APPROVED: 9/8/2016

City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, August 4, 2016 | **6:00 PM** | **City Hall**

INVOCATION: Rev. Skott Jensen, First Assembly of God

PLEDGE OF ALLEGIANCE: Commissioner Gnann-Thompson

CALL TO ORDER: Mayor Holland

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: 5 - Commissioner Carla Gnann-Thompson; Vice-Mayor Karen LeHeup-Smith; Commissioner Robert Morin; Commissioner Linda Bob; and Mayor Michael Holland

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

16170 July 21, 2016 - Regular City Commission Meeting

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

Aye: 5 - Commissioner Gnann-Thompson; Vice-Mayor LeHeup-Smith; Commissioner Morin; Commissioner Bob; and Mayor Holland

III. PRESENTATIONS

16169 Presentation of Florida Recreation Development Assistance Program (FRDAP) Grant Award by Dept. of Environmental Protection

Robert Brooks, Park Manager for the Wekiva River Basin State Parks, presented a ceremonial grant check to Mayor Holland in the amount of $150,000 for the renovation and expansion of Carver and Sunset Island Parks under the Florida Recreation Development Assistance Program (FRDAP). He provided an overview of FRDAP and stated the City was receiving $50,000 for Carver Park and $100,000 for Sunset Park which would include a skatepark.

IV. AUDIENCE TO BE HEARD

Darius Kerrison announced the Christian Comedy Show to be held Saturday, August 13th. He stated that details are available on the Christian Comedy Club Facebook page as well as on the City's website.

V. CONSENT AGENDA

Commissioner Bob requested to pull Resolution Nos. 16-63 and 16-64 for discussion.

16161 Resolution No. 16-59: Establishing a Petty Cash Policy
Resolution No. 16-60: Updating the Employee Computer Purchase Plan

16162 Resolution No. 16-60: Revising the Employee Computer Purchase Program

16163 Resolution No. 16-61: Adopting a Procurement Policy per Community Development Block Grant Requirements

16166 Resolution No. 16-65: Purchase in Excess of $50,000 for Civil Engineering Services for Ardice & Ruleme Drainage Improvements

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Approve the remaining Consent Agenda items. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Vice-Mayor LeHeup-Smith; Commissioner Morin; Commissioner Bob; and Mayor Holland

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL MEETINGS

16164 Resolution No. 16-63: Adopting a Complaint and Grievance Procedures Policy per Community Development Block Grant Requirements

Commissioner Bob expressed concern regarding a resident with a roofing issue and that the City's involvement in the CDBG program might interfere with residents' ability to obtain assistance. She requested a clarification of the purpose of the resolutions.

Ron Neibert, City Manager, explained there are two CDBG programs. He stated the City is too small to receive direct funding from HUD (Housing and Urban Development) so the only one the City qualifies for is the Small Cities CDBG program. He noted that there were people who received rehabilitation funding from the County's program but HUD determined they could no longer do that unless the City had an interlocal agreement with the County. If the City did that, then they would not be eligible to receive any funding under the Small Cities CDBG program. He noted that getting approval for the current project would not prohibit the City applying in the future for additional CDBG funding to do its own housing rehabilitation project.

Commissioner Bob explained she wanted the Commission to be fully aware that applying for the CDBG grant could prevent the City's residents from obtaining home repair funding from the County.

Mr. Neibert further explained that the City's residents could still apply for assistance with home repairs under the County's SHIP program. He further explained that the two resolutions under consideration are required to receive any other federal grant monies. He added that there will be additional policies coming forward once the grant is awarded. He noted that the City already has an excessive force policy in their standard operating procedures and stated that the City is basically just codifying policies they already have in place in order to satisfy CDBG requirements.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 16-63. The motion carried by the following vote:

Aye: 4 - Commissioner Gnann-Thompson; Vice-Mayor LeHeup-Smith; Commissioner Morin; and Mayor Holland

Nay: 1 - Commissioner Bob

16165 Resolution No. 16-64: Adopting a Policy for the Prohibition of Excessive Force per Community Development Block Grant Requirements

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 16-64. The motion carried by the following vote:

Aye: 4 - Commissioner Gnann-Thompson; Vice-Mayor LeHeup-Smith; Commissioner Morin; and Mayor Holland

Nay: 1 - Commissioner Bob

16159 Resolution No. 16-58: Financial Advisory Services Agreement for Bond Procurement and Amending the Budget for Bond Issuance Costs.

Derek Schroth, City Attorney, announced Resolution No. 16-58: A Resolution by the City Commission of the City of Eustis, Lake County, Florida authorizing an expenditure of up to $16,500 for financial advisory services provided by Dunlap and Associates for procurement of a water and sewer utility revenue bond in support of the City of Eustis Capital Improvement Plan and amending the FY2015-16 Water and Sewer budgets to accommodate costs relating to bond procurement.

Colleen Scott, Finance Director, explained the City is planning to issue $8,000,000 in municipal bonds to fund the Lakeview water and sewer project and the eastern wastewater treatment plant expansion. She stated staff is requesting authorization for the City Manager to contract with Dunlap and Associates for financial advisory services for the bond issuance. She explained the scope of services and reviewed the anticipated costs and related budget amendment.

Mr. Schroth opened the public hearing at 6:30 p.m. There being no public input, the hearing was closed at 6:30 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 16-58. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Vice-Mayor LeHeup-Smith; Commissioner Morin; Commissioner Bob; and Mayor Holland

SECOND READING

16155 Ordinance No. 16-23: Annual Update of the Five Year Capital Improvements Schedule for the Comprehensive Plan FY 2016-17

Mr. Schroth read Ordinance No. 16-23 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida approving the annual update of the Five Year Capital Improvements Schedule of the Comprehensive Plan pursuant to F.S. 163.3177(3)5(b); providing for conflicting ordinances, severability, and effective date.

Mr. Schroth opened the public hearing at 6:31 p.m. There being no public input, the hearing was closed at 6:31 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Bob, to Adopt Ordinance No. 16-23 on second reading. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Vice-Mayor LeHeup-Smith; Commissioner Morin; Commissioner Bob; and Mayor Holland

FIRST 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 first 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.

Roland Magyar, Staff Planner, explained the request for a Conditional Use Permit to construct an accessory apartment attached to or within a house on Lot 36 in Lake Dot Estates. He reviewed the surrounding land use and design districts, the related regulations and densities. He reported he had one public notice letter returned and received approximately five inquiries with only one objection. He stated staff's recommendation for approval with the following conditions: 1) The accessory apartment shall be designed, constructed and located so as not to interfere with the *appearance of the principal structure; 2) Minimum useable floor area for an accessory apartment shall not be less than 450 square feet because it is located within the principal structure; and 3) Each dwelling unit will require two parking spaces per the Land Development Regulations.*

The Commission questioned whether or not it was intended to be a rental with Mr. Magyar responding the applicant has stated it is for a mother-in-law but noted it could be used as a rental in the future.

Mr. Schroth opened the public hearing at 6:37 p.m. There being no public input, the hearing was closed at 6:37 p.m.

The Commission asked if the location is part of the HOA in the area with Tony Wales stating the HOA had been dissolved.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Morin, to Approve Ordinance No. 16-24 on First Reading. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Vice-Mayor LeHeup-Smith; Commissioner Morin; Commissioner Bob; and Mayor Holland

VII. OTHER BUSINESS

16168 Discussion on Potential Drone Regulations

Mr. Neibert presented a report on the requested information on drone regulations. He noted there are two basic issues - one regarding public and private use and one pertaining to privacy. He stated that state statutes are very clear that drones cannot be used to invade the privacy of private individuals either from a private or police standpoint. He stated another concern was safety and cited a draft Orlando ordinance and an ordinance adopted by the City of Aventura which restricts the use of drones in areas where there is a public or private gathering of more than 50 people. He noted issues the City experienced during the 4th of July fireworks with drones darting in and out and a drone being operated within the crowd at the Amazing Race event.

The Commission discussed the possibility of sex offenders recording people without their knowledge particularly with children involved with City events, the benefits from the videos produced by drones from the 4th of July and Amazing Race and how the City could enforce drone use.

Rick Gierok, Public Works Director, stated that all drones have to be registered with the FAA and explained how the City uses its drone to record construction projects. He stated that the operator also has to be registered and that the drone has to remain within your line of sight. He commented on some issues staff had experienced with the City drone.

The Commission asked how a complaint about the misuse of a drone would be filed with Mr. Neibert responding the complaint would be filed with the FAA.

Mr. Neibert stated the Attorney General's opinion indicated there was no prohibition against municipalities instituting their own regulations. He stated staff could research whether or not they could restrict the ownership of drones by sex offenders within City limits.

CONSENSUS: It was a consensus of the Commission to have staff research the ownership of drones by sex offenders.

16171 Announcement of Request by HTG Valencia LLC of Brownfield Area Designation

Lori Barnes, Development Services Director, explained the purpose of Florida Statute 376 to incentivize the reuse of properties with perceived or actual contamination. She stated that the state requires the announcement at a public meeting of the intent to hold public hearings concerning designating a site a Brownsfield. She announced that staff received a request from HTG Valencia

LLC, the owner of the Valencia Groves project located at 551 Huffstetler Drive. They want to designate the site a Brownsfield under FSS 376.80(2)(c). She stated the designation requires two public hearings with the first public hearing to be held at the September 8th regular City Commission meeting and the second hearing at the September 22nd regular City Commission meeting. She indicated that at that time staff would provide a full review of the application, conditions of the property and how that relates to the Florida statute on Brownsfields.

VIII. FUTURE AGENDA ITEMS

Commissioner Bob commented on the need to keep parking in the downtown area in mind when looking at the development regulations.

IX. COMMENTS

City Commission

Commissioner Morin reported on his and staff's attendance at a workshop on tourism tax dollars.

Commissioner Bob reminded the public that Tuesday, August 9th, the City would again hold free admission at the splash pad and pool from 11:30 a.m. to 5 p.m.

Mr. Neibert reported that the City had very good turnout at the last free day and received over $100 in donations.

Commissioner Bob reported on her attendance at the EEOC training.

Commissioner Gnann-Thompson thanked staff for the second Pokemon event and announced the upcoming Truck and Tractor event on August 20th in the downtown area.

Vice Mayor LeHeup-Smith reminded everyone about the First Friday event featuring the Eustis High school pep rally. She announced the School Board would be holding a Town Hall Meeting at Eustis High on Monday, August 15th at 6 p.m. She commented on the latest Pokemon event and noted the wide variety of people participating.

Mayor Holland announced the Chamber and other local businesses would be sponsoring a teacher appreciation breakfast on Friday. He noted the City would be issuing a proclamation to recognize the teachers. He then announced that the City's formal qualifying period would begin next Monday and would end at noon on Friday. He reminded the Commission that the FLC ethics training would be held Friday, August 12th at the Community Building.

Vice Mayor LeHeup-Smith stated there is a three-hour video on the League website that fulfills the requirement and is very good.

City Manager

Mr. Neibert explained there would be a small change to the City's employee health insurance coverage. He stated it would result in no net change to the City's cost and would provide some additional benefit to the employees. He explained the City has four tiers of coverage; however, no one participates in the base tier due to the high cost for family coverage and high deductible. He further explained that the City will be increasing the City's participation for that tier and decreasing the employees' participation but it would result in no net increase for the City. He stated it would save the participating employees $270 per month.

The Commission questioned how the employee deductible would be affected.

Bill Howe, Human Resources Director, explained there is a mandatory plan under the Affordable Health Care Act that the City has to offer. He stated that plan has very high deductibles and very high copays. He indicated that no employee has ever chosen that plan due to the high cost to benefit ratio. He stated the change will only affect the 69 employees who carry family coverage.

He further explained that the City will be experiencing an increase of 4.1% for all its plans. He stated that if an employee stays with their current plan, they will experience a 4.1% increase in the premium; however, if they choose to switch to the lower level plan they will save $270 per month or $3300 per year. He emphasized that their out-of-pocket costs including copays, deductibles and preferred brand prescriptions would be significantly higher. He stated that the City would be having mandatory meetings with any employee considering moving to the plan to make sure they understand the choice.

The Commission asked about the possibility of going out to bid for health insurance with Mr. Howe indicating they could go out to bid for the next fiscal year.

Mr. Neibert then stated that the Commission had previously authorized the City Manager to dispose of surplus properties. He commented on the difficulty in auctioning those properties and the cost to the City to maintain those sites. He stated that staff is proposing a "mow to own" plan. If an individual agrees to mow the property for two years, the City will deed the property over to them. He cited there would be stipulations and explained it would be geared for either not-for-profits such as Habitat for Humanity or an adjacent property owner. He stated the plan has been sent to the City Attorney for review prior to implementation.

Mary Montez, City Clerk, reminded the audience and Commission that the August 18th Commission meeting had been cancelled due to the majority of the Commission attending the annual Florida League of Cities conference in Hollywood. She also reminded everyone that the September meetings had been changed to the 2nd and 4th Thursday due to the TRIM (Truth in Millage) requirements for adoption of the millage rate and budget. She stated the September meetings would be held September 8th and 22nd at the regular time of 6:00 p.m.

City Attorney - None

Mayor

Mayor Holland commented on the progress within the community and reminded the audience to vote on August 30th during the primary election.

X. ADJOURNMENT - 7:07 p.m.

Mary C. Montez

MARY C. MONTEZ
City Clerk

MICHAEL L. HOLLAND
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.