APPROVED: 9/17/2015

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 3, 2015 | **6:00 PM** | **City Hall**

INVOCATION: Fr. Cassian Dunlop, St. Andrew Antiochian Orthodox Church

PLEDGE OF ALLEGIANCE: Commissioner Bob

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

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE

II. APPROVAL OF MINUTES

15207 August 20, 2015 - City Commission Workshop
August 20, 2015 - Regular City Commission Meeting

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

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

III. AUDIENCE TO BE HEARD

Gail Isaac-Thomas addressed the Commission on behalf of the Christian Comedy Night with the first anniversary to be held October 2, 2015. She invited the Commission to attend.

Sean Jenness addressed the Commission with some concerns regarding the Ferran Park Phase II plans.

IV. CONSENT AGENDA

15201 Resolution No. 15-60: Engineering Services for the Rehabilitation of the Eastern Wastewater Treatment Plant

A motion was made by Commissioner Bob, seconded by Commissioner Brett, to Approve the Consent Agenda. The motion carried by the following vote:

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

V. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

15198 Resolution No. 15-62: Ferran Park Phase II Site Plan

Derek Schroth, City Attorney, announced Resolution No. 15-62: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan for Phase II of an outdoor recreation facility, known as Ferran Park, located at 50 Ferran Park Drive and 200 North Bay Street.

Lori Barnes, Senior Planner, presented the Ferran Park Phase II site plan and reviewed the history of the project. She explained the proposed development to be included in Phase II as follows: 1) Reconfiguration of parking areas along Bay Street between W. McDonald Ave. and Gottsche Ave. on the north side of the park; 2) Enhancements to the west McDonald Avenue entrance; 3) Addition of a Ferran Park monument sign; and 4) Sidewalk and landscaping enhancements. She stated staff's recommendation for approval noting there was only one inquiry from the public regarding the project.

Mr. Schroth opened the public hearing at 6:23 p.m.

Daniel DiVenanzo asked if the Magnolia Avenue entrance to the park would be improved.

Rick Gierok, Public Works Director, explained the future main entrance would be from MacDonald and how the traffic would flow through the park. He stated there would be more landscaping and beautification at the MacDonald entrance and that the Magnolia area would be improved as part of Phase 5 including additional brick pavers. He reviewed what was planned for each phase. He noted that City would be asking FDOT to relocate the traffic signal from Gottsche to the MacDonald intersection. He explained that the traffic signal could not be placed at Magnolia due to it being too close to Orange Avenue.

Mr. DiVenanzo expressed concern that the Magnolia intersection would not be addressed until Phase 5.

There being no further public comment, the hearing was closed at 6:29 p.m.

The Commission discussed the timing of the Magnolia intersection improvements.

Ron Neibert, City Manager, suggested that Phase II be approved as is and allow staff to re-evaluate the phases from both a physical standpoint and financial to see if it can be moved up.

A motion was made by Commissioner Bob, seconded by Vice-Mayor LeHeup-Smith, to Approve Res. No. 15-62. The motion carried by the following vote:

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

Nay: 1 - Commissioner Gnann-Thompson

15199 Resolution No. 15-63: Conditional Sign - Lake Eustis Health and Rehabilitation Center

Mr. Schroth announced Resolution No. 15-63: A Resolution of the City Commission of the City of Eustis, Florida; approving a Conditional Sign for Lake Eustis Health and Rehabilitation on approximately 1.6 acres at 411 W. Woodward Ave.

Ms. Barnes presented the conditional sign request for Lake Eustis Health and Rehabilitation Center. She noted they changed their name and are requesting to replace their sign with a new, more modern, sign. She explained the site location, the difficulty with the current future land use designation and the proposed replacement sign. She explained the special circumstances pertaining to the request and stated it is compatible with the environment. She stated staff's recommendation for approval.

The Commission asked if the land use designation should be changed with Ms. Barnes explaining that it is legally nonconforming and there is not a reason to do so.

Mr. Schroth opened the public hearing at 6:36 p.m. There being no public comment, the hearing was closed at 6:37 p.m.

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

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

15195 Resolution No. 15-64: Setting Tentative Millage Rate for 2015.

Mr. Schroth announced Resolution No. 15-64: 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 2015-2016; providing for an effective date.

Colleen Scott, Finance Director, announced it was the City of Eustis first required public hearing on the 2015 tentative millage rate. She stated the proposed millage rate for 2015 is 7.5810 and the roll back rate is 7.4457 for an increase of 1.82% over the roll back. She reviewed the anticipated revenues based on the proposed millage rate and then provided a comparison of the City's proposed millage rate with the other area cities.

Mr. Schroth opened the public hearing at 6:41 p.m.

Daniel DiVenanzo commented on the difference between 2007 tax collections and the estimated collection for 2015 and suggested some of the additional revenue could be used for the Magnolia Avenue/Ferran Park improvements.

There being no further public comment, the hearing was closed at 6:43 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Bob, to Approve Resolution No. 15-64. The motion carried by the following vote:

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

15204 Resolution No. 15-65: Adopting Tentative Budget for FY 2015-16

Mr. Schroth announced Resolution No. 15-65: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the tentative budget for Fiscal Year 2015-2016; providing for an effective date.

Ms. Scott presented the tentative budget for FY2015-16 and noted that it is on the City's website. She reviewed the budget process and stated there would be a second and final public hearing on September 17th with the budget going into effect October 1st. She noted inquiries regarding the organization grants and stated those funds would be disbursed after October 1st. She stated the budget is based on an ad valorem millage rate of 7.5810 with a 98% collection rate. She highlighted the funding of merit increases and pension costs. She reported that staff would be submitting the City's budget for the GFOA presentation award. She provided an overview of the All Funds Summary including Beginning Fund Balance, Revenues, Expenditures, Reserves and Ending Fund Balance. She then provided an overview of the General Fund. She cited Public Safety statistics as the largest part of the General Fund. She reviewed the CRA budget and projects, the Capital Improvement Plan, and commented on the future challenges facing the City including the fire pension actuarial review, insurance costs, and renewal of the penny sales tax.

Mr. Schroth opened the public hearing at 6:51 p.m. There being no public comment, the hearing was closed at 6:52 p.m.

A motion was made by Commissioner Bob, seconded by Commissioner Brett, to Approve Resolution No. 15-65. The motion carried by the following vote:

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

15202 Resolution No. 15-68: Amending FY 2014-2015 Budget

Mr. Schroth announced Resolution No. 15-68: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, amending the FY2014-2015 budget of the Sewer Impact Fee Trust Fund and the Water & Sewer Repair and Replacement Fund.

Ms. Scott explained Resolution No. 15-68 is a budget adjustment request to re-allocate the eastern wastewater project to Repair and Maintenance instead of the Impact Fee Fund.

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

A motion was made by Commissioner Brett, seconded by Vice-Mayor LeHeup-Smith, to Approve Resolution No. 15-68. The motion carried by the following vote:

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

SECOND READING

15178 Ordinance No. 15-17: FY2015-16 Annual Update of the Five Year Capital Improvements Schedule of the Comprehensive Plan

Mr. Schroth read Ordinance No. 15-17 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 6:54 p.m. There being no public comment, the hearing was closed at 6:54 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Bob, to Adopt Ordinance No. 15-17 on Second Reading. The motion carried by the following vote:

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

15177 Ordinance No. 15-19: Design District Map Amendment for 4.5 Acres of City-owned Property at 1800 Hicks Ditch Rd.

Mr. Schroth read Ordinance No. 15-19 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending the Design District Map in the Land Development Regulations; changing the map designation of approximately 4.5 acres of City-owned real property located at 1800 Hicks Ditch Road from "Conservation" to Suburban Neighborhood.

Mr. Schroth opened the public hearing at 6:55 p.m. There being no public comment, the hearing was closed at 6:55 p.m.

A motion was made by Commissioner Bob, seconded by Vice-Mayor LeHeup-Smith, to Adopt Ordinance No. 15-19 on Second Reading. The motion carried by the following vote:

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

FIRST READING

15197 Ordinance No. 15-20: Conditional Use Permit for Metal Building on Mount Homer Road

Mr. Schroth read Ordinance No. 15-20 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 a metal building in a Mixed Commercial/Industrial land use district on approximately 0.62 acres on the south side of Mount Homer Road, west of Dillard Road.

Ms. Barnes introduced Alicia Hester, Development Services intern, to present the ordinance.

Ms. Hester explained the application for a Conditional Use Permit to allow a metal building by Moye Storage on Mt. Homer Road. She noted the side elevations are designed to not be visible from public view. She reviewed the proposed setbacks and landscape buffers.

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.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Brett, to Approve Ordinance No. 15-20 on First Reading. The motion carried by the following vote:

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

VI. OTHER BUSINESS

15200 Provisions for Use of City Streets for Horse-Drawn Carriage Businesses

Ms. Barnes reported an inquiry had been received from Rene Davenport of Equine Villa to provide horse-drawn carriage service in the City for weddings, special events, and possibly on weekends. She noted information provided to the Commission regarding a draft ordinance and agreement. She stated staff was seeking direction from the Commission regarding whether or not they want staff to proceed with drafting the ordinance and preparing an agreement.

Ms. Davenport commented on the need to inform the public about their presence during the Eustis Live events.

The Commission expressed concern regarding traffic particularly on Grove and Bay.

Ms. Barnes explained the carriage would cross at the signaled intersections and would not spend time on Bay or Grove. She presented a rough map of the three preliminary routes - one near the Community Building, one in the downtown area and one in the historic district. She noted the need for flexibility so they can adjust the routes without having to amend the ordinance.

The Commission questioned who would be responsible for cleanup after the horses with Ms. Davenport explaining the horses wear a type of diaper and that they are also prepared to clean up after the horses if necessary.

CONSENSUS: It was a consensus of the Commission for staff to proceed with drafting an ordinance and franchise agreement.

15203 Update information on Ferran Park Phase 3 - Splash Pad

Mr. Gierok provided an update on the splash pad project and staff's efforts to fast track the project in order to have it open by spring 2016 as requested by the Commission. He explained what would be included in the project and commented on the various proposed design features with a planned capacity of 62.

The Commission asked if it is the same size as Clermont's with Mr. Gierok indicating it would be about the same size as the one in Tavares. He confirmed that staff is coordinating with the Eustis High School swim team to make sure whatever is done is not detrimental to their swim meets. He noted some life/safety issues that would also be addressed and explained that there is a shade structure on the plan but, at this time, that is not included in the budget.

The Commission questioned how the slope would be addressed with Mr. Gierok explaining that GAI Services would be doing the site work including step walls to address those issues. He further explained that the splash pad would be incorporated inside the pool fence with one entrance point. He added they may have to pre-qualify contractors while working on the design phase.

The Commission asked about the area north of the pool area with Mr. Gierok indicating that the green space across the top would not be incorporated into the project.

Mr. Gierok reported there would be some impact to Ferran Park during the construction and there would be times when the bandshell would not be available. He cited possible impact on the 2016 Georgefest. He commented on landscaping that would be part of the project.

15205 Ninety Day Evaluation and Goal Setting for the City Manager

Mayor Holland explained the Commission's previous agreement to provide a 90-day review and then set some goals. He asked the Commissioners to provide their input.

Commissioner Brett expressed satisfaction with the City Manager's efforts to date.

Commissioner Gnann-Thompson noted his door has always been open for questions and he has always provided information when necessary. She stated that communication between all departments, the Commission and the citizens needs to be better.

Commissioner Bob commented on the number of new department heads. She expressed concern that the City employees should feel comfortable providing information directly to Commissioners. She noted that she had observed him being out and about at City functions.

Vice Mayor LeHeup-Smith cited the number of good comments she has received regarding Mr. Neibert. She expressed support for the sample goals he provided.

Mayor Holland commented on the number of meetings he has attended with Mr. Neibert and noted how much he enjoys people and how well he works with people. He stated Mr. Neibert has been outstanding in what he has done so far. He cited the attendance of Mr. Neibert, the Mayor, new Fire Chief and new Police Chief welcoming students the first day of school.

Mr. Neibert assured the Commission that staff has his full support in providing information directly to the Commission. He commented on how much he has enjoyed his time as City Manager so far.

Mayor Holland recommended setting a workshop to review and update the strategic plan. He asked if anyone else wanted to add any additional goals.

Commissioner Gnann-Thompson asked to include upkeep of the City and expansion of City limits. She commented on the need to improve code enforcement.

Vice Mayor LeHeup-Smith expressed support for the goals provided by Mr. Neibert.

Commissioner Brett stated the goals provided were good and measurable.

Commissioner Bob expressed agreement with the goals provided.

Mayor Holland asked for Mr. Neibert to schedule a strategic plan workshop and to look at Commissioner Gnann-Thompson's concerns. He also agreed with the goals provided.

Mr. Neibert suggested he would continue with implementing the goals in the current strategic plan and schedule a workshop for after the first of the year.

CONSENSUS: It was a consensus of the Commission to schedule the strategic plan workshop for November.

15206 Proposal by Bates Neighborhood Improvement Council

Emily Lee, representing the Bates Avenue Neighborhood Improvement Council, noted the number of members and students present. She reviewed a history of the program and the end of the Kids Central Inc. support. She stated their intent to file for their IRS 501(c)(3) designation. She distributed to the Commission copies of emails in support of the program.

Mayor Holland noted the receipt of a letter from Sen. Alan Hayes also in support of the Council.

The following individuals addressed the Commission in support of the Bates Avenue Neighborhood Improvement project: 1) Deidre Lewis; 2) Susan Hooper; and 3) James Trent. Suggestions made included the following: 1) establishing a partnership between the Council and the health department; and 2) the City donating a city-owned parcel to the Council with assistance from Habitat for Humanity in building a facility.

Ms. Lee explained they have been asked to continue the DCF Access project and cited the following projects benefiting the community: 1) assisting residents in improving their educational levels; 2) provision of senior computer classes; and 3) the expungement program.

Mr. Neibert stated that in order for the City to have a formal relationship with the Council, they would have to obtain their IRS designation. He noted that previous relationships were with either Kids Central Inc. (KCI) or Devereaux. He noted there are a number of staff members that are willing to work with them to make sure there isn't a duplication of services and assist them in applying for grants.

Commissioner Bob reported for the record that she previously met with Ms. Lee and explained her opposition to the project.

The Commission discussed the following issues: 1) the need for the IRS designation; 2) lack of funds available in the budget; 3) the need for the program to stay on Bates Avenue; 4) the possibility of utilizing another location; 5) not supporting one local agency over another; 6) assisting the Council with preparation of a business plan; 7) whether or not they need to be designated a 501(c)(3) or if they could be organized differently; 8) the need for the City to see statistics regarding number of residents served; 9) when the building is scheduled for demolition; 10) City staff assisting the Council in developing a business plan and obtaining their IRS designation; 11) the Council possibly providing mobile services; and 12) the inability of the City to commit $50,000 to one agency when they can't do it for others.

Mr. Neibert further explained they have no legal standing or insurance to cover the building in order to allow them to continue using the building.

Ms. Lewis explained the program began under Devereaux, who was taken over by Kids Central. She explained they never had the opportunity to file for their IRS designation and they have the service numbers. She cited the funds provided by the City for the homeless assistance facility. She expressed concern about the perceived lack of safety in the area.

The Commission discussed obtaining service information from KCI, the lack of insurance and a formal agency to sign a lease, possible duplication of services, the current lease with KCI not expiring until Sept. 28th, and the difficulty in allowing them to provide third party services in a City building.

Mr. Schroth stated that a not-for-profit could be set up within one day; however, most City tenants are required to provide their own insurance coverage.

CONSENSUS: It was a consensus of the Commission for staff to meet with Council representatives to help them organize and to have a report back at the September 17, 2015 meeting.

VII. FUTURE AGENDA ITEMS - None

VIII. COMMENTS

City Commission

Commissioner Bob commented on the beginning of the new school year.

Commissioner Brett cited the following upcoming activities: 1) Parks and Recreation golf tournament with proceeds to benefit the youth scholarship program; 2) Bay St. Players' presentation of "Harvey"; and 3) issues with criminal activity at the Eustis High School parking lot. He reported two cars were broken into during school hours and stated none of the cameras in the parking lot are working. He expressed concern about the lack of security at the school.

Commissioner Gnann-Thompson noted another instance of criminal activity including the removal of lug nuts from a teacher's car.

Vice Mayor LeHeup-Smith announced an artist's reception at the Lake Eustis Museum of Art, a movie in Ferran Park – "Hotel Transylvania", and stated the current issue of the national Kiwanis magazine features an article on Umatilla Elementary. She noted a block party at the St. Thomas Episcopal Church parking lot with the purpose of helping people meet their neighbors.

Mayor Holland reminded everyone about the Mustang Roundup Eustis Live event on Friday.

City Manager

Mr. Neibert reported the City had received another inquiry about allowing cattle grazing on City property.

CONSENSUS: It was a consensus of the Commission for staff to pursue an agreement to allow the cattle grazing.

City Attorney - None

IX. ADJOURNMENT - 8:40 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.