APPROVED: 9/3/2015

City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, August 20, 2015 | **6:00 PM** | **City Hall**

INVOCATION: Rev. Skott Jensen, First Assembly of God

PLEDGE OF ALLEGIANCE: Vice Mayor LeHeup-Smith

CALL TO ORDER: Mayor Holland - 6:45 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: 4 - Vice-Mayor Karen LeHeup-Smith; Commissioner Linda Bob; Commissioner Carla Gnann-Thompson; and Mayor Michael Holland

Absent: 1 - Commissioner Bill Brett

I. AGENDA UPDATE

Ron Neibert, City Manager, announced that the Other Business item, "Consideration of fee waiver request by Home Companions Senior Care" was removed from the agenda.

II. APPROVAL OF MINUTES

15194 August 6, 2015 - 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: 4 - Vice-Mayor LeHeup-Smith; Commissioner Bob; Commissioner Gnann-Thompson; and Mayor Holland

III. AUDIENCE TO BE HEARD

Christie Bobbitt, Director for Lake Eustis Area Chamber of Commerce, explained they are the ones that have displaced the Home Companions due to the sale of their facility. She thanked the City Manager and other staff for their assistance in keeping the business in Eustis.

IV. CONSENT AGENDA

15187 Resolution No. 15-58: Award of Bid No. 005-15 - Hollywood Ave., Suanee Ave. & Coolidge St. Waterline Replacement

15179 Resolution No. 15-59: Appointments to PRM Property & Casualty Board and Group Health Trust Board

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

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

V. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

15181 Resolution No. 15-54: Palmetto Plaza Phase II Site Plan

Derek Schroth, City Attorney, announced Resolution No. 15-54: 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 Palmetto Plaza, located at 1145 East Clifford Avenue.

Lori Barnes, Senior Planner, presented the proposed Palmetto Plaza Phase II site plan and reviewed the history of the project and work already completed. She explained the project would include the addition of restrooms, parking, benches and other hardscape for public use. She stated that the project is consistent with the Community Redevelopment Area action plan and the Comprehensive Plan and stated staff's recommendation for approval.

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 Vice-Mayor LeHeup-Smith, seconded by Commissioner Bob, to Approve Resolution No. 15-54. The motion carried by the following vote:

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

15182 Resolution No. 15-55: Goodwill Site Plan with Waivers

Mr. Schroth announced Resolution No. 15-55: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan with waivers for Goodwill retail store on approximately 3.86 acres located on the north side of U.S. Highway 441, west of Gables Drive.

Ms. Barnes reviewed the Goodwill site plan including a 26,000 square foot retail building and parking lot and the related waivers as follows: 1) an increase in the maximum number of wall signs from 2 to 3 on the parking lot elevation and to 4 on the Hwy. 441 elevation but the maximum square footage would still apply; 2) building glazing - reduction in minimum transparency from 40% to 8.3% due to internal functions and the building orientation; 3) parking lot landscaping - longer parking row width between tree islands in order to retain more of the onsite mature trees; and 4) elimination of landscape buffer and 6 ft. masonry wall on the north side of the site due to an existing 6 ft. vinyl fence and the number of mature trees onsite. She cited two inquiries by City residents with one expressing concern regarding connectivity to the existing access road and increased traffic. She stated the plan is consistent with the existing development and the comprehensive plan and recommended approval.

The Commission questioned who maintains the vinyl fence and why they located the drop off in the front of the building.

Ms. Barnes explained the fence was constructed as part of The Gables development and would be maintained by them. She explained that the drop off being placed in front of the building discourages dumping.

Mr. Schroth opened the public hearing at 6:58 p.m. He noted the email received Wednesday, August 19, 2015, regarding the proposed site plan and confirmed the Commission had received a copy of the email. He added there seemed to be a request for a continuance as well. There being no public comment, the hearing was closed at 6:58 p.m.

The Commission expressed concern about the drop off being located in the front of the building and people dumping stuff regardless of the location.

Jake Wise, civil engineer for the project, commented on efforts by Goodwill at other locations to reduce the amount of dumping. He explained the alarm system they now have that warns people to not dump after hours. He further explained their reasoning for going to the stand alone buildings and the orientation to the rear of the property. He also explained the request to not install the wall due to impact on the tree roots. He noted they were able to save 48 large trees.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 15-55. The motion carried by the following vote:

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

15183 Resolution No. 15-56: AutoZone Store Site Plan with Waivers (US Hwy. 441)

Mr. Schroth announced Resolution No. 15-56: A Resolution of the City Commission of the City of Eustis, Florida, approving a site plan with waivers for AutoZone on approximately 3 acres at 18515 US Highway 441.

Ms. Barnes reviewed the AutoZone site plan, explained the location in relation to the Goodwill site and reviewed the related waivers as follows: 1) Increase in the maximum building setback from 75 feet to 85 feet to assist in the cross access connection to the east; 2) perimeter landscaping - reduction in the minimum landscape buffer from 10 feet to 8 and 9 feet around three sides of the building; 3) a 10 ft. landscape buffer along Hwy. 441 instead of 15 to 24 ft. landscape buffer; and 4) eliminating the required 6 ft. masonry wall due to the existing 6 ft. vinyl fence and the large setback between the construction area and the existing fence. She reported there were two inquiries regarding the site plan including an email with concerns about traffic on Gables Drive. She stated the site plan is consistent with surrounding development and the comprehensive plan. She expressed staff's recommendation for approval.

The Commission asked if the applicant would be willing to plant some trees in the setback area.

Ms. Barnes stated the applicant's civil engineer may be better able to answer that question and noted that the existing development did not have a landscape buffer.

Jason Bullard, Hanlex Civil, stated they are adding a few trees and presented to the Commission a view of the landscape plan.

Mr. Schroth opened the public hearing at 7:09 p.m. He noted the previously mentioned email also mentioned this site plan as well as the Goodwill site plan. 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 Bob, to Approve Resolution No. 15-56. The motion carried by the following vote:

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

15190 Resolution No. 15-61: Audit of Duke Energy Franchise Fees

Mr. Schroth announced Resolution No. 15-61: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, authorizing the City Manager to require an audit of the Duke Energy franchise fees established with Ordinance 97-14 on January 16, 1997.

Colleen Scott, Finance Director, provided a history of the franchise agreement and explained staff's request to require an audit of the Duke Energy franchise fees as allowed under Ordinance No. 97-14. She noted that the agreement allows the City to request an audit every five years; however, the City has never done so. She cited the number of changes with the purchase of the original company by Duke Energy. She stated that the audit would cost approximately $4,500; however, if more than a 5% inaccuracy is discovered then Duke Energy will cover the cost of the audit. She noted a recent news article and distributed a copy to the Commission.

Mr. Schroth opened the public hearing at 7:12 p.m. There being no public comment, the hearing closed at 7:12 p.m.

A motion was made by Commissioner Bob, seconded by Vice-Mayor LeHeup-Smith, to Approve Resolution No. 15-61. The motion carried by the following vote:

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

SECOND READING

15169 Ordinance No. 15-18: Amending Chapter 30 - Elections

Mr. Schroth read Ordinance No. 15-18 by title on second and final reading: An Ordinance by the City Commission of the City of Eustis, Lake County, Florida, amending Chapter 30 "Elections" of the City's Code of Ordinances to add Section 30-9, "Requirements for Qualification as Candidate for City Commissioner" requiring one year City residency; providing legislative findings; intent and purpose; severability; an effective date; and publication according to law.

Mr. Schroth opened the public hearing at 7:13 p.m. There being no public comment, the hearing was closed at 7:13 p.m.

A motion was made by Commissioner Bob, seconded by Vice-Mayor LeHeup-Smith, to Adopt on second reading Ordinance No. 15-18. The motion carried by the following vote:

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

FIRST 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 first 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. Neibert explained that annually the Commission approves the City's Capital Improvement Plan; however, a number of grants require that the Comprehensive Plan Capital Element be updated annually.

Mr. Schroth opened the public hearing at 7:15 p.m. There being no public comment, the hearing was closed at 7:15 p.m.

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

Aye: 4 - Vice-Mayor LeHeup-Smith; Commissioner Bob; Commissioner Gnann-Thompson; 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 first 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.

Dianne Kramer, Development Services consultant, explained the proposed Design District Map amendment. She noted the property is the location of the City's Fire Station No. 23. She stated it has a future land use designation of PI (Public Institutional). She explained that property is shown on the Design District Map as "Conservation". She noted that land to the south and west was recently re-designated as "Conservation". She stated that to the east is unincorporated Lake

County. She stated that to the west and northwest of the site is Suburban Corridor and to the south is Suburban Neighborhood. She explained the City has three development patterns and four design districts. She stated there is no mention of "conservation" in those designations. She explained the characteristics of a suburban neighborhood. She added that the land is not a conservation area as it is not environmentally sensitive, there are no wetlands, swamp or marsh, no scrub community nor is there an area of significant biological productivity or uniqueness on the site. She stated staff's recommendation for approval and the designation of the property as Suburban Neighborhood.

Mr. Schroth opened the public hearing at 7:20 p.m. There being no public comment, the hearing was closed at 7:21 p.m.

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

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

VI. OTHER BUSINESS

15180 City Charter Review

Mr. Neibert noted the recent discussion by the Commission to conduct a charter review. He stated staff is requesting direction from the Commission regarding the process to be used and a timeline.

Mr. Schroth suggested holding a workshop for initial discussion stating a number of issues have been noted particularly concerning elections. He questioned the timeframe for the 2016 elections with Mary Montez, City Clerk, responding the deadline for submitting an amendment for the November ballot would be September 2, 2016 and for the primary the deadline would be June 24, 2016.

Mr. Neibert stated that staff could prepare a summary of the items that have previously been discussed and schedule a workshop for discussion. He recommended holding the workshop after the budget has been approved.

CONSENSUS: It was a consensus of the Commission for the City Manager to prepare a report on Charter issues previously discussed and schedule a workshop after October 1, 2015.

15184 Discussion and Direction Regarding Provisions for Hobby Pigeons in the City Limits

Commissioner LeHeup-Smith explained she was approached by a resident of Mount Dora regarding the City's previous denial for him to have pigeons in the City. She noted that a number of County residents keep pigeons. She invited Dave Bacon to address the Commission.

Dave Bacon distributed to the Commission pictures of pigeons. He commented on the history of pigeon keeping in the City including shows at the fairgrounds and releases of pigeons for special events. He expressed support for allowing backyard hobbies utilizing benign animals.

The Commission discussed with Mr. Bacon the existing Lake County regulations and how to address issues such as smell, noise and debris on other property. They also discussed regulating the number of pigeons based on the size of a property and having staff formulate some regulations.

Mr. Neibert suggested that staff meet with Mr. Bacon and ask him to review any proposed regulations prior to bringing it back for Commission consideration.

The Commission expressed concern regarding the pigeons attracting wildlife, the impact on adjoining property owners, and proper disposal of waste.

CONSENSUS: It was a consensus of the Commission for staff to work with Mr. Bacon to draft some regulations and bring it back to the Commission for further discussion.

15189 Discussion on proposed lease of John B. Smith property for public parking lot

Mr. Neibert reported that the City previously leased property owned by John B. Smith for public parking; however, the lease had expired. He noted that Mr. Smith approached Vice Mayor LeHeup-Smith about renewing the lease.

The Commission discussed the current condition of the property and the need for the property owner to bring it up to code prior to the lease being implemented.

Mr. Gierok explained that the City maintained the property for quite a while after the lease expired as well as after the City quit using the lot. He expressed concern regarding the condition of the property and the possibility of City staff being blamed for destruction of the hedges. He noted it would require some destruction of the existing vegetation to make the lot usable.

A suggestion was made as to whether or not the City could purchase the lot from Mr. Smith with a consensus that the property is probably not for sale.

CONSENSUS: It was a consensus of the Commission for staff to meet with Mr. Smith to discuss bringing the property up to code and use of the lot for public parking.

15191 Consideration of Fee Waiver Request for Proposed Conditional Use Permit (Home Companions Senior Care at Lake Ridge Village; 353 Ardice Avenue)

Mayor Holland noted the fee waiver request was removed from the agenda. He then asked the Commission to consider donating funds to Eustis Heights Elementary for the purchase of "spirit" shirts for the school's 9/11 memorial ceremony.

CONSENSUS: It was a consensus of the Commission to donate $200 for the shirts.

VII. FUTURE AGENDA ITEMS - None

VIII. COMMENTS

City Commission

Commissioner Gnann-Thompson encouraged everyone to be safe, lock their cars and be careful.

Commissioner Bob asked for staff to make sure areas around all of the schools are mowed and cleaned. She noted a complaint from Hugh Brockington regarding Bates Avenue. She reminded everyone that school starts on Monday and to watch out for school zones.

Vice Mayor LeHeup-Smith reported on her attendance at the Florida League of Cities conference. She announced that the Lake Eustis Museum of Art would host a dance in January and the Art Affair in March. She announced that Lake County now has a trap, neuter and release program for feral cats. She noted there would be a meeting in Tavares regarding the program and an adoption event at the Viaport mall. She also announced that Raymond James would be collecting pet food especially wet kitten food and KMR milk.

City Manager - None

City Attorney - None

Mayor

Mayor Holland announced the Eustis Area Chamber of Commerce has shirts for sale for $20 with the proceeds to benefit the Open Door and the Chamber.

Vice Mayor LeHeup-Smith noted that the Open Door is waiting for their certificate of occupancy. She stated the projected soft opening date would be the first of September with a ribbon cutting in October or November. She noted they have hired the director - Diane Pepeski. She thanked the Chamber for the donation of towels.

Mayor Holland reported on the League of Cities conference with lots of information regarding economic development. He complimented Mr. Neibert, Tom Carrino and Miranda Burrowes for their efforts in economic development.

IX. ADJOURNMENT - 8:18 p.m.

Mary C. Montz

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.