City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, December 17, 2015 | **6:00 PM** | **City Hall**

INVOCATION: Pastor Rick Pughe, First Baptist Church of Eustis

PLEDGE OF ALLEGIANCE: Vice Mayor LeHeup-Smith

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

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

15290 December 3, 2015 - Regular City Commission Meeting

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

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

III. PRESENTATIONS

15291 Recognition of Eustis Middle School National Honor Society Inductees

Vicki Grable, Eustis Middle School teacher and National Honor Society sponsor, introduced a group of recent inductees to the EMS National Honor Society and explained some of their recent and upcoming activities. The students included the following: Allison Bobbitt, Shea Flathman, Annabelle Granger, Sydney Archer, Josey Towne, Chole Dotson, Leeann Gilbert, Ronnie Hopper, Brooklyn Stonebrooker, Jayda Brown, and Josh Brisson.

IV. AUDIENCE TO BE HEARD - None

V. CONSENT AGENDA

15292 Resolution No. 15-105: Award of Ferran Park Phase 3 Construction Management Contract and Budget Adjustment

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

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

15288 Resolution No. 15-103: Variance to Allow Carport Enclosure at 1012 Morningside Drive

Derek Schroth, City Attorney, announced Resolution No. 15-103: A Resolution of the City Commission of the City of Eustis, Florida, granting approval for a variance to the City of Eustis Land Development Regulations Section 109-4.2(F), Standards for Special Accessory Uses, Garages, to permit the enclosure of an existing carport without mitigating the loss of same on approximately 0.21 acres at 1012 Morningside Drive.

Lori Barnes, Development Services Director, explained the requested variance to allow the enclosure of an existing carport at 1012 Morningside Drive without the required mitigation. She reviewed the circumstances surrounding the request and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:11 p.m. There being no public comment, the hearing was closed at 6:11 p.m.

A motion was made by Commissioner Bob, seconded by Vice-Mayor LeHeup-Smith, to Approve Resolution No. 15-103. The motion carried by the following vote:

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

15289 Resolution No. 15-104: Variance to Allow Shade Structure With a Zero Foot Common Lot Setback at 204 East Atwater Avenue

Mr. Schroth announced Resolution No. 15-104: A Resolution of the City Commission of the City of Eustis, Florida; granting approval of a variance to the City of Eustis Land Development Regulations, Section 110.4-3 House Lot, by reducing the required common lot setback for accessory structures from 5 feet to zero feet, to allow a shade structure on approximately 0.21 acres at 204 East Atwater Avenue.

Ms. Barnes explained the requested variance to allow a shade structure at 204 East Atwater Avenue with a zero common lot setback instead of the required five foot setback. She reviewed the circumstances surrounding the request and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:17 p.m.

Ted Granger, applicant, explained the purpose of the shade structure, commented on improvements made to the property and cited the additional costs that will be involved.

There being no further public comment, the hearing was closed at 6:19 p.m.

Mayor Holland asked the Commission to consider the variance and fee waiver request separately.

Commissioner Bob reported she had visited the property and spoken with Mr. Granger.

Following the vote on the resolution and variance, Mayor Holland requested discussion on the fee waiver request.

The Commission discussed only charging the hard costs for the variance and Mayor Holland requested a roll call vote on only charging the hard costs.

The roll call passed 5 to 0 to only charge Mr. Granger the hard costs involved with the variance.

A motion was made by Commissioner Bob, seconded by Commissioner Brett, to Approve Resolution No. 15-104. The motion carried by the following vote:

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

15294 Resolution No. 15-106: Refuse Collection Rate Decrease

Mr. Schroth announced Resolution No. 15-106: A Resolution by the City Commission of the City of Eustis, Lake County, Florida; authorizing adjustment to City of Eustis rates for the solid waste collection services, to provide for the annual adjustment of the Refuse Rate Index established by Lake County for Waste Management, Inc. of Florida to be effective January 1, 2016.

Colleen Scott, Finance Director, reviewed the proposed reduction in the solid waste collection service rates based on the Refuse Rate Index with rates to be effective January 1, 2016. She explained the proposed reduction is due to reduced fuel costs. She introduced Doug McCoy.

Doug McCoy, District Manager for Waste Management, Inc. (WMI), expressed thanks to the Commission and commented on the reduced fees noting that there will probably be a reduction for 2017 as well. He provided an overview of WMI's service to the City and changes since 2012. He announced that the compressed natural gas trucks would begin to be used in the City sometime in the second or third quarter of 2016. He noted that the City of Eustis residents have the lowest garbage rates of the 19 cities in the County except for the Town of Lady Lake.

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

A motion was made by Commissioner Brett, seconded by Commissioner Bob, to Approve Resolution No. 15-106. The motion carried by the following vote:

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

SECOND READING

15284 Ordinance No. 15-28: Amendment to Chapter 42, Code of Ordinances - Watercraft Rental and Farmers Market Franchise Agreements

Mr. Schroth read Ordinance No. 15-28 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending Chapter 42, Franchises, of the City of Eustis Code of Ordinances, by adding Article VIII and IX, to provide for franchise agreements for watercraft rentals and farmers markets utilizing City-owned park properties; providing for conflict with existing ordinances; providing for codification, severability, and effective date.

Mr. Schroth opened the public hearing at 6:32 p.m. There being no public comment, the hearing was closed at 6:32 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Brett, to Adopt Ordinance No. 15-28 on second reading. The motion carried by the following vote:

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

VII. OTHER BUSINESS

15293 Review of Existing Trash Contract

Ron Neibert, City Manager, explained the Commission had previously directed staff to review the contract with Waste Management Inc. (WMI). He commented on staff and resident overall satisfaction with the service provided. He stated that the contract provides for the Commission to consider every two years whether or not they wish to extend the contract an additional two years, if no action is taken then the contract automatically extends for another two years. He further explained that staff is clarifying with WMI the correct termination date for the current contract. He recommended the Commission move to notify WMI of the City's intent to not automatically extend the term of the current contract. He explained that doing so would provide the City with some flexibility in either crafting a new contract or opening up to new vendors.

Mayor Holland explained his original intent in making the request was to ensure City residents receive the lowest rate possible and expressed concern regarding the contract language regarding the term of the contract.

The Commission discussed the term of the contract with Mr. Neibert explaining his recommendation that the motion be made that the Commission give notice to Waste Management of their desire not to extend the contract beyond its existing termination date with Mr. Schroth concurring with the wording. Mr. Neibert also explained that there have been a number of interpretations regarding the current termination date but based on staff's interpretation and review of additional documentation, the termination date is either December 31, 2020 or December 31, 2022. He stated that the motion would provide notification that the City would not extend the contract beyond either 2020 or 2022. He further explained that he and the City Attorney would be working with WMI to determine the actual termination date.

Brennan Donnelly, an attorney representing WMI, provided a presentation regarding the term of the current contract and stated the current contract would expire December 31, 2022. He commented on costs incurred by WMI based on their reliance on having a seven-year contract. He stated that the City actually has until December 31, 2016 to make a decision on the renewal of the contract.

The Commission questioned whether or not there was a way out of the contract for either party with Mr. Schroth stating the only option would be an "anticipatory breach" should WMI not fulfill their portion of the contract. He disagreed with the interpretation of the term of the contract but noted that their reliance on the City's previous interpretation under the Jim Myers' memo and Commission minutes could result in a decision against the City regarding the termination date.

The Commission discussed whether or not they needed to proceed with a notice of termination at this time with Mr. Donnelly assuring the Commission they had until December 31, 2016, to provide notice without the contract extending any further.

The Commission questioned what would occur if they provided notice but then decided they wanted to continue their service with Mr. Schroth indicating they would need to negotiate a new contract at that time.

CONSENSUS: It was a consensus of the Commission to postpone a decision on the termination notice until sometime prior to December 31, 2016, based on WMI's statement at the meeting that there would not be another automatic extension until after December 31, 2016.

VIII. FUTURE AGENDA ITEMS

Commissioner Bob commented on the need to look at the issue with the Lake County Transit bus stop being located at Lake Technical Center. She expressed support for the bus stop being moved and stated the need to have dialogue regarding an appropriate site and the need for bus riders to have access to restrooms.

Mr. Neibert suggested scheduling a workshop with Lake County Transit for 5:30 p.m. prior to the second meeting in January.

IX. COMMENTS

City Commission

Commissioner Bob noted her attendance at the ribbon cutting for the new church in the Grove Street shopping center. She wished everyone a Merry Christmas and commented on the reason for the holidays.

Commissioner Gnann-Thompson commented on the number of instances she has seen recently of residents assisting one another particularly during traffic accidents.

Commissioner Brett also wished everyone Merry Christmas and noted the delay of his back surgery.

Vice Mayor LeHeup-Smith cited upcoming events including the showing of the "Minions" movie in Ferran Park and the planned car show. She asked the Commission to consider giving the employees some type of holiday bonus.

The Commission discussed the possibility of providing an employee bonus and whether or not the funds are available. The Commission also discussed including a holiday bonus in annual budget discussions.

CONSENSUS: It was a consensus of the Commission for staff to identify the appropriate funds and provide each employee with a $100 holiday bonus.

City Manager

Mr. Neibert reported that a tentative agreement had been reached with the Florida Police Benevolent Association for the collective bargaining agreement.

City Attorney - None

Mayor

Mayor Holland expressed thanks to the audience for attending and to City staff for all their work. He wished everyone a Merry Christmas.

X. ADJOURNMENT - 7:05 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.