



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, September 8, 2016

6:00 PM

City Hall

INVOCATION: A moment of silence was observed.

PLEDGE OF ALLEGIANCE: Commissioner Morin

CALL TO ORDER: Mayor Holland

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: 4 - Commissioner Carla Gnann-Thompson; Commissioner Robert Morin; Commissioner Linda Bob; and Mayor Michael Holland

Absent: 1 - Vice-Mayor Karen LeHeup-Smith

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

16176 August 4, 2016 - City Commission Workshop
August 4, 2016 - Regular City Commission Meeting

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

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

III. AUDIENCE TO BE HEARD

Tonya Martin addressed the Commission regarding recent vandalism at her home. She asserted that since March 2016 there have been 32 incidences in her neighborhood. She cited the amount of truancy in the area and urged the Commission to support the police department to curtail the problem. She commented on the amount of speeding in the neighborhood with small children playing in the street. She emphasized the amount of crime in the community and asked for improved lighting and a stronger police presence in her neighborhood. She reported on the issue of a gang in the neighborhood as well.

Paul Chhabra and Timothy King addressed the Commission regarding the Shell station at SR 19 and Hwy. 44. The Commission asked them to contact staff and, if necessary, they would put their item on a future agenda.

Pastor Hagins expressed agreement with Ms. Martin's comments, commented on the problem with truancy and on the lack of lighting on Wall Street. He stated the need for after school programs or tutoring for those students on the street.

Mayor Holland thanked Pastor Hagins and Ms. Martin for attending and being willing to stand up.

Hugh Brockington addressed the Commission regarding the need for better clean up on Bates Avenue to improve how the community looks and how that would improve pride in the community. He commented on the need for grants to assist with the neighborhood improvement.

James Trent concurred with the previous comments and expressed support for a community policeman for the area.

Commissioner Bob expressed agreement with the needs noting that she has observed children on the street during school hours.

Commissioner Morin noted his experience with DCF (the Dept. of Children and Families) and juvenile detention centers and stated his willingness to work with the Police Department to help the situation. He emphasized the need to address the issues with the students in how they relate to one another and attending school. He commented on the need for additional housing rehab funding.

Commissioner Gnann-Thompson commented on the need for a community meeting to identify needs and how to address the issues.

IV. CONSENT AGENDA

16177 Resolution No. 16-69: Approval of Change Order for GAI Consultants in the amount of \$10,000

16179 Resolution No. 16-74: Release of Lien, Vacant lot south of 902 Morin Street - Case 14-00648

16180 Resolution No. 16-75: Release of Lien, 1220 Morin Street - Case 14-00514

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 Morin; Commissioner Bob; and Mayor Holland

V. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

16181 Resolution No. 16-68: Designation of property located at 551 Huffstetler Drive as the Valencia Grove Brownfield Area

Derek Schroth, City Attorney, announced Resolution No. 16-68: A Resolution of the City Commission of the City of Eustis, Lake County, Florida, making certain findings and designating the real property located at 551 Huffstetler Drive identified by Alternate Key Number 1036917 and shown in Exhibit A, as a Brownfield area pursuant to Section 376.80(2)c, Florida Statutes for the purpose of environmental remediation, rehabilitation and economic development; providing for notice to the Florida Department of Environmental Protection of said designation; providing for an effective date.

Ms. Barnes explained that state statute requires two public hearings on a Brownfield area designation but that a vote on the resolution and designation would not occur until the September 22nd hearing. She then reviewed the history of the Brownfield Redevelopment Act and its purpose, explained the specific request to designate the Valencia Grove property as a Brownfield area, the criteria that must be met by the applicant and the process to be used. She noted that a Brownfield site does not have to actually be contaminated just that there must be the perception that it may be contaminated.

Lindsay Walton, attorney from Goldstein Environmental Law Firm and representing HTG Valencia LLC, addressed the Commission regarding their designation request. She explained that any incentives the developer receives would come from the state and not from the local government.

Ron Neibert, City Manager, asked if that would include the local County sales tax.

Ms. Walton responded that, under the Brownfield program for affordable housing, the developer would be eligible for a refund of sales tax from the purchase of construction materials and that would come from the State Dept. of Revenue.

Ms. Barnes clarified that the local penny sales tax is collected by the State and then paid to the County.

Mr. Neibert asked if the sales tax collected by the State and then returned to the County is subject to the refund.

Ms. Walton indicated she was not sure but she would have an answer for the next public hearing.

The Commission questioned why the request was just coming forward when the project was almost complete.

Ms. Walton replied that it is not uncommon for contamination to be discovered at the end or even after development has been completed. She explained that if contamination is found, then the developer would enter into a cleanup agreement with the State; however, in order to enter into such agreement, the property has to already be designated as a Brownfield. She noted that there is no timeline in the state statute. She indicated that construction is not complete at the site so contamination could still be found. She stated that this is part of a contingency plan based on previous experience with developing in Florida and due to certain lender guarantees for perceived contamination. She confirmed that, at this time, there is no documented contamination.

Mr. Neibert confirmed that only a Phase 1 environmental study was completed.

Ms. Walton explained that, even though there was no documented contamination found in the study, there was still a perceived possibility of contamination. She further explained that some of the consultants were not part of the project until after the Phase 1 was completed. She added that since it is an affordable housing project, it is eligible for the sales tax refund, if it is designated as a Brownfield site.

Mr. Neibert questioned if there is any requirement for an agreement regarding performance or use of the funds with Ms. Walton responding negatively. She explained that the sales tax refund is handled by the Dept. of Revenue which is separate from any environmental issues. If contamination is found, the Dept. of Environmental Protection would oversee any clean up agreement.

Mr. Neibert confirmed that there would be no liability on the City's part if subsequent contamination were discovered with Ms. Walton stating that the City would have no liability only the property owner and they would be subject to whatever was included in the cleanup agreement.

The Commission questioned how long ago citrus groves were located on the property and whether or not the sales tax refund would be returned to the County/State.

Ms. Walton indicated the developer does not return the refund; however, it is her understanding that the funds are reinvested in the project. She further explained that affordable housing projects have the ability to obtain sales tax refunds on construction materials if the property is designated as a Brownfield.

Mr. Neibert stated, under the state statute, if the Commission finds they have met the five criteria, the Commission has to approve the designation.

Discussion was held on whether or not the County and subsequently the City would lose sales tax funding and the lack of accountability on use of the funds.

Mr. Neibert asked for Ms. Walton to ask the developer for clarification on their intent for use of the funds.

Ms. Walton responded to the Commission's concerns regarding the benefit of the program to the community and the possibility of obtaining information regarding any impact on the County's sales tax revenue.

Mr. Neibert noted that the City already gave \$35,000 of local funds to assist the project without any information at that time regarding any additional local contribution through the sales tax revenue.

The Commission further discussed local economic needs and the benefit to the community of the project as an affordable housing development.

Mr. Schroth opened the public hearing at 6:49 p.m. There being no public comment, the hearing was closed at 6:49 p.m.

Mr. Schroth stated he had reviewed the statute and the Commission may have more latitude than believed in whether or not to approve the request. He added he would further research the issue prior to the next hearing.

16174 Resolution No. 16-70: Adopting a Proposed Millage Rate for FY2016-17.

Mr. Schroth announced Resolution No. 16-70: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the tentative millage levy of ad valorem taxes for the City of Eustis, Lake County, for fiscal year 2016-2017; providing for an effective date.

Colleen Scott, Finance Director, explained the tentative millage levy for FY2016-17. She stated that the roll-back rate was 7.3771. The proposed millage rate is 7.5810 and the percentage of increase over the roll-back rate is 2.76%. She presented a comparison of property values and tax collections over the past ten years and the amount to be collected under the roll-back rate and the proposed rate. She provided a ranking of the Lake County municipalities by millage rate noting that three cities used the roll-back rate but that all three experienced large valuation increases.

Mr. Schroth opened the public hearing at 6:53 p.m. There being no public comment, the hearing was closed at 6:53 p.m.

Due to the absence of Vice Mayor LeHeup-Smith, Mayor Holland confirmed the rest of the Commission was comfortable with moving forward with the vote on Resolution No. 16-70.

A motion was made by Commissioner Gnann-Thompson, seconded by Commissioner Morin, to Approve Resolution No. 16-70. The motion carried by the following vote:

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

16175 Resolution No. 16-71: Adopting a Tentative Budget for FY 2016-17

Mr. Schroth announced Resolution No. 16-71: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the tentative budget for fiscal year 2016-2017; providing for an effective date.

Ms. Scott announced that the tentative budget is available on the City's website. She reviewed the budget process stating that the second public hearing would be September 22nd with the final budget to be distributed September 30th. She reviewed updates to the budget since the last workshop as follows: 1) Inspection fee revenue increased from \$21,000 to \$45,000; 2) Communications Service Tax decrease in the amount of \$23,000; and 3) Water and Sewer improvement financing of capital equipment increased revenue and expenses by \$1.8 million. She provided a brief overview of the proposed budget and an explanation of how the budget is developed. She reviewed the recurring revenues and expenses and reserve levels. She reviewed the future challenges including: 1) Fire and Police Pension actuarial reviews; 2) increasing insurance costs; 3) competitive compensation and 4) aging infrastructure.

Mr. Schroth opened the public hearing at 7:00 p.m. There being no public comment, the hearing was closed at 7:00 p.m.

Mayor Holland confirmed the rest of the Commission was comfortable with moving ahead with the vote on Resolution No. 16-71.

A motion was made by Commissioner Bob, seconded by Commissioner Morin, to Approve Resolution No. 16-71. The motion carried by the following vote:

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

SECOND READING

16160 Ordinance No. 16-24: Conditional Use Permit for an Accessory Apartment (Lot 36, Lake Dot Estates)

Mr. Schroth read Ordinance No. 16-24 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a Conditional Use Permit for an accessory apartment in a Suburban Residential land use district on approximately 0.54 acres located on Morningview Drive, Lot 36, Lake Dot Estates, Eustis.

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

Mayor Holland confirmed the rest of the Commission was comfortable moving forward with the vote on Ordinance No. 16-24.

A motion was made by Commissioner Bob, seconded by Commissioner Morin, to Adopt Ordinance No. 16-24 on second reading. The motion carried by the following vote:

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

FIRST READING

16173 Ordinance No. 16-25: Conditional Use Permit (Vehicle Service) at 400 S. Grove Street

Mr. Schroth read Ordinance No. 16-25 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 vehicle service in a Residential/Office Transitional land use district on approximately 0.2 acres located at 400 S. Grove Street.

Ms. Barnes explained the requested conditional use permit for a vehicle service business at 400 S. Grove Street. She announced the applicant is Peter Vach, owner of CNG Interceptor. She stated the vehicle service would include the following: 1) Conversion of gas vehicles to propane gas; 2) installation of a 1,000 gallon propane tank and dispenser; and 3) the selling of propane gas for vehicles and refilling of other tanks onsite. She reviewed the surrounding land use and design districts, the history of the site and previous uses as a gas station, for window tinting and as a car wash. She explained staff's analysis of the request and commented on the lack of definition in the code regarding vehicle service. She reviewed the site layout with location of the fueling area, fencing and signage. She stated the applicant has received the appropriate state certification and reviewed the safety precautions. She reported on the compatibility with the neighborhood and recommended conditions including noise, signage and landscaping. She noted the applicant had held a non-City sponsored community meeting to inform the neighborhood of his plans. She stated the City received seven phone calls mostly inquiring about the project with one expressing opposition.

Ms. Barnes stated staff's recommendation for approval with the following conditions: 1) Use must meet current LDR's and Code requirements; 2) Vehicle service would be limited to the installation of propane conversion kits and sale of propane gas. The removal and storage of gasoline tanks would not be permitted and overnight parking of vehicles would be limited to two vehicles. 3) Administrative site plan approval would be required; 4) A six-foot opaque fence would be required to enclose the southern portion of the site; 5) A sign would be allowed to be mounted on the fence; 6) Landscaping would be required on the street side of the fence; 7) The propane tank would be removed if the business is relocated or the use terminated; and 8) the CUP for the vehicle service would be null and void if the use is discontinued for six months.

The Commission asked how many propane tanks would be stored on the site, questioned safety issues, commented on the need to improve the appearance of Grove Street, the lack of public input and whether or not consideration had been given to a different site.

Peter Vach, applicant, stated there would be nine to twelve of the barbecue sized tanks caged on the site. He stated there would be two aspects to the business - one for the propane conversions and the other for refilling tanks. He commented on the number of issues in providing a location for his type of business. He stated he searched for months before finding the current location.

Zack Menster, Amerigas, explained the shut-off valves and other safety measures.

Mr. Schroth opened the public hearing at 7:22 p.m.

The following individuals expressed opposition to or concern for approval of the permit: Gary Ashcraft, Grove Street resident; Tina Morin; and Lorenzo Hagins.

Denise Harrison, owner of the subject property, noted that directly across the street from the elementary school is TECO gas company. She commented on their efforts to put an appropriate business at the site.

There being no further public comment, the hearing was closed at 7:27 p.m.

The Commission asked for comments from the Fire Chief with him noting the number of propane tanks throughout the City. He stated they are meeting all the safety concerns and setback requirements.

Mr. Schroth asked if the applicant had any response to the comments and he declined.

Mayor Holland asked if the Commission wanted to postpone until a full Commission is present.

A motion was made by Commissioner Morin, seconded by Commissioner Gnann-Thompson, to postpone the first reading of Ordinance No. 16-25 until the October 6, 2016 Commission meeting. The motion carried by the following vote:

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

16172 Resolution No. 16-67: Dedication of Utility Easement to Sumter Electric for the Trout Lake HWTT Facility

It was noted that Resolution No. 16-67 was not referenced during the motion to approve the Consent Agenda. It was determined that the item was moved to the Consent Agenda following the initial posting of the agenda.

It was agreed for the Commission to separately vote on the resolution.

A motion was made by Commissioner Bob, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 16-67. The motion carried by the following vote:

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

VI. OTHER BUSINESS**16182 Consideration of Revision to Resolution Allowing Service Weapons to be Presented to Retirees**

Gary Calhoun, Police Chief, explained that his past experience was for an agency to give a 20+ year retiree their service weapon and there is a state statute that allows it. He stated that frequently in the past the department took up a collection to pay for the weapon for the retiree. He explained their proposal to amend the City's resolution to allow the service weapon to be provided to a sworn officer that retires in good standing with 20 or more years of service.

CONSENSUS: It was a consensus of the Commission for staff to bring back the requested revision to the policy.

VII. FUTURE AGENDA ITEMS

The Commission asked for staff and the Police Chief to schedule a community workshop on the issues discussed under Audience to be Heard.

Mayor Holland noted he and the City Manager had met with Robin Douglas regarding an anti-bullying resolution or proclamation. He asked for Commission approval to bring it back on the first meeting in October.

The Commission discussed the need to do something besides just passing a resolution with Mayor Holland indicating he had spoken with Erin Bailey about having a booth at First Friday to spread the word.

The Commission further commented on the need for the School Board to be more involved and the possibility of also discussing the issue at the community meeting.

VIII. COMMENTS**City Commission**

Commission Gmann-Thompson announced that the movie "Dolphin Tale" would be shown at the pool on Friday, September 9. She also noted the upcoming Lake County Folk Festival on October 8th and 9th in Ferran Park and the downtown area. She commented on the Eustis High Key Club activities and their need for volunteers.

Commission Bob noted the upcoming meeting of the Eustis Senior Social Club. She announced that she had gone back to work with Lake County Schools as an ESE School Specialist at Leesburg High and South Lake High. She commented on her objection to social injustice of any type.

Commissioner Morin reported on his attendance at the Lake Community Action Agency board meeting and cited the number of changes they are going through.

Mayor Holland announced the Parks and Recreation Annual Golf Tournament would be held on Friday, Oct. 28th. He explained that the purpose of the tournament is to raise scholarships for local youths to participate in the City's programs. He noted the Fall Festival to be held Oct. 29th and reported on the Eustis Heights Elementary 9/11 memorial service. He complimented the Police Department on the design of the new police vehicles.

City Manager

Mr. Neibert reported on the hiring of the new fire inspector and code enforcement officer who is being shared with the City of Umatilla. He commented on sign enforcement and the number of signs that are in inappropriate locations. He stated staff would begin by talking with businesses to try and get voluntary compliance before begin citing. It was confirmed that the sign information will be on new City website and the City's Facebook page.

City Attorney - None

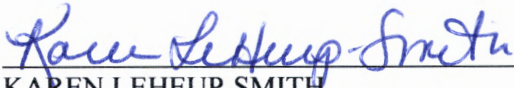
Mayor

*Mayor Holland encouraged everyone to attend the Eustis High School Friday night football games and cited the upcoming performances of "M*A*S*H*" at the Bay Street Theater. He thanked everyone for attending the meeting.*

IX. ADJOURNMENT - 7:53 p.m.



MARY C. MONTEZ
City Clerk



KAREN LEHEUP-SMITH
Vice 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.