



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, June 1, 2017

6:00 PM

City Hall

INVOCATION: Pastor Renee Hill, Win.1.Ministries

PLEDGE OF ALLEGIANCE: Commissioner Bob

CALL TO ORDER: Mayor Morin - 6:03 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE

II. APPROVAL OF MINUTES

16378 May 18, 2017 - City Commission Workshop
May 18, 2017 - Regular City Commission Meeting

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to approve the Minutes. The motion PASSED by an unanimous vote.

III. AUDIENCE TO BE HEARD

Steve Jedziniak, Golden Corral manager, addressed the Commission regarding their Camp Corral program which sends Wounded Warrior's children to camp. He explained it costs \$500 per child to send them to camp.

Mayor Morin invited him to provide a presentation at the next meeting with Ron Neibert, City Manager, suggesting that Mr. Jedziniak provide him with the dvd and he would forward it to the Commissioners.

Renee Hill, pastor for Win.1. Ministries, addressed the Commission regarding the Cardinal Cove pathway. She indicated there was a plaque which honored those individuals who helped construct the pathway and it is no longer there.

Mr. Neibert indicated he would find out and contact her.

IV. CONSENT AGENDA

16377 Reappointment to Police Pension Board of Trustees - John Sommer

Commissioner Sabatini asked to have future appointees and reappointments attend the meeting so the Commission can meet them and ask questions if they so desire.

CONSENSUS: *It was a consensus of the Commission for staff to ask Committee candidates to attend the Commission meeting.*

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

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

V. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

FIRST READING

16375 Ordinance No. 17-04: Amendment to Chapter 34, Article III, Eustis Code of Ordinances, adding Section 34-104 "Fertilizer Use"

Derek Schroth, City Attorney, read Ordinance No. 17-04 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; amending the Eustis Code of Ordinances, Chapter 34, Article III, to add a new Section 34-104, entitled "Fertilizer Use"; adopting the Florida Department of Environmental Protection Model Ordinance for Florida-Friendly fertilizer use on urban landscapes; providing for severability; providing for filing with the Department of State; and providing an effective date.

Rick Gierok, Public Works Director in the absence of the Development Services Director, explained the need for the new fertilizer use regulations. He explained the City falls within two bmaps and has three impaired water bodies; therefore, the state is requiring the City to adopt the model fertilizer ordinance no later than July 1, 2017. He provided an overview of the requirements limiting fertilizer use.

Mr. Schroth opened the public hearing at 6:16 p.m. There being no public comment, the hearing was closed at 6:16 p.m.

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Gnann-Thompson, to Approve Ordinance No. 17-04 on First Reading. The motion carried by the following vote:

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

16376 Ordinance No. 17-05: Conditional Use Permit to Allow an Agricultural Use (Keeping Horses for Personal/Private Use) in a Suburban Residential Land Use District

Mr. Schroth read Ordinance No. 17-05 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a Conditional Use Permit for an agricultural use to allow keeping of horses for personal/private use in a Suburban Residential Land Use District on approximately 70.15 acres located between Pine Meadows Golf Course Road and Orange Avenue.

Roland Magyar, Senior Planner, reviewed the requested Conditional Use Permit, location of the subject property, site information, density analysis, horse density, need for additional buildings with additional setback requirements, and environmental impacts. He stated staff's recommendation for approval with the following conditions: 1) horses accessory to SFR; 2) stocking rates of 1.5 acres for first horse, then 1 acre per horse; 3) non-residential structures require 100 ft. setback; 4) Must follow best management practices with evidence of consultation with local Agricultural Extension Agent; 5) No other livestock or domestic breeding; and 6) Waste disposal follows best management practices.

The Commission confirmed the size of the smallest lot was 2.9 acres with nine homes proposed for the development and Mr. Magyar explained the home must be built prior to a horse being installed on the property.

Mr. Schroth opened the public hearing at 6:27 p.m.

Brenda Rogers asked about the wildlife survey noting there are gopher tortoises on the property and commented on the number of entry points.

Tim Hatcher expressed concern regarding the need for adequate fencing to keep the horses in place with Mr. Magyar stating that fencing will be required.

The Commission questioned whether or not further development could occur north of the site with Mr. Magyar indicating the sod farm property could be redeveloped as could smaller parcels if they were combined.

Joe Ramirez asked about the utility easement, whether there would be a type of buffer zone and commented on the wildlife in the area. The Commission suggested he contact Mr. Magyar for additional information.

Dora Molniqués commented on issues in her neighborhood with pedophiles and homeless people dwelling on the site in question. She expressed support for the development as long as it did not include mobile homes.

Mr. Magyar explained that mobile homes are not allowed in the City except in mobile home parks; however, modular homes are allowed under state law. He stated the applicant is Sand Dollar LLC. He stated that the type of home would be determined by the individual home owners as they build on the sites.

The Commission discussed the need to make sure developments improve the local property values with a note being made that the decision before the Commission was whether or not to allow horses.

There being no further public comment, the hearing was closed at 6:37 p.m.

A motion was made by Commissioner Sabatini, seconded by Commissioner Bob, to Approve Ordinance No. 17-05 on First Reading. The motion carried by the following vote:

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

16374 Ordinance No. 17-06: Revising the holding period of utility deposits and revising the service charge for returned checks

Mr. Schroth read Ordinance No. 17-06 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending Chapter 94-262(c) Utilities Minimum Deposits, providing a revision to the holding period for utility deposits and Chapter 94-262(f) providing a revision to service charges for returned checks; providing severability; providing an effective date.

Colleen Scott, Finance Director, explained the request to reduce the holding period for utility deposits from 36 months to 12 months and to increase the returned check (NSF) charges.

Mr. Schroth opened the public hearing at 6:40 p.m.

Tim Hatcher noted he is not a resident but is a City utility customer. He asked if a check were bounced due to identity theft if the City would return the fees and Ms. Scott indicated they would.

There being no further public comment, the hearing was closed at 6:42 p.m.

A motion was made by Commissioner Bob, seconded by Commissioner Gnann-Thompson, to Approve Ordinance No. 17-06 on First Reading. The motion carried by the following vote:

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

16379 Ordinance No. 17-07: Amending Chapter 34 - Environment to Create Article V - Noise

Mr. Schroth read Ordinance No. 17-07 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending Chapter 34 – Environment; adding Article V – Noise; providing for codification; providing an effective date.

Mr. Neibert noted the Commission had previously reviewed the proposed ordinance both in a regular meeting and a workshop. He stated the only requested change was the additional wording prohibiting jakebraking.

Mr. Schroth opened the public hearing at 6:44 p.m. There being no public comment, the hearing was closed at 6:44 p.m.

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Sabatini, to Approve Ordinance No. 17-07 on First Reading. The motion carried by the following vote:

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

VI. FUTURE AGENDA ITEMS

Commissioner Gnann-Thompson apologized for being on her cell and explained she had just been informed that her aunt had passed away. She asked about the wildlife on the previously discussed property with Mr. Neibert indicating that the state would require them to meet certain criteria.

Commissioner Sabatini commented on the City's sign ordinance and cited the possible need to make the sign ordinance more business friendly.

Commissioner Neibert noted staff had previously reviewed with the Commission the sign ordinance in April along with some proposed fee changes and a formal ordinance would be brought forward in July.

Commissioner Bob asked to have the attorney review the duties of a Commissioner. She noted her spouse accompanies her to activities but he stays in the audience and does not join her when she attends an event as a Commissioner.

VII. COMMENTS

City Commission

Commissioner Gnann-Thompson announced that the pool and splash pad are open, cited the days and times and announced the fee is \$3 per person.

Commissioner Sabatini noted there would be an educational talk on June 16th at the Trout Lake Nature Center regarding the hybrid treatment technology program.

Joan Bryant, Trout Lake Nature Center, announced there would be two other speakers that night.

Commissioner Bob announced there would be a "Coffee with a Cop" at Denny's on June 13th. She commented on the police department and the need to support them.

Vice Mayor Aliberti announced the First Friday event featuring a Phantasmagoria presentation who would also appear at the Bay St. Theatre on Saturday.

Mayor Morin announced the Team Jay event being held at the Fire Station on Saturday, June 10th, with Fire Chief Mike Swanson explaining the fundraiser is for the son of a firefighter and he is not doing well with his health. It was announced that there is also a Go Fund Me page.

City Manager

Mr. Neibert reminded the Commission of the workshop the following Thursday at 5:30 p.m. regarding the organization support grant applications and the ISBA negotiations.

City Attorney

Mr. Schroth explained that verbal communications between him and the Commissioners are privileged; however, written communication that does not deal with litigation are not. He indicated he keeps verbal communications privileged unless they disclose information that would be detrimental to the organization. He cited the City's Rules of Order and commented on whether or not the rest of the Commission can sanction another Commissioner. He stated that is not currently in the Rules of Order but could be added at a future meeting if the Commission desires.

Commissioner Bob explained her belief that when the Commission is at an event, then it should be just the Commission at the dais, and it should not include the families.

Mayor Morin acknowledged he had his family in the front with him at the Memorial Day event. He noted the number of vacant seats and commented on the lack of participation in this year's event. He encouraged the rest of the Commissioners to come up to the front and be recognized and included.

Commissioner Sabatini noted how many of the Commissioners are new and their inability to communicate between meetings. He commented on the need to have time to get used to each other and their expectations.

Vice Mayor Aliberti noted she arrived late to the event and willingly stood in the back due to that.

Commissioner Bob explained in the past it was always the Commission that represented the City with family members being in the audience.

Commissioner Sabatini commented on Sunshine Law restrictions. He suggested having a short workshop prior to the next meeting to discuss communication with Mr. Neibert indicating he would put on the regular agenda a discussion under "other business" to review public appearance protocol.

Mr. Schroth then requested confirmation from the Commission that they want him to provide a legal opinion regarding a panhandling ordinance.

The Commission discussed various homeless issues, the possibility of having a presentation done by The Open Door, waiting until the Police Chief and City Manager report there is a problem, the cost of having staff conduct research and develop policy, problems regarding homeless affecting the downtown businesses, having key groups report on problems they have experienced, possibly having the City Attorney provide a synopsis of what could and couldn't be done, and issues in the past where northern cities provided their homeless residents with bus tickets to Florida.

CONSENSUS: It was a consensus of the Commission to not have the City Attorney proceed with an analysis of legal options regarding panhandling.

Mr. Schroth reported that the Leonard Wheeler appeal was dismissed. He noted Mr. Wheeler's email which stated his intent to personally sue the Commissioners. He stated that if a Commissioner gets served, they should provide the documents to the City Clerk or City Manager. He added that the City indemnifies the Commissioners.

Mr. Schroth then asked for direction regarding the response to the Freedom from Religion letter. He stated his intent was to reply simply stating that Commissioner Sabatini has the same freedom of speech they do. He reviewed the constitutional issues cited in the letter and his planned response to each.

The Commission discussed the issues cited in the letter, Commissioner Sabatini's Facebook pages, the possibility of litigation and the expense, allowing atheists and others to provide invocations, and the possibility of changing to having a moment of silence.

Mr. Schroth assured the Commission that legally the meeting was fine. He explained that the actual meeting doesn't start until after the invocation. He suggested only addressing the first three points in the response.

The Commission discussed not allowing more than one invocation at a meeting and whether or not the City should respond to the letter with Mr. Schroth indicating that should the organization decide to sue, a judge could question why the City did not respond to the letter. He recommended briefly responding and explaining that the City's policy is based on case law and stating that the actions taken at the meeting were constitutional.

The Commission then discussed amending the policy to limit the number of invocations.

CONSENSUS: It was a consensus of the Commission to have the City Manager send out a copy of the invocation policy to the Commissioners and then place it on the next agenda for discussion.

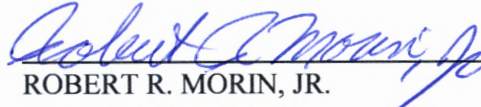
Mayor

Mayor Morin noted the Memorial Day event held on Monday. He expressed appreciation for how the City has shown appreciation for its veterans and specifically noted the recent Vietnam Wall Memorial. He thanked everyone involved with that event.

VIII. ADJOURNMENT - 7:42 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.