



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, July 6, 2017

6:00 PM

City Hall

Mayor Morin recognized Brady Singer from the Florida Gators national championship baseball team with a proclamation declaring July 7, 2017, as Brady Singer Day.

INVOCATION: Rev. Elijah Perry, Church of God by Faith

PLEDGE OF ALLEGIANCE: Commissioner Sabatini

CALL TO ORDER: Mayor Morin - 6:18 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

16394 June 8, 2017 - City Commission Workshop
June 15, 2017 - Regular City Commission Meeting

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to Approve the Minutes of the June 8, 2017, City Commission Workshop. The motion passed by an unanimous vote.

A motion was made by Commissioner Sabatini, seconded by Vice Mayor Aliberti to Approve the Minutes of the June 15, 2017, Regular City Commission Meeting. The motion passed by an unanimous vote.

III. AUDIENCE TO BE HEARD

Gail Isaac Thomas questioned the status of the Martin Luther King Jr. honorary designation of Orange Avenue.

Ron Neibert, City Manager, explained the City is waiting on approval by Lake County of the sign design and then the City will proceed.

William Becket and Tracy Morrison addressed the Commission regarding their new business coming to the downtown area - Bay Street Brewery & Bistro. They explained they will only be selling products produced in the United States. They indicated the tentative opening date is August 1st.

Mayor Morin commented on the City's efforts to bring new businesses and people to Eustis. He also cited the grand opening of King's Barbecue.

IV. APPOINTMENTS**16390 Reappointment to Code Enforcement Board - Alan Paczkowski**

Mayor Morin invited Alan Paczkowski to come up and be recognized.

Alan Paczkowski, Code Enforcement Board Member, stated he has sat on the CEB for three years and is presently serving as the Chairman. He asked the Commission to help recruit new members for the board and cited the need for more members.

Commissioner Sabatini commented on the work of the CEB and stated his desire to have a Commission discussion regarding code enforcement and helping staff prioritize code enforcement efforts.

A motion was made by Commissioner Sabatini, seconded by Commissioner Bob, to Approve the Reappointment of Alan Paczkowski to the Code Enforcement Board. The motion passed by an unanimous vote.

V. CONSENT AGENDA

Commissioner Bob asked to have the Consent Agenda items be considered separately.

16388 Resolution No. 17-45: Budget Amendment regarding traveling Vietnam Memorial Wall event

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 17-45. The motion carried by the following vote:

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

16392 Resolution No. 17-46: Budget Amendment for Dewey Street Water Main Project

Mr. Neibert explained the project would provide a looping of the system which would provide increased water pressure and assist with some downtown redevelopment projects.

The Commission expressed concern regarding the use of CRA funds for the project.

Mr. Neibert indicated there were adequate water/sewer reserves to complete the project. He added that the project is eligible under the CRA criteria and is providing additional economic development to the downtown. He stated the resolution would have to be amended to show where the funding would be derived and confirmed with the City Attorney that could be done at the meeting.

A motion was made by Commissioner Bob, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 17-46 as amended with the funding to come from the Water and Sewer fund. The motion carried by the following vote:

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS**16397 Resolution No. 17-35: Commercial Lease for 200 North Bay Street:**

Derek Schroth, City Attorney, announced Resolution No. 17-35: A Resolution of the City Commission of the City of Eustis, Florida; authorizing the City Manager to execute a commercial lease agreement with the El Marie Pizzeria & Submarine Shop, a Florida Limited Liability Corporation, for City-owned property at 200 North Bay Street.

Tom Carrino, Economic Development Director, explained the history of the project, reviewed the proposed commercial lease and indicated the employee fitness center would be relocated.

The Commission confirmed the size of the facility with Mr. Carrino indicating it is 1100 sq.ft. He explained that James Tilquest would not have to maintain the parking or the landscaping as the City will continue to do that.

Mr. Schroth opened the public hearing at 6:40 p.m. There being no public comment, the hearing was closed at 6:40 p.m.

A motion was made by Commissioner Gnann-Thompson, seconded by Commissioner Sabatini, to Approve Resolution No. 17-35. The motion carried by the following vote:

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

16391 Resolution No. 17-42: Bid Award for Construction Services for the Lakeview Avenue Roadway Improvements

Mr. Schroth announced Resolution No. 17-42: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, awarding Bid No. 008-17 to Built-Rite Construction for construction services for the Lakeview Avenue roadway improvements project; authorizing the City Manager to execute all agreements and contracts according to the contract documents; and authorizing a budget transfer in the amount of \$615,200.

Mr. Neibert explained the Lakeview Avenue improvement project and recommended approval of the bid award.

The Commission confirmed the project would run from Bay Street to Haselton and commented on the cost of renovating roads. It was noted that this particular project also includes renovating the water and sewer infrastructure. It was also noted that the City makes a point to include sidewalks when doing roadways.

Mr. Schroth opened the public hearing at 6:45 p.m. There being no public comment, the hearing was closed at 6:45 p.m.

A motion was made by Commissioner Bob, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 17-42. The motion carried by the following vote:

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

16393 Resolution No. 17-47: Approval of an Expenditure in Excess of \$50,000 for the Sewer Rehabilitation Project

Mr. Schroth announced Resolution No. 17-47: A Resolution of the City Commission of the City of Eustis, Florida, approving an expenditure in excess of \$50,000 for sewer rehabilitation services.

Mr. Neibert explained the proposed expenditure to cover a variety of sewer rehabilitation projects. He stated the project would install a liner to seal the lines rather than having to dig up the roads and should extend the life of the lines by approximately 20 years at a fraction of the cost.

Mr. Schroth opened the public hearing at 6:47 p.m. There being no public comment, the hearing was closed at 6:47 p.m.

A motion was made by Commissioner Sabatini, seconded by Vice-Mayor Aliberti, to Approve Resolution No. 17-47. The motion carried by the following vote:

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

SECOND READING**16383 Ordinance No. 17-08: Amendment to Chapter 10 of the City of Eustis Code of Ordinances to Prohibit the Use of Simulated Gambling Devices**

Mr. Schroth read Ordinance No. 17-08 on second and final reading: An Ordinance of the City Commission of Eustis, Florida; amending the Eustis Code of Ordinances, Chapter 10, to rename Article I from "In General" to "Gaming," add Division I, entitled "In General," and add Division II, entitled "Prohibition of Simulated Gambling Devices,"; prohibiting the use of simulated gambling devices; establishing exemptions; providing for penalties and injunctive relief; providing for conflicts of law; providing for severability; providing for codification of law and providing an effective date.

Mr. Schroth opened the public hearing at 6:48 p.m. There being no public comment, the hearing was closed at 6:48 p.m.

A motion was made by Commissioner Bob, seconded by Commissioner Gnann-Thompson, to Adopt Ordinance No. 17-08 on second and final reading. The motion carried by the following vote:

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

VII. OTHER BUSINESS**16395 Discussion regarding possible City Charter amendments for 2018 election**

Mr. Neibert explained, at the previous meeting, two issues were raised regarding possible charter amendments regarding term limits and the selection of the Mayor and Vice Mayor. He stated the purpose of the discussion was to determine whether or not to bring back an ordinance which would approve the placement on the ballot of a charter amendment referendum.

Mr. Schroth stated either a majority of the Commission or 10% of the electorate would be required to have the referendum on the ballot.

The Commission discussed the following: 1) setting term limits at a total of eight years; 2) reducing the Commission term length to two years with all Commissioners up for election in the same year; 3) the need for the longer term to allow new Commissioners time to settle into the position; and 4) maintaining staggered terms.

During the Commission discussion the following comments were made: 1) 4 year terms possibly insulating someone not doing a good job; 2) longer terms and fewer elections not inspiring people to vote or to run for office; 3) shorter terms encouraging new residents to run; 4) possibility of the amendments heightening public scrutiny; 5) previous Commissioners working out of the area; and 6) the possibility that current terms and limits benefit the politicians while the proposed changes would benefit the people.

Commissioner Bob also announced that her plan in 2018 was not to run again.

Further comments included: 1) the need to have Commissioners with experience; 2) having all of the seats up for election at the same time; 3) the amount of time needed to learn the position; 4) not wanting the City to have no one on the Commission with experience; 5) the possibility of Commissioners taking the position more seriously if they know they have to run again sooner; 6) the utilization of Facebook for public comments by Commissioners; and 7) the possibility of issues with the proposed ISBA being complicated by a lack of continuity.

Following further discussion, Mr. Neibert explained that if the Commission does not pass an ordinance to have an amendment on the ballot, the public can put forward a petition to do so.

Mr. Neibert asked for a consensus on the term limits proposal and the reduction in term length from four years to two years with the Commission agreeing to take a voice vote on each suggestion.

On the question of changing the term length from four years to two years, it was a consensus of the Commission to not proceed with a ballot amendment by a voice vote of 4 to 1 with Commissioner Sabatini assenting.

On the question of limiting terms to a maximum of eight years, it was a consensus of the Commission to not proceed with a ballot amendment by a voice vote of 3 to 2 with Commissioners Bob and Sabatini assenting.

16396 Discussion regarding Lake Sumter MPO merging with Orlando Metroplan

Mr. Neibert explained the previous discussion regarding the reorganization of the Lake Sumter MPO. He cited the draft letter and resolution prepared by Clermont and Lady Lake. He noted the improvements being made by the MPO staff. He expressed support for retaining the Lake Sumter MPO and asked if the Commission wanted the Mayor to sign a letter to go to the Governor. He stated the Commission could authorize the Mayor to do a letter or staff could prepare a resolution to be considered by the Commission at the next meeting.

CONSENSUS: It was a consensus of the Commission to have a resolution brought back to the first meeting in August.

Commissioner Sabatini noted that Eustis is one of only two cities that do not have an alternate to the MPO. He volunteered to be the alternate.

Mr. Neibert indicated he would double check the Mayor's appointment and bring back the information for further action.

VIII. FUTURE AGENDA ITEMS

Commissioner Bob cited the Lake Community Action Agency building noting that it looks terrible.

Mr. Neibert indicated the City is responsible for maintaining the building and is in the process of getting the roof repaired.

Commissioner Bob expressed concern regarding the maintenance of City buildings.

Mr. Neibert reported that the CIP includes painting and a new roof for City Hall. He stated that he would provide to the Commission a report on maintenance of the City's buildings.

Vice Mayor Aliberti stated she has concerns regarding one of the Commissioners not meeting the residency qualifications to be on Commission. She asked to have a discussion placed on the agenda for next meeting. She asked Mr. Schroth for the proper protocol for handling the discussion.

Mr. Schroth responded she can request to have the discussion as future agenda item.

Vice Mayor Aliberti distributed copies of various documents to the Commissioners and City Clerk. She explained she has provided a timeline and backup documentation regarding Commissioner Sabatini's running for office. She explained that he was appointed to the City's Code Enforcement Board June 2, 2016. The same month he was appointed to the Mount Dora Library Board. She stated that the home address on the Mount Dora Library Board application is different than the one given to the City. She expressed concern regarding the different addresses.

Commissioner Sabatini explained he misunderstood the residency requirement. He stated that he applied to the Library Board due to his interest in the future of Mount Dora and to get experience. He explained that he used the address for one of his family's buildings in Mount Dora. When he was notified by the Mount Dora City Clerk that there was an issue with him being a nonresident, he

resigned from the Library Board. He indicated that he lived a few days a week in Gainesville at another residence owned by his family when taking classes but came back to his legal residence in Eustis.

Mr. Neibert explained that the City Attorney represents each Commissioner individually and as a whole and could not render a legal opinion on the documents. He stated that if the Commission wishes to proceed, they would have to obtain a private attorney.

The Commission discussed what the underlying issue was with Commissioner Sabatini affirming that he met the two year residency requirement.

Following further discussion, Mr. Neibert explained that the Commission as a whole could hire a private attorney to investigate the documents and determine if there are grounds for legal action. He added that the City would have to provide an attorney for Commissioner Sabatini to defend his position.

Daniel DiVenanzo addressed the Commission stating he felt it would be a very bad time for the City to proceed with an investigation and would distract the Commission from more important issues.

Michelle Beuhler commented on Mr. Sabatini, his family's residency in Eustis and his traveling for school and the National Guard. She emphasized the need for the Commissioners to support and respect one another.

The Commission and staff discussed the concern regarding possible legal challenges to legislative actions if a Commissioner is not legally eligible to serve with Mr. Neibert explaining the process used in confirming Mr. Sabatini's qualifications. He stated the initial documents did not confirm the two-year residency; therefore he provided an affidavit from his father affirming that Mr. Sabatini had resided at the residence for two years.

Following further discussion, it was a consensus to place the issue on the next agenda under "other business". Mr. Neibert stated he could not render an opinion regarding the documents and neither could the City Attorney. He added that the only way to get a legal opinion would be for the Commission to hire an attorney and then they would have to decide whether to take legal action and either ask the governor to remove him from office or take it to a judge for a decision.

Mr. Schroth indicated that the City's insurance would pick up Mr. Sabatini's attorney.

Mayor Morin announced that he had asked Tom Carrino to put up slides during audience participation rather than have the Commissioners announcing all of the events.

Commissioner Gnann-Thompson reported she had met with Jerry Miller from Duke Energy regarding their planned transmission line. She stated she would like to know the schedule for that project and expressed concern about the poles going through the City.

Mr. Neibert stated he would arrange for Mr. Miller to come and provide an update.

IX. COMMENTS

City Commission - None

City Manager

Mr. Neibert announced there would be a meeting regarding the ISBA with the County Commission on July 11th at 9 a.m. He stated he was confirming that the City would be allowed to have at least one representative provide the City's position. He then asked if the Commission wants to cancel the August 17th meeting due to the League of Cities conference.

CONSENSUS: *It was a consensus to cancel the August 17th Commission meeting.*

City Attorney - None

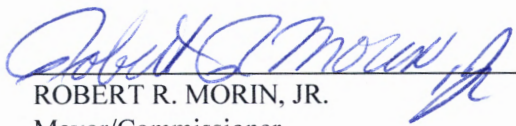
Mayor

Mayor Morin stated he would bring up at next meeting for a future agenda item to discuss the Commission Governance Guide. He indicated that some things have come up that aren't protocol.

X. ADJOURNMENT - 7:48 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.