



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, February 2, 2017

6:00 PM

City Hall

INVOCATION: Pastor Buddy Walker, Commissioned Beyond Borders

PLEDGE OF ALLEGIANCE: Commissioner Bob

CALL TO ORDER: Mayor Morin

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

16291 January 19, 2017 - Regular City Commission Meeting

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

III. PRESENTATIONS

16285 Presentation of Black History Month and African-American Heritage Celebration Proclamation

Mayor Morin presented the Black History Month and African American Heritage Festival proclamation to Vivian Carla Miller Mitchell and other members of the African American Heritage Committee. Ms. Mitchell thanked the City for its support of the festival and cited their various activities.

16287 Incoming Mayor's Message

Mayor Morin presented his incoming Mayor's message for 2017 as follows:
"I am proud to be here representing our City and Commissioners as Mayor of the City of Eustis for 2017. At the January 5th meeting I read a message to the Eustis residents and folks in our audience and I would like to make a few comments on what those suggestions or that vision was. First, was that we wanted to create a stronger foundation promoting business development and including potential development in other areas that we don't normally, or not as much as I think we should - which is all of Route 441, 19, (he cited the confusion between 44A, 44B and 44) and all of the northeast and northwest portions of the City. We also want to have a continuous dialogue with the Metropolitan Planning Commission. As you know, as the Mayor, I will be the representative for the Metropolitan Planning Organization and will look for Eustis to be on that agenda almost every month. We want to make sure they hear about Eustis' needs. We also want to increase our recreational activities and special events just like the Family Fun Day last Saturday. We also had the MLK activities at Eustis Middle School." He commented on the involvement of the schools, City Recreation Department and other City departments. He cited Trout Lake Nature Center as a great asset to the City.

He continued stating: "We also want to have a strong relationship with Bay Street Players so we can bring more activities to the City such as old movies night or comedy clubs using that facility when they don't have regular performances. We also want to increase the economic

opportunities for the residents of the City. I pledged my commitment since we've been here to be a part of the Lake Eustis Area Chamber of Commerce, increasing their membership, and using the Chamber as one of our tools to provide business development and they can help with legislative issues that come up as cities where the City can make an effort with the state legislature or even Congress. I think a strong Chamber can help us do that. We also want to have those businesses who are trying to get online to get some of the internet business but maybe other businesses that have been successful with that can assist them. We also know the Chamber of Commerce would be willing to assist and make that a reality. All of the cultural activities I mentioned before - my wife and son and I are busy every other day it seems and, obviously, all weekend, so you will see me a lot. Some other things we need to mention - if you can support the Eustis Middle School. The MLK activities were fantastic with great performers. They also had the Eustis Middle School and High School jazz bands. Great organizations that provide a cultural benefit to us as residents and visitors. Our public safety including police and fire service are priority one. And, finally, we should work more closely with the Lake County Commission and County School Board to try and enhance the kind of service we provide in our school system. I'm interested in all of Lake County but as a City Commissioner I'm very interested in the City of Eustis having its schools properly equipped and being able to provide a quality education and graduation rates at a higher rate and hopefully increase those levels of performance for all of our schools in Eustis. As you know, Eustis Heights Elementary, where many of us at the City are mentoring, they have become very successful. I think it's due to a lot of infusion of dollars into the school but also in the staff that has been hired. I also thank the executive staff and the City Manager. Someone said something to me this morning and I realized what brought me to Eustis was the residents. People are so welcoming. We've met folks who've been here their whole lives and folks who are new and everyone has the same energy. I want to thank you for allowing my family to be here and allowing us to serve you as City Commissioner and as Mayor for this year. I'm looking forward to many years here. I still think this is one of the best places to raise a family and I'm looking to stay here for quite some time."

IV. AUDIENCE TO BE HEARD

Leonard Wheeler thanked City staff members for their assistance. He addressed the Commission regarding flooding on Seminole Avenue noting a previous engineer's report that cited the need for storm drains and curbing. He distributed pictures to the Commission of the street. He expressed opposition to the City accepting the recently completed Phase I Kurt Street improvements and concern about a section of sidewalk not built and improvements not completed following his previous ADA complaint. He then expressed concern regarding County enclaves located within the City and the difficulty in providing emergency services due to the enclaves.

Nan Cobb, Eustis Area Chamber of Commerce President, announced the Georgefest Orange Blossom Ball and other upcoming Georgefest activities.

Gail Isaac Thomas asked where streetlights are being placed on Kensington Street with City Manager Ron Neibert suggesting she come to his office and he would show her the plans.

Ms. Isaac Thomas expressed concern about the street sweeper working in the area of Kensington and side streets.

Darius Kerrison announced the Christian Comedy Show two year anniversary show would be held February 18th.

Daniel James Jr. asked about who owns the streets in the Spring Ridge Reserve community and cited issues with drainage and street lights.

Mr. Neibert asked him to leave his phone number and the Public Works Director would contact him regarding the issue.

Louise Rottinghaus addressed the Commission regarding the water bill at her property for 83,000 gallons of water. She indicated she spoke to other homeowners in her neighborhood to see if they had similar problems and noted adjustments those residents received on their bills.

Mr. Neibert asked Ms. Rottinghaus to give him those addresses and staff would determine why they were adjusted. He explained that if there is a verifiable leak that showed water did not go down the sewer, then they can adjust off the sewer charges. However, if water went down a leaking toilet or sink, then they cannot adjust the bill.

Dennis Lima commented on his past utility bills at that location, the change out of the meter and replacement of nearby water lines.

Mr. Neibert invited to meet with him and water staff to determine if City utility work could have affected the bill.

Commissioner Bob noted previous issues with utility billing and indicated there would appear to be something wrong with a \$600 bill.

Quan Nguyen commented on his expertise with social media and stated his willingness to assist local organizations to create videos to help publicize local events.

V. CONSENT AGENDA

- 16283** Resolution No. 17-04: Acceptance of Edward Byrne Memorial Justice Assistance Grant in the amount of \$5,765
- 16284** Resolution No. 17-05: Approval of purchase in excess of \$50,000 for Fire Department turnout gear
- 16280** Resolution No. 17-07: Release of Code Enforcement Lien, 818 East McDonald Avenue, Case 12-072 and 12-073
- 16286** Resolution No. 17-09: Interlocal agreement with Mount Dora Fire Department
- 16288** Appointment to Police Officers' Pension Board of Trustees - Susan Hooper

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to Approve the Consent Agenda. The motion passed by an unanimous vote.

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 16271** Resolution No. 17-02: Champlain Preliminary Subdivision Plat on E. Herrick Avenue

Derek Schroth, City Attorney, announced Resolution No. 17-02: A Resolution of the City Commission of the City of Eustis, Florida, approving a preliminary subdivision plat with waivers for the Champlain Subdivision, a 3-lot attached single family subdivision, on approximately 0.34+/- acres, located at 115, 117, and 119 E. Herrick Avenue.

Roland Magyar, Senior Planner, reviewed the proposed preliminary subdivision plat with waivers. He noted the area includes a number of lot sizes and types and mixed uses. He explained the requested waivers and the applicant's justification for the waivers. He reviewed staff's analysis of the request and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:45 p.m.

Tim Hoban, attorney for the developer, expressed agreement with staff's analysis and recommendation.

There being no further public comment, the hearing was closed at 6:46 p.m.

The Commission confirmed if comments had been received from surrounding property owners with Mr. Magyar indicating there was one phone call with questions but no statement of support or opposition.

A motion was made by Commissioner Sabatini, seconded by Commissioner Aliberti, to approve Resolution No. 17-02. The motion carried by the following vote:

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

16290 Resolution No. 17-06: Approval of Purchase in Excess of \$50,000 for a Gradall Ditch Excavator

Mr. Schroth announced Resolution No. 17-06: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, authorizing a purchase in excess of \$50,000 to procure a 2010 Gradall XL 4100 III and waive the bid requirements for this special acquisition.

Rick Gierok, Public Works Director, explained the need for the equipment and the reason for the request to waive the bid requirements. He stated staff did obtain three quotes for the used equipment and reviewed the quotes.

Mr. Schroth opened the public hearing at 6:51 p.m.

Leonard Wheeler commented on the cost of the equipment and expressed support for its purchase to assist with the City's stormwater issues.

There being no further public comment, the hearing was closed at 6:52 p.m.

A motion was made by Commissioner Sabatini, seconded by Commissioner Aliberti, to approve Resolution No. 17-06. The motion carried by the following vote:

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

16281 Resolution No. 17-08: Honorary Street Designation "Buddy Buie Boulevard."

Mr. Schroth announced Resolution No. 17-08: A Resolution of the City Commission of the City of Eustis, Florida; honoring former Mayor, Commissioner and Eustis community advocate Douglas M. "Buddy" Buie, III by providing for an honorary street designation of Jackson Street as "Buddy Buie Boulevard" and authorizing placement of a commemorative street blade sign.

Lori Barnes, Development Services Director, explained the previous request to designate Jackson Street with an honorary street designation in honor of former Mayor Buie. She reviewed staff's analysis of the request based on the City's naming policy and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:55 p.m.

Gail Isaac Thomas asked about the naming of a street after Dr. Martin Luther King Jr. and why this has been done so quickly.

Mayor Morin noted this is strictly an honorary designation not an actual renaming.

Commissioner Bob explained that previously there was not agreement on the street to be named for Dr. King and Mr. Neibert indicated that the previous request was for a permanent renaming not honorary. He indicated if the Commission directed, staff could bring forward a request for an honorary designation.

Ms. Isaac Thomas asked that the Commission consider designating Orange Avenue for Dr. King.

Nicie Allen Parks asked how an honorary name change would affect the permanent name change they requested.

Ms. Barnes explained the difference between the honorary designation and a permanent name change. She reviewed what would be required to do a permanent name change including public hearings and what would then be required of all the residents on the street.

Ms. Parks asked if an honorary name change would eliminate the possibility of a permanent change with Mr. Neibert indicating it would not.

There being no further public comment, the hearing was closed at 7:01 p.m.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to approve Resolution No. 17-08. The motion carried by the following vote:

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

VII. OTHER BUSINESS

16279 Consideration of Fee Waiver Requests: Wheeler, Leonard E. Jr. & Eleanor M. - 521 W. Seminole Avenue

Ms. Barnes reviewed the requested fee waivers for Leonard and Eleanor Wheeler for a fence permit and variance application. She explained the history of the application and reviewed staff's analysis of the request and exemption information located on the Lake County Property Appraiser's website. She noted that the Property Appraiser's office would not share the backup documentation for those exemptions. She cited Mr. Wheeler's Application for Determination of Indigent Status and noted that the Clerk of Court's office does not require backup documentation. She stated staff's recommendation for denial based on lack of documentation. She added that the Commission has the authority to approve the waivers and cited the available options.

Leonard Wheeler explained his financial status noting that the form is completed based on penalty of perjury. He emphasized that the food stamp document and documentation from the Property Appraiser establishes that he qualifies for a full waiver. He explained his need for the additional fencing due to higher crime, sound from the road, and traffic from Kurt Street. He emphasized he does not have the funds for the fees. He cited professional recommendations for baffling along Kurt St. He commented on his need for a 6 foot fence and problem with the easement to the County. He thanked the Commission for their consideration.

The Commission questioned the issue regarding the fence with Ms. Barnes explaining the placement of Mr. Wheeler's property and City regulations regarding fencing. She noted the Commission is considering only the fee waiver request, not the actual variance.

Mr. Wheeler stated that his wife refused to allow him to provide any additional documentation due to how she feels the City has treated them.

The Commission questioned Mr. Wheeler how the fence would assist him.

Mr. Wheeler explained how street work effectively lowered his fence and stated his need for another outside dog due to issues in the neighborhood. He stated he needs the fence for security purposes and for the dog.

A motion was made by Commissioner Sabatini, seconded by Commissioner Morin, to deny the fee waiver request. The motion to deny carried by the following vote:

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

16282 Provisions for Backyard Chickens in the City Limits

Ms. Barnes noted the previous request by Commissioner Sabatini for discussion on the possibility of allowing backyard chickens in residential areas without a conditional use permit. She presented information regarding the pros and cons of having backyard chickens, surrounding cities and counties ordinances pertaining to chickens, maintenance and care of chickens and various articles regarding the issue. She cited various potential administrative issues.

The Commission discussed eliminating the application fee, limiting the number of chickens allowed, providing regulations for placement of coops, providing significant penalties for those who do not follow the regulations, possible impact on code enforcement, limiting the number of permits available, possible effect on property sales and allowing residents to determine how they utilize their property.

Daniel James addressed the Commission regarding the possibility of the chickens attracting predators to the community and the extra burden on code enforcement.

Leonard Wheeler expressed support for allowing the chickens due to the freedom of property owners under the Constitution.

Gail Isaac Thomas noted she would like to have barbed wire on top of her fence but that is not allowed.

A motion was made by Commissioner Sabatini to have staff bring back regulation revisions to allow chickens.

The motion died for lack of a second.

A motion was made by Commissioner Sabatini to revise the fee schedule to allow a lower fee for backyard chicken applications. The motion died for lack of a second.

CONSENSUS: It was a consensus of the remainder of the Commission to not move forward with changes to the regulations regarding backyard chickens.

16289 Interlocal Service Boundary Agreement (ISBA) project update and request for permission to begin impasse proceedings

Mr. Neibert explained the purpose of the proposed Interlocal Service Boundary Agreement (ISBA) and negotiations with the cities of Mount Dora and Tavares. He provided an update to the Commission regarding the negotiations and asked for Commission permission to declare the negotiations at an impasse so they can proceed with the rest of the process.

Mr. Wheeler expressed support for the ISBA.

Tim Bailey, Chairman of Mt. Plymouth-Sorrento CRA, and Shirley Grantham, East Lake County Chamber of Commerce, stated that all stakeholders need to be brought to the table. Ms. Grantham asked for copies of the maps.

Mr. Neibert stated he would provide copies of the map but the area of negotiation does not include the Mt. Plymouth-Sorrento area.

A motion was made by Mayor Morin, seconded by Commissioner Sabatini, to declare an impasse to the ISBA negotiations and for staff to proceed with the statutory provisions. The motion carried by the following vote:

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

VIII. FUTURE AGENDA ITEMS

Commissioner Sabatini noted an issue he had observed in Leesburg at SR 44 and 27 with panhandlers. He stated the City does not have a panhandler or loitering ordinance and expressed support for a regulation to address the situation prior to an issue developing in the City.

CONSENSUS: It was a consensus of the Commission to have staff bring back a recommendation with information from the Open Door advisory committee.

Mayor Morin noted the County has announced plans for a conservation area at the former Pine Meadows Country Club property. He requested that a report on the project be included on the next agenda.

IX. COMMENTS**City Commission**

Commissioner Gnann-Thompson announced the Movie in the Park featuring "Zootopia" to be held in Ferran Park on Friday, February 17th with refreshments available.

Vice Mayor Aliberti stated the Downtown Cruise-in had been changed to the third Saturday and cited the 115th annual Georgefest celebration events.

Commissioner Sabatini noted the Celebration of Heroes being held in Clermont in recognition of police, fire and military personnel.

Commissioner Bob announced the next "Coffee with a Cop" would be held February 23rd at Haystack Restaurant. She also noted the upcoming Citizen's Academy in March and encouraged the public to participate.

Commissioner Sabatini highlighted the upcoming First Friday event.

Mayor Morin noted the upcoming African American Heritage Festival and encouraged participation in the events.

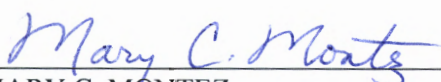
City Manager

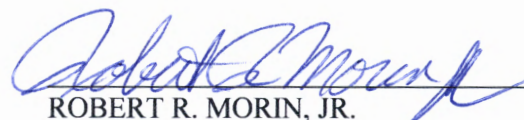
Mr. Neibert report that the City of Umatilla has an issue with their wastewater treatment plant being out of compliance. He stated he would bring back information on the possibility of Eustis taking on their wastewater treatment.

City Attorney - None**Mayor**

Mayor Morin commented on the upcoming Super Bowl.

X. ADJOURNMENT - 8:06 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.