



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Wednesday, September 20, 2017

5:30 PM

Eustis Community Center, 601 Northshore Dr., Eustis

ISBA CONFLICT RESOLUTION NEGOTIATIONS JOINT PUBLIC MEETING CITY OF EUSTIS, CITY OF MOUNT DORA, LAKE COUNTY BOARD OF COUNTY COMMISSIONERS

I. Call to Order

Eustis Mayor Robert Morin called the meeting to order at 5:39 p.m.

Attendance:

City of Eustis – Vice Mayor Marie Aliberti, Commissioner Linda Durham Bob, Commissioner Carla Gnann-Thompson, and Mayor Robert Morin

Lake County – District 1 Commissioner Timothy Sullivan, District 2 Commissioner Sean Parks, District 3 Commissioner Wendy Breeden, District 4 Commissioner Leslie Campione and District 5 Commissioner Josh Blake

City of Mount Dora – District 1 Laurie Tillett, District 2 Carl Rolfson, District 3 John Tucker, District 4 Marc Crail, At-Large Mark Slaby, At-Large Cathy Hoescht and Mayor Nick Giron

Also in attendance:

Eustis City Manager Ronald Neibert, Eustis City Attorney Derek Schroth, Eustis City Clerk Mary Montez, Lake County Manager Jeff Cole, Lake County Attorney Melanie Marsh, Lake County Recording Clerk Angela Herald, Mount Dora City Manager Robin Hayes, Mount Dora City Attorney Jennifer D. Cockcroft and Mount Dora City Clerk Gwen Keogh-Johns

II. Explanation of Joint Public Meeting Process: Derek Schroth, Eustis City Attorney

Derek Schroth, Eustis City Attorney, explained the joint public meeting process under the Florida Governmental Conflict Resolution Act and reviewed a timeline of the conflict assessment process to date. He stated the purpose of the joint public meeting was for the following: 1) The parties to consider the issues between them; 2) The parties to try to seek an agreement; and 3) If an agreement is not reached, the scheduling of additional meetings of either the entities or their designees. He stated that if the negotiations are unsuccessful, then the process may go to formal mediation which would be held in a public meeting.

III. Statement of Issues to be Addressed as Identified in Conflict Assessment Phase: Ron Neibert, City Manager, City of Eustis

Ronald Neibert, Eustis City Manager, read into the record the issues to be addressed as identified in the conflict assessment phase as follows: 1) Eustis initiating resolution to Lake County and Mount Dora, via Resolution No. 16-27 - General contract terms of the ISBA agreement and the proposed ISBA boundaries; 2) Mount Dora responding Resolution No. 2016-23 - proposed Mount Dora ISBA boundary; and 3) Lake County responding Resolution No. 2016-57 identified three areas for discussion: a) Expansion areas create enclaves, are not compact, and in some cases do not directly touch any portion of the current planning boundaries of the City of Eustis; b) Residents residing in the expansion areas failed to receive actual notice that the expansion areas may be and/or are subject to annexation; and c) Negotiations need to be had as to identification of the local expansion

government to be responsible for the delivery or funding of the following services within the area: road ownership, construction and maintenance; stormwater management and drainage; utilities; and solid waste.

Both the City of Mount Dora and the Lake County Commission agreed that those were the issues previously identified with Lake County Commissioner Campione noting that there are probably additional issues as well.

IV. Presentation of Current Negotiating Positions:

- a. City of Eustis**
- b. City of Mount Dora**
- c. Lake County Board of County Commissioners**

Mr. Neibert stated that the City of Eustis' current negotiating proposal includes the elimination of the three subdivisions from annexation through the ISBA process. He indicated on the map those parcels that adjoin both the Eustis proposed ISBA and the Mount Dora joint planning area that would be eliminated from Eustis' ISBA proposal.

Nick Girone, Mount Dora Mayor, stated that Mount Dora has no change to its current position.

Mr. Neibert confirmed that Mount Dora's current negotiating position remains the same as originally proposed and questioned whether or not Mount Dora was willing to negotiate any boundary adjustments.

Mr. Girone stated they would have to take back to their City Council any proposals for consideration.

V. Negotiating Discussion to Seek Agreement

Tim Sullivan, Lake County Commission Chair, asked if the elimination of the three subdivisions was a permanent elimination with Mr. Neibert indicating it would be permanent under the ISBA and JPA boundaries. Mr. Sullivan indicated he would prefer to wait to respond until the Commission can discuss that proposal.

Commissioner Campione asked if Eustis annexed other property under the ISBA that was adjacent to one of the subdivisions could the City then annex the subdivision.

Mr. Neibert explained that any annexations outside the JPA or ISBA would require the County's approval.

Commissioner Campione expressed opposition to "leapfrog" annexation stating it is not good planning and does not meet the requirements of the Florida Growth Management Act. She stated she is not in favor of ISBAs as a general concept other than for assisting with annexation of enclaves.

Mr. Neibert noted that the County has approved seven other ISBAs and questioned why the County now does not want to approve an ISBA with the City of Eustis.

Commissioner Campione responded those involved different situations and cited issues that have arisen with the other ISBAs. She specifically noted issues with road maintenance and confusion with law enforcement response.

Mr. Neibert responded that the statutory wording is very specific that when a City annexes 51% of road frontage, then the City takes over maintenance responsibility. He added that normal annexations can have the same issue.

Lake County Commissioner Parks expressed agreement with Commissioner Campione and cited his experience with the first ISBA in the county with Montverde. He asked if in the future there would still be the possibility of annexing the three subdivisions.

Mr. Neibert responded that, absent the ISBA, the City would still have the right to annex those properties under the developer agreements.

Commissioner Campione stated there may be issues with enforcement of those agreements due to some of the properties being closed on prior to approval of the agreements. She cited a court case that questions the validity of developer agreements. She emphasized the City should leave the choice to the residents in the future.

Discussion was held regarding the validity of the developer agreements, the uncertainty regarding annexation for the residents of the subdivisions and the ability of the County to change land use and zoning to an area contiguous to the City without input from the City and its residents.

Further discussion was held regarding the possibility of the City and County enacting a new Joint Planning Area (JPA) agreement with Mr. Neibert noting that 13 years previous Lake County removed property from the Eustis JPA and gave it to Mount Dora, in effect blocking the City of Eustis from doing normal annexations.

Lake County Commissioner Blake expressed opposition to forced annexation as well as noncontiguous annexation.

Mr. Neibert stated the City of Eustis has proposed a compact boundary. The City has demonstrated that it has the ability and will provide quality services to those areas. He added that previously some County Commissioners only expressed concern about the annexation of the three subdivisions; therefore, the City acquiesced to those concerns and eliminated those subdivisions. Now the City is being shut out completely for any growth.

Commissioner Parks commented on issues with the City and County residents not listening to one another and emphasized that all of the agencies present serve everyone.

Lake County Commissioner Breeden stated her opposition to ISBAs in general adding she was not against Eustis personally.

Eustis Commissioner Bob expressed her disappointment in the meeting stating that people are not going to change and have made up their minds.

Commissioner Campione commented on the issue being polarizing and stated her hope that the proposal would be dropped. She asked that the petition be withdrawn and suggested reconsidering a joint planning area.

Mayor Morin agreed with looking at a new planning area. He commented that Eustis is not looking to cherry pick and explained that when developers approach the City wanting to develop, the City wants to be able to help. He stated there should be some respect for what the City has done and emphasized the City needs to have a commitment in order to provide the services. He stated there was previously a gentleman's agreement that everything north of Hwy. 441 would go into Eustis. He added the City does not want to annex anyone that doesn't want to be a part of Eustis; however, the City needs to be able to provide services and homes to those who need it. He stated that this Commission can't promise that a future Commission won't annex an area. The City had developer's agreements in place and now those are in question. He stated that the cities and County need to talk about some type of JPA that Eustis, Mount Dora and the County can agree to that will benefit both Eustis and Mount Dora.

Mr. Neibert stated that the meetings are tied to developing an ISBA agreement. He noted that Mount Dora has stated their intent and asked if the County Commission could agree to any properties within the proposed area. He explained that the City has three projects that want to develop and the City has invested \$7 million in the infrastructure for that area. He asked if there was any interest by the County Commission to give the City an ISBA anywhere in that area.

Commissioner Sullivan responded that, if the three existing neighborhoods were excluded, he would be willing to consider; however, he did not see a consensus of the County Commission to do so. He cited issues with other communities' ISBAs which has resulted in the County's reluctance to enact any new ISBAs. He noted that none of those subdivisions would be there if Eustis hadn't provided the utilities.

Further discussion was held with the following issues noted: 1) distance of properties from current City limits; 2) opposition to forced annexations; 3) any annexations would have to be approved by the County; 4) the City requiring annexation in the future prior to providing utilities; 5) having future joint meetings regarding a joint planning agreement; 6) the need for all cities and counties to have ad valorem revenues in order to provide services; 7) the ability for cities to provide a 25% surcharge for utilities to areas outside city limits; 8) the Mount Dora ISBA proposal; 9) another municipality desiring the same areas as Eustis and wanting a larger area than what Eustis has proposed; 10) the Mount Plymouth/Sorrento area; 11) Mount Dora having withdrawn its ISBA proposal and enacting an automatic aid agreement; 12) Mount Dora working on their current JPA and innovation district; 13) Mount Dora's concern with the Eustis ISBA boundaries is that it would box in Mount Dora so they cannot grow; and 14) whether or not Mount Dora would be agreeable to a new joint planning area agreement.

Mr. Neibert confirmed that there was no interest on the majority of the Commission for an ISBA with Eustis. He asked if there was any interest on the County Commission for an expanded JPA boundary similar to the proposed ISBA boundaries.

Commissioner Campione and Mount Dora City Manager Robin Hayes agreed they would not agree to just exchanging the ISBA boundary for a JPA boundary.

Mr. Neibert stated that if there is willingness on both the County and Mount Dora's part to consider an expansion of Eustis' JPA boundaries, then he could recommend to the Eustis Commission that they withdraw their ISBA petition.

Discussion was held regarding whether or not Mount Dora and the County Commission were willing to consider an expanded JPA boundary for the City of Eustis with Mr. Neibert stating that there are three governmental entities that want to derive benefit from the same area and have identified it as an area for growth. He emphasized the need to come to an agreement for an equitable split of the area for growth.

MOTION

Commissioner Bob moved to end the discussions on the ISBA. Motion failed for lack of a second.

Mount Dora Councilman Slaby stated it was not a fair statement that Mount Dora is unwilling to negotiate.

Mayor Girone clarified that any action would need to be taken back to the City Council for consideration.

Mr. Neibert stated that unless all of the parties are willing to discuss negotiations, then there is no further discussion. He asked the Eustis Commissioners, given that the County Commission is not willing to negotiate an ISBA agreement, does the City wish to proceed to the mediation process which would entail the three parties agreeing on a federal mediator. He stated he has been told by a mediator that the process is only good if all of the parties are willing to negotiate. He asked if the Commission wished to proceed to the next step.

Commissioner Bob stated the City should drop all ISBA and JPA negotiations. She noted the City Manager has worked hard on the issue but she was not in favor of going further.

Eustis Commissioner Gnann-Thompson stated her belief that the ISBA is off the table and they need to talk about a JPA. She emphasized the need for all three entities to work with each other; if don't, their communities are going to hurt. She commented on the history of Cassia and Eustis working together and Mount Dora working with Sorrento and Mt. Plymouth. She stated all of the people in those areas need to have a voice.

Eustis Vice Mayor Aliberti stated that the Commission looks to the County Commission as leaders. She noted that the City had come back and taken the annexation of the subdivisions off the table. She suggested that the County come up with something that works for everyone as that is what leaders do. She stated she was for trying to work something out.

MOTION

Mayor Morin moved to end the ISBA conflict negotiation process. Commissioner Gnann-Thompson seconded the motion.

On a roll call vote, the motion passed 4 to 0.

VI. Public Comment

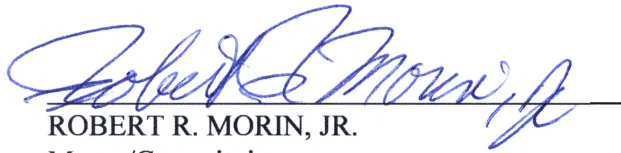
Due to the withdrawal of the ISBA proposal, it was agreed by all three entities that the floor would not be opened to public comment.

VII. Scheduling of Further Meetings of the Parties

None to be scheduled.

VIII. Adjournment - 7:07 p.m.


MARY C. MONTEZ
City Clerk


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.