



City of Eustis, Florida

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

Meeting Minutes - Final City Commission

Thursday, October 4, 2018

6:00 PM

City Hall

INVOCATION: Pastor Renee Hill, W.I.N. 1 Ministries

PLEDGE OF ALLEGIANCE: Commissioner Gnann-Thompson

CALL TO ORDER: Mayor Morin

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE - None

II. AUDIENCE TO BE HEARD

Daniel DiVenanzo addressed the Commission regarding the planned redevelopment of Sharp's Park and why the project did not go through. He stated he was still hopeful that the owners might work with them in the future.

Chief Mike Swanson presented Lifesaving Awards to Paramedics Jordan Burkholder and Jerry Donaldson, and Lt. Dan Sawchuk for an incident at the Franklin House that occurred August 31, 2018. Mr. James Ward, the patient, thanked the gentlemen for their assistance.

Chief Swanson noted that special lifesaving badges have been ordered that will be worn on the men's uniforms to show they have saved a life. He indicated there was an additional person on the run Firefighter Engineer/Paramedic Clay Rich, who was home with a new baby.

III. CONSENT AGENDA

[18-0241](#) Resolution No. 18-83: Authorizing a Purchase in Excess of \$25,000 for Holiday Decorations

[18-0237](#) Resolution No. 18-85: Approving Purchase in Excess of \$25,000 for Police Vehicles

[18-0243](#) Resolution No. 18-86: Accepting FY2018-19 Edward Byrne Memorial Justice Assistance Grant for Purchase of In-Car Printer

Solutions

[18-0248](#)

Resolution No. 18-87: Release of Lien - 1405 Johnson Street, Case 06-049, 06-296 and 07-076

[18-0246](#)

Resolution No. 18-89: Approval of Purchase in Excess of \$25,000 for Holiday Ice Rink Rental

A motion was made by Commissioner Holland, seconded by Vice-Mayor Aliberti, to Approve the Consent Agenda. The motion carried by the following vote:

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

IV. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

[18-0245](#)

Resolution No. 18-75: Awarding Bid #011-18 for Sale of City-owned Building at 17 E. Magnolia Avenue

Derek Schroth, City Attorney, announced Resolution No. 18-75: A Resolution of the City Commission of the City of Eustis, Florida; authorizing award of Bid No. 011-18 – Sale of Building @ 17 East Magnolia Avenue, Eustis, Florida to Pamela W Rivas/17 Magnolia LLC for the sale of a building located at 17 East Magnolia Avenue and authorizing the City Manager to execute a commercial contract associated with the award.

Tom Carrino, Economic Development Director, explained the history of the sale of the property and the direction from the Commission at the September 6th meeting. He reviewed the documents that had been amended after being included in the packet.

Mr. Schroth opened the public hearing at 6:26 p.m.

Daniel DiVenanzo addressed the Commission to express concern about the City negotiating a lower price with the high bidder. He noted that he was one of the bidders.

The Commission discussed the previous agreement for purchase of the property, the appraised value of the property and whether or not Mr. DiVenanzo was still interested in purchasing the property. It was stated that, if he was still interested, then the City should re-open the bid process.

Mr. DiVenanzo confirmed that the sales agreement includes requirements for renovation to the building and a deadline. He questioned the penalties for nonperformance and whether or not that is binding.

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

Mr. Schroth clarified that the requirement is that a business be in operation so there is some ambiguity as to how many floors have to be used.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Aliberti, to Approve Resolution No. 18-75. The motion carried by the following vote:

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

Nay: 1 - Commissioner Bob

18-0249

Resolution No. 18-88: Authorizing the Recording of Liens on Delinquent Utility Accounts

Mr. Schroth announced Resolution No. 18-88: A Resolution of the City Commission of the City of Eustis, Lake County, Florida, approving the recording of water, wastewater and irrigation liens.

Colleen Scott, Finance Director, explained the liens would not result in any foreclosures and the statutory requirement for the City to impose liens due to having a utility bond. She reviewed the criteria and explained that if the property is sold without a lien the City would not be able to recoup the money. She stated that staff started with accounts with over \$1,500 due and reviewed the status of the previously imposed liens. She presented the accounts being proposed for liens and noted that property owners cannot be lienied for a tenant's account.

The Commission indicated that there are names on the list that do not live at those addresses and noted one owner that was deceased.

Ron Neibert, City Manager, stated that the renter exclusion only applies if the renter has the account in their name. If the property owner keeps the account in their name, then the owner is liable for the account. He then explained that staff is going to be asking the Commission to approve an ordinance that will allow staff to pull the meter when a property is lienied so the availability charge does not keep accruing. He stated his recommendation that anyone that is going to leave a property vacant for a period of time should have the meter pulled. It was explained that there is no charge to pull the meter but there would be a charge to re-install it.

Mr. Schroth opened the public hearing at 6:46 p.m.

Dorothy Stevenson stated that the property owners should have been notified that the liens are going to be levied.

Ms. Scott indicated that, prior to the liens being imposed, the owners will receive a certified letter.

Mr. Neibert stated that if she can bring in documentation as to when the ownership transferred, they may be able to work with her.

Ms. Scott stated the City has 12,000 customer accounts and they offer payment plans and leak adjustments.

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

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 18-88. The motion carried by the following vote:

Aye: 3 - Commissioner Gnann-Thompson; Vice-Mayor Aliberti; and Mayor Morin

Nay: 2 - Commissioner Holland; and Commissioner Bob

SECOND READING**18-0223****Ordinance No. 18-25: Voluntary Annexation - 2201 Dixie Avenue**

Mr. Schroth read Ordinance No. 18-25 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 0.28 acres of real property located at 2201 Dixie Ave., Eustis, FL.

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 Commissioner Holland, seconded by Vice-Mayor Aliberti, to Adopt Ordinance No. 18-25 on second reading. The motion carried by the following vote:

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

18-0225**Ordinance No. 18-26: Comprehensive Plan Amendment - 2201 Dixie Avenue**

Mr. Schroth read Ordinance No. 18-26 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3187(1) F.S.; changing the Future Land Use Designation of 0.28 acres of recently annexed real property located at 2201 Dixie Ave., from Urban Low in Lake County to Mixed Commercial Residential (MCR) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:51 p.m. There being no public comment, the hearing was closed at 6:51 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner Gnann-Thompson, to Adopt Ordinance No. 18-26 on second reading. The motion carried by the following vote:

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

18-0227**Ordinance No. 18-27: Design District Assignment - 2201 Dixie Avenue**

Mr. Schroth read Ordinance No. 18-27 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood Design District Designation to approximately 0.28 acres of recently annexed real property located at 2201 Dixie Ave., Eustis, FL.

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

A motion was made by Commissioner Holland, seconded by Vice-Mayor Aliberti, to Adopt Ordinance No. 18-27 on second reading. The motion carried by the following vote:

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

FIRST READING**18-0232****Ordinance No. 18-28: Small-Scale Future Land Use Map Amendment to the Comprehensive Plan - Northshore Drive**

Mr. Schroth read Ordinance No. 18-28 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 163.3187 (1) F.S.; changing the Future Land Use Designation of approximately 1.7 acres of real property located east of Northshore Drive between Wilt Ave. and Pendleton Ave. from Residential Office Transitional (RT) to Public Institutional (PI).

Roland Magyar, Senior Planner, reviewed the requested future land use map amendment from Residential Office Transitional to Public Institutional for the purpose of constructing an assisted living facility. He stated the proposed designation is compatible and generally consistent with the Comprehensive Plan, Land Development Regulations and downtown master plan and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 7:02 p.m.

Mary Solik, attorney representing Jeff LaFrate, stated that Mr. LaFrate does not object to development of the property or the development of an assisted living facility as long as it is consistent with the density and intensity standards of the existing land use designation of RT. She provided a Powerpoint presentation and reviewed various information regarding the Residential Office Transitional description from the City's Comprehensive Plan, the maximum density and intensity within the district, the proportional mix restrictions, the Public and Institutional description from the Comprehensive Plan and the state statute governing small scale comprehensive plan amendments. She questioned how the proposed facility is compatible with the existing neighborhood. She cited how the proposed amendment is not consistent with the Comprehensive Plan. She emphasized that the proposed site is the farthest away from the existing commercial and is not located on the fringe of the transition area. She stated Mr. LaFrate's request that they deny the ordinance. She pointed out that the legal description in the ordinance covers the entire property and should not include the property on the west side of Northshore Drive.

The Commission questioned what properties are owned by Mr. LaFrate with Ms. Solik indicating on an aerial map the location of his properties and stating she did not believe the subject property is located in the City's Central Business District.

Mr. Neibert noted that south of the subject property is primarily commercial. He stated that the question is if the land use change is consistent. He added that the property is on the periphery of two districts - a PI district and a RT district. He stated that the Commission has to decide if they want to maintain the property as an RT designation or change it to the PI. He explained that the property, district and market are changing. He further indicated that a community can change its comprehensive plan to change with future goals and desires of the community on how it wants to develop as long as it is consistent and makes sense with the areas it surrounds.

Ms. Solik commented on the current low intensity medical and law offices versus the proposed development which will have three shift changes per day at all hours. She stated it still needs to be compatible with what surrounds it.

The following individuals addressed the Commission in opposition to the proposed

change: 1) Daniel Flick; 2) George Barton; 3) Lorraine Bond; and 4) James Vigil.

George Asbate addressed the Commission in support of the proposed change.

The Commission asked when the City's Comprehensive Plan was first adopted with Development Services Director Lori Barnes responding that it was originally adopted in 2008 and amended in 2010 and 2015.

The Commission questioned how many rental properties are in the area with Ms. Barnes stating she can have that information before second reading.

Daniel Kennerly, applicant, asked the concerns of the Commission with the Commission expressing concern regarding the waterfront, the impact on the quietness of the neighborhood, and the need for the facility. He explained the location of the actual building and stated the surrounding properties are rentals and commercial uses. He further explained the purpose of the assisted living facility is to allow residents to age in place. He noted the residents are not bed ridden and acknowledged that there will be some ambulances but not all the time. He stated there would only be 25 employees and only two to three cars per hour coming and going. He emphasized their intent to retain as many live oaks as possible and the cypress trees and oaks on the lakefront will be retained.

The Commission asked if they are willing to work with residents to address any noise complaints with Mr. Kennerly indicating their willingness to address complaints and explaining that the facility will be required to have generators which have noise abatement requirements.

The Commission questioned the applicant's expertise with Mr. Kennerly citing his company's qualifications.

The Commission asked about the possibility of the property being converted to apartments with Mr. Neibert explaining that the existing apartment buildings were grandfathered in and no new multi-family is allowed in that area.

The Commission discussed that the comprehensive plan is designed to be changed based on changes in the community.

Mr. Neibert suggested that the Commission could approve the amendment on first reading and require the applicant to provide additional information on the proposed development prior to second reading.

Mr. Kennerly expressed willingness to provide additional information regarding what is planned for the site. He noted they are less than two blocks from the Central Business District. He commented that the allowed density drops from 3/dua to .25 within a few blocks.

Commissioner Bob disclosed that she had met with Mr. LaFrate. She expressed support for the type of facility being proposed; but added her concern regarding the density.

Ms. Barnes explained a text amendment was done in 2015 which reduced the RT floor area ratio from 1 to .25. She indicated staff already wanted discussion with the Commission to change the transition areas. She cited the higher intensities in other cities' transition areas and stated the need to improve the transition area between the

CBD and the residential.

Mr. Kennerly stated their intent is to design the facility to blend in with the community, not something that will stand out. He indicated his willingness to provide additional information. He stated that the facility will not be as tall as the oak trees. He indicated he would provide information post meeting so they can look at other facilities they have developed.

The Commission discussed the need for the City to address the comprehensive plan, the possibility of approving on first reading with the requirement that additional information be provided prior to second reading, and requesting that any information provided be placed on the City's website so residents can also see the information.

Mr. Kennerly noted they currently only have conceptals but can provide copies of similar facilities that have already been built. He indicated they have to build something that the local residents will want to live in.

There being no further public comment, the hearing was closed at 8:05 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner Gnann-Thompson, to Approve Ordinance No. 18-28 on First Reading. The motion carried by the following vote:

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

Nay: 1 - Commissioner Bob

V. OTHER BUSINESS

Stan Napier, President of Trout Lake Nature Center (TLNC), introduced Eileen Tramontana, Executive Director.

Ms. Tramontana provided a presentation to the Commission regarding the TLNC programs and highlighted their upcoming new programs. She announced their plans to have a connection to the County's Pine Meadows park property.

Mr. Napier stated it is the 30th anniversary of the Center. He presented drawings of their plans for expanding the facility including construction of a loop road and a new nature center. He commented on their capital building fund and announced they have reached \$900,000 with a goal of \$1.5 million. He thanked the City for its continued support.

Ms. Tramontana announced they would host a "Sunset and Sip" fundraiser on November 10th. It was also announced that the trail will be lit up for Christmas as well.

18-0244

Review of the Police and Fire Pension Plans

Ms. Scott provided an overview of the police and fire pension plans and a review of the annual City contribution from 2007 through 2019. She stated that the Police Pension contribution has increased over \$602,000 and the Fire Pension contribution has increased \$430,000. She explained the police and fire defined benefit plans and the calculations for those benefits. She then reviewed the basic funding equation and how the City's contributions are determined based on the actuary's evaluations. She cited the various pension factors including life expectancy, salary increases, investment

earnings, retirement rates, withdrawal rates, and disability rates. She noted that in 2007 the City had 15 retirees/beneficiaries in each plan and in 2017, there were 24 in the police plan and 20 in the fire plan. She commented on the cost to the City due to the economic downturn and its effect on investment earnings. She noted that in 2015 the law changed regarding mortality rate tables which had a significant impact on the valuations. She cited the effect on the City's contributions due to disability retirements. She provided a summary of how each factor has affected the City's contributions. She stated that the police pension anticipates to be fully funded within 20 years and the fire pension within eight years. She provided a report on the net position for each of the funds for FY2017.

The Commission discussed the effect of unfunded liabilities.

Mr. Neibert stated the City needs to determine how to reduce its contribution levels. He indicated there is a re-opener included in the police union contract to allow that issue to be re-opened within the three year term of the contract. He stated the biggest risk is the possibility of having to allow more disability retirements due to changes in state law regarding what may be considered for a disability claim.

18-0250

Consideration of Request to Amend Lake Eustis Museum of Art Lease Agreement

Mr. Neibert explained that the Lake Eustis Museum of Art (LEMA) is requesting either a six-month abatement of their lease payment or that the City allow them a 90-day notice to end their lease and seek another facility.

Lou Buigas, President of LEMA, explained they are having some financial challenges. She stated they are currently in a regrouping mode and cannot afford the \$1400 per month. She indicated that to relocate they would have to move the collection to storage until they find new housing. She noted that their grant funding has been greatly reduced and added that their Executive Director resigned several weeks previous.

The Commission discussed the following possibilities: 1) allowing LEMA to stay there for the next six months free of charge and for them to only pay for the lights and water unless the City finds a business to take over the premises sooner than the six months; 2) allowing them out of their lease; 3) the need for LEMA to participate in City activities to expand their membership; 4) the need for them to develop new fundraising methods and attract younger members; and 5) allowing them three months with no rent with the situation to be reviewed after the first of the year.

Christa Smith, Assistant Director, asked if their financial situation should improve within six months would the City be willing for them to stay with Commissioner Gnann-Thompson responding not if the City finds a business to move in.

Commissioner Holland nominated Vice Mayor Aliberti to serve as the City's liaison to LEMA in place of the City Manager.

CONSENSUS: It was a Consensus of the Commission to have the City Attorney amend the lease to allow a waiver of rent for 90 days.

18-0247

Discussion of City Manager Evaluations

Bill Howe, Human Resources Director, explained that the City Commission is required to annually evaluate the City Manager. He stated that each Commissioner has

provided their individual evaluations of the City Manager and he has provided an aggregate summary of those evaluations. He noted that the contract allows for the Commission to increase the salary from time to time. He stated that the agenda item is to provide the Commission the opportunity to discuss the City Manager's evaluation in a public forum.

Commissioner Bob noted she would be off the Commission in January but that she would still discuss issues with the City Manager. She commented on difficulties the City is facing and expressed support for giving Mr. Neibert a raise.

Commissioner Holland commented on how difficult it was to find a new City Manager and stated his belief that they selected the right person. He stated that issues that arise from the Commission should not reflect on the City Manager. He indicated that Mr. Neibert is doing a good job and expressed support for him receiving a raise.

Commissioner Gnann-Thompson stated she looks to Mr. Neibert to know it all and commented on how he has helped her with her job. She expressed support for him receiving a raise.

Vice Mayor Aliberti expressed her joy in working with Mr. Neibert and commented on the knowledge of the City Manager and staff and stated her belief they have the best interests of the City at heart. She commented that in business a raise is based on an employee meeting certain benchmarks and expressed concern that the City's points are not well stated. She stated he is highly effective. She expressed opposition to him receiving a raise when the City cannot provide better salaries for the police officers.

Commissioner Holland moved to provide the City Manager with a 5% increase as approved for all other employees. Commissioner Bob seconded.

Commissioner Bob noted that Mr. Neibert is having to deal with decisions made prior to him coming here. She stated that he needs a raise just like everyone else.

Mayor Morin expressed opposition to providing Mr. Neibert with a raise.

Commissioner Holland agreed that the police department needs to be paid more and the City needs to work on that immediately. He stated the City will continue to be a training ground unless the pay is addressed.

Mr. Schroth stated that Mr. Neibert's contract may need to be brought back for amendment in order to implement a raise; however, he would check to see if that is necessary.

Mr. Neibert thanked the Commission for their support. He stated he has read all of the comments and will try to address those areas that need to be addressed.

A motion was made by Commissioner Holland, seconded by Commissioner Bob, to Approve a 5% pay increase for the City Manager. The motion carried by the following vote:

Aye: 3 - Commissioner Gnann-Thompson; Commissioner Holland; and Commissioner Bob

Nay: 2 - Vice-Mayor Aliberti; and Mayor Morin

VI. FUTURE AGENDA ITEMS

Commissioner Bob stated there is property off of Bates Avenue that has a path running through it near Cardinal Avenue. She asked it be looked at to see if the road could be extended.

Commissioner Holland asked that the Commission be provided the final plans and timeline for the Palmetto Plaza project stating that the project appears to have fallen behind.

Mr. Neibert stated that the project is fully funded. He added that the contractor was on site that day and work has begun.

VII. COMMENTS**City Commission**

Commission Holland announced First Friday and complimented the high school football team and band on their performances this season.

Commissioner Gnann-Thompson commented on the Lakeview Avenue project.

Vice Mayor Aliberti announced the upcoming Folk Festival.

Mayor Morin noted he would be helping at Publix with the Lake Cares "Stuff the Bus" food drive.

Vice Mayor Aliberti announced that the Soup for Good fundraiser raised \$42,000.

Mayor Morin announced the "Designer Purse Bingo" fundraiser for the Special Olympics would be October 19th.

Commissioner Bob announced that her mother-in-law's funeral is Saturday.

Commissioner Gnann-Thompson announced that Cassia Day would be the last Sunday in October.

City Manager

Mr. Neibert reported that Duke Energy has reached a decision on the final route for their transmission line. They are mailing out easement request letters. Rick Gierok will be reaching out to Duke to receive a route map. He then stated that the City gives out community grants every year. This year there was about \$3,000 left. He asked if the Commission would like to consider a late application from the museum or prefer to re-open the application period for the remaining funds.

CONSENSUS: It was a consensus of the Commission to re-open the application period and leave the available amount at the remaining \$3,000.

Vice Mayor Aliberti asked if there is a deadline for the applications for the additional two CRA Board positions with Mr. Carrino stating there is not a deadline at that time. He reported that one application has been received and he handed out two or three more. He stated he had sent out the notice to all 600 people on the CRA distribution list.

CONSENSUS: It was a consensus of the Commission to leave the application period open until the end of October.

City Attorney - None

Mayor

Mayor Morin announced he received an announcement from the MPO that a notice to proceed was issued for the traffic study. He stated that staff needs to contact the Central Florida Expressway to determine how to get the City added to the extension signs.

VIII. ADJOURNMENT - 9:15 p.m.

*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.