No. 17-16. The motion carried by the following vote:

Aye: 3 - Commissioner Gnann-Thompson; Commissioner Bob; and Mayor Morin

Nay: 1 - Commissioner Sabatini

16472 Resolution No. 17-69: Approving a Memorandum of Understanding for an Application for an Environmental Protection Agency Brownfields Assessment Grant

Mr. Schroth announced Resolution No. 17-69: A Resolution of the City of Eustis, Lake County, Florida, approving a Memorandum of Understanding regarding a Brownfields Assessment Coalition for the Environmental Protection Agency Brownfields Assessment Grant between the East Central Florida Regional Planning Council and the City of Eustis, Florida.

Tom Carrino, Economic Development Director, explained the requested Memorandum of Understanding (MOU) would form a coalition with the East Central Florida Regional Planning

Council for the purpose of applying for a US Environmental Protection Agency (EPA) Brownfields Assessment Grant. He explained the grant would be for assessments not clean up. He stated the City had a grant previously and it was closed successfully. He explained that in 2016, the City re-established its Brownfields Redevelopment Program and authorized staff to apply for a new Brownfields Assessment Grant. While the application scored well, it was not selected for funding. He further explained that, as part of the MOU, the Planning Council would apply for the grant on behalf of the coalition members. If funded, the Planning Council would enter into sub-recipient grants with the coalition partners to conduct environmental assessments utilizing the grant funds. He stated the other partners are East Central Florida Planning Commission and the cities of Apopka, Longwood and Kissimmee. He stated staff's recommendation for approval and for the City Manager to sign the MOU.

Mr. Schroth opened the public hearing at 8:28 p.m. There being no public comment, the hearing was closed at 8:28p.m.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 17-69. The motion carried by the following vote:

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

16474 Resolution No. 17-74: Refuse Collection Rate Increase

Mr. Schroth announced Resolution No. 17-74: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, authorizing adjustment to City of Eustis rates for the Solid Waste Collection Services, to provide for the annual adjustment of the Refuse Rate Index established by Lake County for Waste Management, Inc. of Florida to be effective January 1, 2018.

Colleen Scott, Finance Director, provided a history of the contract with Waste Management Inc. She stated that the current contract will expire in 2024. She reviewed the Refuse Rate Index used for determining the increase or decrease noting that the proposed increase is due to the increase in fuel costs. She then explained they have also considered changing to the Garbage Trash Index (GTI) instead of the RRI and noted the lower cost. She explained that to go to the GTI would require an amendment to the contract with Mr. Neibert noting that Waste Management is amenable to the change. She stated that the Commission can either approve the resolution based on the RRI index or have staff bring back a contract amendment to go to the GTI.

Mr. Schroth opened the public hearing at 8:34 p.m. There being no public comment, the hearing was closed at 8:34 p.m.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, that Resolution No. 17-74 be deferred and for staff to bring back an ordinance amending the Waste Management Inc. franchise agreement to change the index to the Garbage Trash Index. On a voice vote, the motion passed unanimously.

SECOND READING

16467 Ordinance No. 17-17: Amendment to Sections 102-12, 102-16, 102-21.1, 102-30 and 115-6.1.2 of the Land Development Regulations

Mr. Schroth read Ordinance No. 17-17 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending Chapter 102 – Administration and Enforcement, Sections 102-12, 102-16, 102-21.1 and 102-30, and Chapter 115 – General Building and Site Standards, Section 115-6.1.2, of the Land Development Regulations, to clarify language and eliminate conflicting provisions; providing for codification, severability and an effective date.

Mr. Schroth opened the public hearing at 8:35 p.m. There being no public comment, the hearing was closed at 8:35 p.m.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to Adopt Ordinance No. 17-17 on second reading. The motion carried by the following vote:

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

FIRST READING

16477 Ordinance No. 17-18: Small Scale Future Land Use Map Amendment (2017-CPLUS-02) Central Business District Core Area

Mr. Schroth read Ordinance No. 17-18 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, FL, amending the City of Eustis Comprehensive Plan pursuant to 163.3187(1) F.S.; changing the Future Land Use Designation of approximately 4.9 acres of real property bounded by E. Clifford Avenue, S. Center Street, E. Orange Avenue and N. Dewey Street from Residential/Office Transitional (RT) to Central Business District (CBD) in order to reflect the intent of the Comprehensive Plan regarding the "core area" of the Central Business District.

Ms. Barnes reviewed the boundaries of the CBD "core area". She stated that the intent of the Comprehensive Plan is to allow a higher density in the "core area" (40 dua versus 12 dua). She stated that the three blocks that are the subject of the amendment are included in that description and should have had a Central Business District designation; however, the Future Land Use Map reflects a Residential/Office Transitional land use designation. She cited discussion held at the September 21 meeting with direction from the Commission to change the FLUM to be consistent with the Comprehensive Plan and change those three blocks to Central Business District. She stated staff's recommendation for approval so that the map reflects the intent of the comprehensive plan.

The Commission asked the density with Ms. Barnes indicating the density would be the same as the rest of the CBD core area. She explained that right now those blocks do not even show as being part of the CBD. She further explained that if a developer wanted to build on those blocks (one of which is the library) they would be limited to 12 dua or they would have to apply for a future land use amendment. She stated that the intent is to correct the discrepancy between the comprehensive plan and the future land use map.

Commissioner Sabatini moved to approve Ordinance No. 17-18 on first reading.

The Commission discussed holding a workshop and whether or not approval of the request would approve what the Commission just indicated they did not want to do.

Commissioner Sabatini withdrew his motion in light of discussion about holding a workshop.

Mr. Schroth opened the public hearing at 8:42 p.m.

George Asbate asked if the subject property is within the CBD with Ms. Barnes responding that the Comprehensive Plan says that those three blocks are in the CBD but the future land use map does not. She indicated her belief that it was basically a mapping error.

The Commission expressed concern regarding the density with Mr. Neibert explaining the density is already in force within the Central Business District.

Ms. Barnes noted that the property is not within the mandatory mixed use area. She stated the mixed use stops mid-block between Dewey and Grove with the subject properties being outside that area. She requested that, if the ordinance is postponed, that it be postponed to a date certain to avoid re-advertising.

The Commission discussed postponing to a workshop and the need to correct the map to be consistent with the comprehensive plan. It was noted that the Commission could later do a text amendment to address the densities throughout the Central Business District as well as within the core area.

Mr. Schroth conducted a strawpoll on the motion to approve the ordinance with the strawpoll passing 3 to 1 with Commissioner Bob dissenting.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to Approve Ordinance No. 17-18 on First Reading. The motion carried by the following vote:

Aye: 3 - Commissioner Gnann-Thompson; Commissioner Sabatini; and Mayor Morin

Nay: 1 - Commissioner Bob

VII. OTHER BUSINESS

16470 Consideration of Reducing the Price Threshold for Items Brought to the Commission

Ms. Scott explained that in 2002 the Code was modified to include procurement procedures with the criteria that anything $50,000 and over would require Commission approval. She reviewed the thresholds for surrounding cities and counties and the FY2016-17 purchases between $25,000 and $50,000.

The Commission discussed the following: 1) County threshold being $25,000; 2) Placing those purchases on the Consent Agenda; 3) Whether or not the change would slow down the process; 4) Some Commissioners not feeling well informed regarding City purchases; and 5) The increase of costs following approval such as for the ISBA and other legal expenses.

Mr. Neibert suggested that staff provide a draft policy at the next meeting and, if approved, it would then be brought back for formal adoption.

CONSENSUS: It was a consensus of the Commission for staff to bring a draft back to the next meeting.

16479 Evaluation and Appraisal Review (EAR) of the Comprehensive Plan per Section 163.3191 F.S. & Proposed Text Amendments

Ms. Barnes explained that the State requires the City to prepare an Evaluation and Appraisal Report (EAR) on the Comprehensive Plan every seven years. She stated that staff reviewed the changes to growth management laws enacted since 2009 to determine if the City needed to amend its comprehensive plan to meet state statute. She stated the only required change would be to the Intergovernmental Coordination Element regarding the dispute resolution process, coordination of level of service standards and whether or not to eliminate campus master plans. She stated the changes would have to be addressed within the next year. She stated that other issues that staff wanted to discuss were the CBD core area, the density issue, and the language regarding conditional use permits outside the core area. She noted that a workshop has been requested by the Commission and those items could be discussed then.

The Commission confirmed that there was no direction required at that time on the EAR with Ms. Barnes explaining that any issues, such as the density, could be addressed at the same time that the City addresses the required changes to the Intergovernmental Coordination Element.

VIII. FUTURE AGENDA ITEMS

Mayor Morin noted the workshop on land development to be scheduled.

Commissioner Sabatini cited the purchasing threshold policy and the student internship program.

IX. COMMENTS

City Manager

Mr. Neibert reminded the Commission about the requested workshop regarding home rule. He confirmed the Commission was willing to consider holding the workshop on an off normal meeting date. He then informed the Commission that there is a unique provision in the garbage contract regarding notification of nonrenewal. He explained that the current contract does not expire until 2024. However, unless the City notifies them prior to end of December 2017 of its desire to go to bid in 2024, the contract would automatically extend to 2025.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to have the City Manager notify Waste Management Inc. of the City's intent to terminate the franchise agreement in 2024 and to go out to bid. On a voice vote, the motion passed unanimously.

City Commission

Commissioner Gnann-Thompson announced the death of Rena Pool and requested that the City send flowers or other recognition and Commissioner Bob noted the passing of the son of Millie Moseby.

Mayor Morin noted a recent fire fatality with Commissioner Gnann-Thompson thanking Fire Chief Swanson for keeping the Commissioners apprised of important events.

Commissioner Sabatini noted that Veteran's Day would be prior to the next meeting with Mr. Neibert adding the American Legion would hold their annual Veteran's Day event in Ferran Park.

Tom Carrino, Economic Development Director, announced the upcoming City events and noted that staff was working on sponsorships for the 2018 Georgefest.

City Attorney

Mr. Schroth asked if the Commission wanted to reconsider Ordinance No. 10-07 requiring a straw poll.

CONSENSUS: It was a consensus of the Commission to leave the ordinance as is.

Mayor - None

X. ADJOURNMENT - 9:15 p.m.

Mary C. Montez

MARY C. MONTEZ, City Clerk

Robert R. Morin

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.