



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 16, 2016

6:00 PM

City Hall

INVOCATION: Pastor Rene Hill, Win.1.Ministries

PLEDGE OF ALLEGIANCE: Vice Mayor LeHeup-Smith

CALL TO ORDER: Mayor Holland - 6:02 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

16136 June 2, 2016 - Regular City Commission Meeting

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

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

III. PRESENTATIONS

16137 Recognition of City employee volunteers and mentors at Eustis Heights Elementary

Mayor Holland explained the City program to allow City employees mentor students at local schools. He presented a Certificate of Recognition to each of the City employees who participated in the program. The following employees were recognized Firefighter Chris Benway, Development Services Director Tom Carrino, Firefighter Brad Carroll, Firefighter Jerry Donaldson, Firefighter Jason Pepper, and Fire Chief Mike Swanson.

IV. AUDIENCE TO BE HEARD

Rene Hill, Pastor with Win.1. Ministries, thanked the Commissioners and City staff for their participation in their recent prayer walk. She commented on the positive changes in the community and the community support for the Police Chief and Fire Chief.

Joan Bryant, Trout Lake Nature Center, invited everyone to attend a "give back" day at Chili's Restaurant. She explained that if they have lunch or dinner there and provide the donation form, the restaurant will donate proceeds to the Nature Center.

V. CONSENT AGENDA

Commissioner Bob requested that Resolution No. 16-50 be pulled from the Consent Agenda.

- 16124 Resolution No. 16-49: Support of a Complete Streets Planning Study in Cooperation with the Lake Sumter Metropolitan Planning Organization
- 16121 Resolution No. 16-52: Foreclosure Settlement Agreement - 315 Palmetto Street
- 16122 Resolution No. 16-53: Release of Code Enforcement Lien - 602 North Center Street (Case 10-020, 11-051 and 11-052)

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

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 16125 Resolution No. 16-50: Interlocal Agreement with Lake County-HOME Investment Partnerships Program

Commissioner Bob commented on the need for additional services in the community. She expressed concern about the possibility of increasing additional people at poverty level. She stated the City is not meeting the needs of the people that already live in the City.

Mayor Holland asked if she wanted a workshop to discuss services with Ms. Bob concurring.

The Commission discussed what types of services might be considered, the cost of the City's summer recreation programs, the application process for recreation scholarships, and benefits of home ownership by lower income residents. It was suggested that Commissioner Bob work with the City Manager to identify outside agencies that the City could partner with to provide programs or services.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Morin, to Approve Resolution No. 16-50. The motion carried by the following vote:

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

- 16112 Resolution No. 16-45: Conditional Sign at 1255 CR 44

Derek Schroth, City Attorney, announced Resolution No. 16-45: A Resolution of the City Commission of the City of Eustis, Florida, approving a Conditional Sign for Cobb's Triangle Tractor, Inc. on approximately 3.0 acres at 1255 East CR 44.

Roland Magyar, Senior Planner, explained the requested conditional sign was to allow a sign height and a sign area greater than allowed by the Land Development Regulations (LDR's). He stated the reasons for the applicant's request are due to the 82 feet setback from CR 44 and a road crown 4 feet higher than the property. He reviewed the surrounding properties and explained there are two ground signs. He stated the original site plan approved the two signs and provided variances allowing the pole sign to be higher than allowed with no enclosed base. He stated only one of the two signs was permitted. He further explained the code violations as follows: 1) Adding copy area with no permit; 2) No sign permit on file so staff cannot confirm the sign meets the Florida building code; and 3) The applicant needs to submit engineered drawings for public safety.

Mr. Magyar provided an analysis of the violation and a photograph of the sign. He stated that whatever may be approved by the Commission, the applicant will still need to pull a permit for the sign and provide engineered drawings so it can be determined if it meets safety standards. He informed the Commission that subsequent to the violation notice additional sign area was added

to the existing sign. He stated staff does not recommend approval of the conditional sign request. He reviewed options available to the Commission and stated staff recommends construction of a structurally unified multi-tenant sign.

Mr. Schroth opened the public hearing at 6:25 p.m.

Jerry Cobb, applicant, presented pictures of the downtown area as well as the CR44 roadway and his signage. He addressed the Commission regarding the permits for his signs, amount of taxes he has paid to the City, errors made by City staff regarding his application, and his plans to subdivide his adjoining property. He noted that the existing sign has been through two years of hurricanes and never came down.

The Commission confirmed how long the sign had been up with Mr. Cobb indicating over 16 years.

There being no further public comment, the hearing was closed at 6:33 p.m.

The Commission discussed the existing sign, the lack of surrounding business, the need to make sure the structure meets building codes, the need to make sure any future signs are built to code and the possibility of setting a precedent if the resolution is approved.

Lori Barnes, Development Services Director, explained Resolution No. 16-45 would approve the sign as originally presented on the application. She explained that if the Commission wanted to approve the sign with the additional reader board they needed to clarify that in the motion.

Ron Neibert, City Manager, asked the City Attorney if the Commission could approve the resolution with the additional reader board. Mr. Schroth confirmed how the resolution was noticed and concurred the Commission could approve the resolution with the addition.

The Commission emphasized that it needed to be clear that any further changes will require a permit from the City.

Ms. Barnes clarified for the Commission that the resolution would make the sign legally conforming so that if it were damaged it can be replaced as it stands. She added that the sign will still need to be permitted and inspected to make sure it meets Florida building codes as the City cannot legally waive those codes.

A motion was made by Commissioner Bob, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 16-45 with the sign as it stands including the newly installed reader board. The motion carried by the following vote:

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

16116 Resolution No. 16-47: Appointment of City Representative to Lake Community Action Agency Board of Directors

Mr. Schroth announced Resolution No. 16-47: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, to appoint a Director/Member to the Lake Community Action Agency Board of Directors to ensure that the City's interests, as expressed through the City Commission, are represented.

Mr. Neibert announced that, due to the resignation of Commission Brett, a new appointment needed to be made to the LCAA Board of Directors. He indicated that Commissioner Morin had expressed interest in being appointed to the Board.

A motion was made by Commissioner Bob, seconded by Vice-Mayor LeHeup-Smith, to Approve Resolution No. 16-47 with the appointment of Robert Morin as the City's representative. The motion carried by the following vote:

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

16126 Resolution No. 16-51: Sale of Surplus Real Property

Mr. Schroth announced Resolution No. 16-51: A Resolution of the City Commission of the City of Eustis, Florida; declaring certain real property as surplus; authorizing City staff to publicly advertise and accept bids for sale and purchase of said property in accordance with Florida Statute 163.380; and authorizing the City Manager to dispose of said properties subject to the conditions provided for herein.

Ms. Barnes explained the resolution would declare various parcels owned by the City as surplus. She cited the previous sale of surplus property which realized approximately \$50,000 in revenue. She reviewed the property inventory list with 44 surplus parcels mostly in the CRA (Community Redevelopment Area). She stated there are three 60-foot wide parcels outside the CRA, the rest are inside. She explained the process to be used for the sale and the advantages to sale of the properties.

Mr. Schroth opened the public hearing at 6:50 p.m. There being no public comment, the hearing was closed at 6:50 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Bob, to Approve Resolution No. 16-51. The motion carried by the following vote:

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

16127 Resolution No. 16-54: Contract for Sale of City Owned Property

Mr. Schroth announced Resolution No. 16-54: A Resolution of the City Commission of the City of Eustis, Florida; authorizing the City Manager to execute a real estate purchase agreement of City-owned property located east and south of Cardinal Lane.

Mr. Neibert explained the proposed sale of 198 acres of City-owned property, located south of the City's eastern wastewater treatment plant. He stated the purchaser, Sorrento Pines LLC, owns the adjacent 300 acres and has offered \$1.5 million and the transfer of two acres of property located on Rte. 437 for the purpose of future City facilities. He stated an appraisal was completed in April of \$1.7 million. He stated that, based on the property appraiser's value for the entire site, the portion for sale has a value of \$918,000. He noted that the City currently receives \$15,000 per year for cattle grazing on the property. He stated the proposed use of the site by the purchaser is to develop the entire 500 acres into a residential development and to annex the properties into the City. He noted passage of the proposed ISBA would allow annexation of those properties allowing collection of future ad valorem taxes. He stated the goal is to utilize the \$1.5 million toward the total \$6 million cost for expansion of the wastewater treatment plant. He announced the award of a \$2.5 million grant by the St. John's River Water Management District for that construction.

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.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 16-54. The motion carried by the following vote:

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

FIRST READING**16130 Ordinance No. 16-16: Voluntary Annexation of Approximately 81.87 Acres on the North Side of County Road 44, West of E. County Road 44 (Bypass)**

Mr. Schroth read Ordinance No. 16-16 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 81.87 acres on the north side of County Road 44, west of E. County Road 44 (44 bypass).

Ms. Barnes explained the application by 44-44G, LLC, to annex the 81.87 acre site with the assignment of a Suburban Residential land use designation and a Suburban Corridor design district designation. She reviewed the surrounding property designations and evaluated the land use based on state statute and City regulations. She stated the City's SR designation is the closest to the County's Urban Low designation and is only slightly more intense than what would be allowed in the County. She noted that due to community interest in the site in the past, staff provided more advertisement than normal. She stated staff's recommendation for approval.

The Commission questioned the impact on the local schools with Ms. Barnes explaining that the School Board's analysis indicated Eustis Elementary would be over-capacity but they also indicated there currently is capacity. She explained that when a development plan is submitted it will be submitted to the School Board for review.

The Commission questioned the estimated number of homes that could be on the site with Ms. Barnes responding the maximum number of homes that could be on the site could be 490 which would be 82 more than currently allowed under the County's designation. Ms. Barnes also confirmed that the development would require a full traffic impact study at time of submittal.

The Commission asked if the density could be reduced with Ms. Barnes indicating that a number of factors could reduce the number of possible homes including infrastructure and open space. She stated that any future plan would come to the Commission for consideration.

Mr. Schroth opened the public hearing at 7:07 p.m.

Jimmy Crawford, representing the applicant, commented on the amount of information already provided to the Commission. He indicated that the development would consist of single family homes with an expected average of three to four homes per acre.

The Commission confirmed sidewalks would be included. There being no further public comment, the hearing was closed at 7:09 p.m.

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

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

16131

Ordinance No. 16-17: Comprehensive Plan Future Land Use Map Amendment North Side of County Road 44, West of E. County Road 44

Mr. Schroth read Ordinance No. 16-17 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3184 F.S.; changing the Future Land Use Designation of approximately 81.87 acres of recently annexed real property located on the north side of County Road 44, West of E. County Road 44 (bypass) from Urban Low in Lake County to "Suburban Residential" (SR) in the City of Eustis.

Mr. Schroth opened the public hearing at 7:10 p.m. There being no public comment, the hearing was closed at 7:10 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Approve Ordinance No. 16-17 on First Reading. The motion carried by the following vote:

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

16132 Ordinance No. 16-18: Design District Assignment North Side of County Road 44, West of E. County Road 44 (Bypass)

Mr. Schroth read Ordinance No. 16-18 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Design District Designation of Suburban Corridor to approximately 81.87 acres of recently annexed real property located on the north side of County Road 44, west of E. County Road 44 (bypass).

Mr. Schroth opened the public hearing at 7:11 p.m. There being no public comment, the hearing was closed at 7:11 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Approve Ordinance No. 16-18 on First Reading. The motion carried by the following vote:

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

16133 Ordinance No. 16-19: Voluntary Annexation of Approximately 46.27 Acres on the South Side of County Road, West of E. County Road 44 (Bypass)

Mr. Schroth read Ordinance No. 16-19 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 46.27 acres of real property located on the south side of County Road 44, West of E. County Road 44 (44 bypass).

Ms. Barnes reviewed the proposed annexation and related future land use and design district designations. She stated that the Mixed Commercial Residential and General Commercial designations are somewhat more intense than what would be permitted under the County's designation. She explained the actual density would vary based on how the site is developed. She indicated that any future development would require a full traffic impact study. She further indicated the design district is compatible with the surrounding uses and the City's comprehensive plan. She cited the additional advertising and stated staff received three phone calls regarding the annexation all of which were just inquiries and did not express either support or opposition to the request. She added that any future development plans would be brought back for Commission consideration. She stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 7:21 p.m.

Mr. Crawford indicated he was present to answer any questions. There being no further public comment, the hearing was closed at 7:21 p.m.

The Commission questioned what could be built with a Mixed Commercial Residential land use designation with Ms. Barnes indicating it could develop totally as residential or as a combination of residential and commercial. She stated that could include two story buildings with commercial on the bottom and residential on top. She indicated until a plan is brought forth they will not know what will be there.

The Commission asked if the developer brings forward something they think would be objectionable to the area can they deny it. Ms. Barnes explained the development process and stated the Commission could deny based on any waiver requests if the Commission feels they are not consistent with the area or City regulations.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Morin, to Approve Ordinance No. 16-19 on First Reading. The motion carried by the following vote:

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

Nay: 1 - Commissioner Gnann-Thompson

16134 Ordinance No. 16-20: Comprehensive Plan Future Land Use Map Amendment South Side of County Road 44, West of E. County Road 44 (bypass)

Mr. Schroth read Ordinance No. 16-20 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3184 F.S.; changing the Future Land Use Designation of approximately 46.27 acres of recently annexed real property located on the south side of County Road 44, west of E. County Road 44 (44 bypass) from Urban Low in Lake County to "Mixed Commercial/Residential (MCR)" and "General Commercial (GC)" in the City of Eustis, as shown on Exhibit A.

Mr. Schroth opened the public hearing at 7:25 p.m. There being no public comment, the hearing was closed at 7:25 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Morin, to Approve Ordinance No. 16-20 on First Reading. The motion carried by the following vote:

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

Nay: 1 - Commissioner Gnann-Thompson

16135 Ordinance No. 16-21: Design District Assignment South Side of County Road 44, West of E. County Road 44 (Bypass)

Mr. Schroth read Ordinance No. 16-21 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Design District Designation of Suburban Corridor to approximately 46.27 acres of real property located on the south side of County Road 44, west of E. County Road 44 (bypass).

Mr. Schroth opened the public hearing at 7:26 p.m. There being no public comment, the hearing was closed at 7:26 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Morin, to Approve Ordinance No. 16-21 on First Reading. The motion carried by the following vote:

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

Nay: 1 - Commissioner Gnann-Thompson

16123 Ordinance No. 16-22: Partial Waiver of Sewer Impact Fees for Industrial Users

Mr. Schroth read Ordinance No. 16-22 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida amending certain sections of the Code of Ordinances regarding a partial waiver of sewer impact fees for industrial uses; providing for codification; providing for an effective date.

Tom Carrino, Economic Development Director, explained the proposed partial waiver for sewer impact fees for industrial uses and reviewed the criteria for the waiver as follows: 1) Business must meet definition of industrial use; 2) Must be located on property with a future land use designation of either General Industrial or Mixed Commercial/Industrial; 3) Must create a minimum of ten net new jobs; 4) Must make a capital investment of at least the amount they are requesting to be waived but no less than \$100,000; and 5) If the impact fee is financed, the business must maintain the jobs and investment for the term of the financing. If the fees are not financed or financed for less than three years, the business must maintain the jobs and investment for at least three years.

The Commission confirmed the term of the requirements and asked how staff would enforce that. Mr. Carrino indicated staff would make regular site visits and stay in close contact with the business to make sure they are doing well.

The Commission questioned what would the City do if the business is not doing well with Mr. Neibert responding that if the jobs are cut it would make the entire impact fee due and payable at that time. He indicated that a reducing lien could be placed on the property. He stated there would need to be vehicles in place to protect the City's investment.

The Commission asked how the program would be marketed with Mr. Carrino explaining staff is working on a marketing program. He noted Development Services is also working on streamlined development processes and they are working together to publicize how the City is becoming more business friendly.

Mr. Schroth opened the public hearing at 7:32 p.m. There being no public comment, the hearing was closed at 7:32 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Approve Ordinance No. 16-22 on First Reading. The motion carried by the following vote:

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

VII. FUTURE AGENDA ITEMS

Commissioner Bob asked to have a workshop to discuss how the City can assist local families.

Commissioner Morin concurred with Commissioner Bob and cited issues with students not being able to afford different activities.

VIII. COMMENTS

City Commission

Commissioner Morin commented on the Poe Memorial Baptist Church 50th anniversary celebration. He announced his son was in the Bay Street Players' Young Frankenstein and encouraged everyone to attend. He thanked everyone for their support and welcome. He left the meeting at 7:42 p.m.

Commissioner Gnann-Thompson announced that the Chili's give back day for Trout Lake Nature Center would be June 28th. She encouraged everyone to support the Center and noted Chili's support of other organizations.

Commissioner Bob wished all the men a happy Father's Day stating they all support local youth, not just the fathers. She announced June 27th at 5:30 p.m. there would be a CRA Community Meeting at Carver Park in the Garden Room. She added there would be a Downtown Cruise-in on June 25th. She commented on the recent death of Katie Reed, a long time teacher at Eustis Heights Elementary, and the death of the son of the owner of Generations. She stated there would be a wake Friday evening at Mt. Zion with the funeral services on Saturday at the church of the Kingdom of God.

Vice Mayor LeHeup-Smith announced the July 4th celebration would be held in conjunction with the First Friday event on July 1st. She noted all of the activities would be free of charge. She announced the Lake Eustis Museum of Art would hold an artist opening on Friday evening.

Mayor Holland asked about the trap, spay, neuter program with Vice Mayor LeHeup-Smith indicating they have trapped about 25 cats. She added there are about 40 kittens being fostered and available for adoption.

Vice Mayor LeHeup-Smith congratulated the City Manager and his wife on the upcoming arrival of a new grandchild.

Mayor Holland commented on the grand opening of the splash pad and thanked City staff for all of their work. He cited the Poe's Baptist Church celebration. He stated he and Commissioner Bob attended a vigil in honor of the shooting victims at St. Thomas Episcopal Church. He commented his, and Commissioners Bob and Gnann-Thompson's attendance at an event at Camp Boggy Creek.

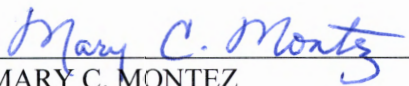
City Manager - None

City Attorney - None

Mayor

Mayor Holland asked for prayers for the City of Orlando noting that he had attended meetings with them, the Governor and the Attorney General.

IX. ADJOURNMENT - 7:51 p.m.



MARY C. MONTEZ
City Clerk



MICHAEL L. HOLLAND
Mayor/Holland

*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.