



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 6, 2015

6:00 PM

City Hall

INVOCATION: Rev. Ron Holder, First Church of God

PLEDGE OF ALLEGIANCE: Commissioner Gnann-Thompson

CALL TO ORDER: Mayor Holland - 6:03 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

II. APPROVAL OF MINUTES

- 15176 June 16, 2015 - City Commission Workshop
July 13, 2015 - City Commission Special Meeting
July 13, 2015 - City Commission Workshop
July 16, 2105 - Regular City Commission meeting

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

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

III. SWEARING-IN OF NEW COMMISSIONER

- 15171 Swearing-in of New City Commissioner, Seat #5

Mary Montez, City Clerk, administered the Oath of Office to Carla Gnann-Thompson as newly-elected Commissioner for Seat #5.

IV. PRESENTATIONS

- 15172 Presentation by Emogene Stegall, Lake County Supervisor of Elections, in Recognition of the 50th Anniversary of the Signing of the Federal Voting Rights Act

Emogene Stegall, Lake County Supervisor of Elections, provided a presentation regarding the history of the 1964 Civil Rights Act and the 1965 Federal Voting Rights Act in recognition of the 50th anniversary of passage of the act. She also gave a history of voting laws within the State of Florida. She displayed a precinct registration book for the City of Eustis from the 1930's and one of the first ballot boxes used in Lake County.

Mayor Holland presented to Ms. Stegall a proclamation recognizing her time in office and efforts on behalf of the voters of Eustis and Lake County.

15173 Presentation of Home Rule Hero Award

Ryan Mathews, Associate Director of Legislative Affairs with the Florida League of Cities, presented to Mayor Michael Holland the Home Rule Hero Award.

V. AUDIENCE TO BE HEARD

Lloyd Thome, representing Veterans Organization of Resource and Recovery for the Homeless (VORRH), explained the purpose of the organization and their programs. He expressed concern regarding various fire code inspections and cited violations. He distributed information from the Department of Defense regarding suicide by veterans and active duty personnel.

Mayor Holland asked the City Manager and Fire Chief to work with VORRH to help them with their issues.

Emily Lee, Bates Avenue Neighborhood Council, addressed the Commission regarding recent changes with the Council and a proposed new program. She reported that as of August 28, 2015, the project will no longer be affiliated with Kids Central. She presented to the Commission a request from the Council for City assistance.

Mayor Holland stated the City would review the request and asked City Manager Ron Neibert to place the request on a future agenda.

Adrian Almodovar expressed support for Mr. Thome and VORRH.

Earl Gray, Clermont Moose Lodge, cited the number of organizations supporting VORRH.

VI. CONSENT AGENDA

15165 Resolution No. 15-49: Vacation of Ten Foot Utility Easement on Property at the NW Corner of N. SR 19 and Haselton Road

15170 Resolution No. 15-51: Adopting Public Records Access and Records Management Policy and Handbook

A motion was made by Commissioner Brett, seconded by Vice-Mayor LeHeup-Smith, 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

VII. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

15164 Resolution No. 15-48: Valencia Grove Site Plan with Waivers

Derek Schroth, City Attorney, read Resolution No. 15-48 by title: A Resolution of the City Commission of the City of Eustis, Florida, approving a site plan with waivers for Valencia Grove, a 144 unit multi-family residential development, on approximately 9.25 acres located at the northwest corner of Huffstetler Dr. and Kurt St.

Lori Barnes, Senior Planner, reviewed the Valencia Grove site plan with six buildings, 271 parking spaces and amenities. She explained the requested waivers as follows: 1) to exceed the maximum height restriction of 35 feet and construct the three story buildings at a maximum height of 37 feet; and 2) allow handicapped parking stall depth per 2010 ADA standards. She stated the proposed development is consistent with applicable regulations and expressed staff's recommendation for approval.

The Commission asked about sidewalks with Ms. Barnes indicating that the development would provide a sidewalk along Kurt Street adjacent to the Development.

Rick Gierok, Public Works Director, explained the Kurt Street project will extend the sidewalk along Kurt Street from Ardice to the north and will tie in with the municipal sidewalk.

Mr. Schroth opened the public hearing at 7:09 p.m.

The following property owners expressed concern regarding the development, the condition of Kurt Street and the need for additional sidewalk: Yvonne Spikes and Jane Kaminski.

Ms. Barnes explained that the entrance will be on Huffstetler with only breakaway gates on Kurt Street and Dillard for emergency access.

Mr. Gierok explained that the Kurt Street project is moving forward with the first installment to begin October 15th. He stated that the County is trying to fast track the project and combine the first two phases into one year. He stated that the sidewalks are in the first phase.

The Commission asked if staff could get a cost for extending the sidewalk to Hwy. 441 with Mr. Gierok indicating there are funds budgeted for new sidewalk construction and staff could see if it could be included in the sidewalk plan.

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

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Brett, to Approve Resolution No. 15-48. The motion carried by the following vote:

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

Nay: 1 - Commissioner Bob

15166 Resolution No. 15-50: AutoZone Site Plan with Waivers (N. SR 19)

Mr. Schroth read Resolution No. 15-50 by title: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan with waivers for an Autozone Store on approximately 1.06 acres at the northwest corner of N. SR19 and Haselton Road.

Ms. Barnes reviewed the proposed Autozone Store site plan noting the property was recently annexed with a Mixed Commercial/Residential land use and Suburban Corridor design district. She noted that improvements to Haselton Road are included as part of the project. She explained the waivers as follows: 1) Building frontage percentage due to the property fronting on three streets resulting in total linear front footage of over 600 feet; 2) Maximum building setback: SR 19 frontage complies with maximum 75-foot setback with Ruth Avenue at 87 feet and Haselton Road at 81.5 feet; 3) Waiver of windows requirement on secondary streets; 4) Reduction of required landscape buffer area width and plantings around the building; and 5) Reduction of required landscape buffer widths on the west and north sides of the site and waiver of the required masonry wall. She presented the landscape plan as proposed with waivers. She stated the site plan is consistent with the existing development character, strategic plan and goals, objectives and policies of the comprehensive plan. She stated staff's approval for the site plan.

The Commission asked about the number of auto part stores in the City with Ms. Barnes citing a number of similar stores.

Mr. Schroth opened the public hearing at 7:22 p.m.

Dave Jaziniak, adjacent property owner, expressed concern about the setback variance on the north and questioned whether or not he would get a similar variance when he develops.

Mr. Schroth explained that each variance is considered on its own. He cautioned against relying on passage of the requested waiver to get a similar variance.

Mr. Jaziniak expressed concern regarding the size of the setback.

Ms. Barnes explained that the landscape buffer and building setback are two different things. She stated that the landscape buffer width is what will be five feet not the building setback. She noted that on a commercial building lot it is permitted to go to a zero lot line.

Jeremy Anderson, Hanlex Civil LLC, explained that the building will be approximately 20 feet from the lot line.

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

A motion was made by Commissioner Brett, seconded by Vice-Mayor LeHeup-Smith, to Approve Resolution No. 15-50. The motion carried by the following vote:

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

15167 Resolution No. 15-52: Florida Recreation Development Assistance Program Grant for the Sunset Island Park Improvements

Mr. Schroth read Resolution No. 15-52 by title: A Resolution of the City Commission of the City of Eustis, Florida, authorizing the City Manager to submit an application for the Florida Recreation Development Assistance Program (FRDAP) to the Florida Department of Environmental Protection for federal fiscal year 2016-2017 for the Sunset Island Park improvements.

Mr. Gierok explained the proposed grant application for a \$200,000 matching grant for improvements to Sunset Island Park. He explained the planned improvements would include paving of the parking facility, renovations to the Senior Center, tennis court restoration and installation of a skate park. He stated the improvements are included in the lakefront master plan which was approved in 2013. He noted that public input was obtained during a community meeting held July 27th on the grant application. He added that staff just became aware of the grant in mid to late July so the application has been fast tracked.

The Commission questioned whether or not the Commission had actually discussed the location for the skate park with Mr. Gierok explaining it came from plans for the lakefront park and Ron Neibert, City Manager, stating that it is also included in the Sunset Island master plan.

Mr. Gierok explained the grant application would require that it be located on Sunset Island but not necessarily in a specific location on the island.

The Commission asked if the east side of Carver Park was ever considered with Mr. Gierok responding negatively. He provided an aerial view of the park and indicated the general area near the basketball court.

The Commission questioned whether or not it would be difficult for an emergency vehicle to get to an injured skater with Mr. Neibert indicating the sidewalks would be wide enough.

The Commission expressed concern regarding the potential noise that may be generated and the adjoining residential area.

Mr. Neibert and Mr. Gierok explained the deadline for the grant application with Mr. Neibert noting that the location of the skate park was discussed during approval of the Capital Improvement Plan.

The Commission discussed the previous presentations by the skateboarders, the discussion at that time about the park being placed at Sunset Island and the lack of sufficient time to research.

The Commission questioned whether or not the tennis courts are in good enough shape to wait a year with Mr. Gierok indicating there are funds budgeted to improve the tennis courts so they can proceed if the grant is not awarded.

Mr. Neibert explained the timing of the grant application and how it can delay projects.

Mr. Schroth opened the public hearing at 7:40 p.m. There being no public comment, the hearing was closed at 7:40 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Brett, to Approve Resolution No. 15-52. The motion carried by the following vote:

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

15168 Resolution No. 15-53: Florida Recreation Development Assistance Program Grant for the Carver Park Improvements

Mr. Schroth read Resolution No. 15-53 by title: A Resolution of the City Commission of the City of Eustis, Florida, authorizing the City Manager to submit an application for the Florida Recreation Development Assistance Program (FRDAP) to the Florida Department of Environmental Protection for federal fiscal year 2016-2017 for the Carver Park improvements.

Mr. Gierok reviewed the proposed grant application for the Carver Park improvements. He stated the primary improvement is the resurfacing of the main basketball court. He noted that there are funds in the next year's budget if the grant is not awarded. He stated the grant is for \$50,000 with no match and would cover the cost for the court as well as some other minor maintenance.

The Commission commented on the poor condition of the field with Mr. Gierok indicating staff is looking at it. He stated it couldn't be covered under the grant but the field may need to be re-turfed.

Mr. Schroth opened the public hearing at 7:43 p.m. There being no public comment, the hearing was closed at 7:43 p.m.

A motion was made by Commissioner Brett, seconded by Vice-Mayor LeHeup-Smith, to Approve Resolution No. 15-53. The motion carried by the following vote:

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

15174 Resolution No. 15-57: Approval of Independent Contractor Consulting Agreement with Dianne Kramer

Mr. Schroth read Resolution No. 15-57 by title: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, authorizing the execution of an independent contractor consulting agreement with Dianne Kramer.

Mr. Schroth explained the proposed consulting agreement with Dianne Kramer due to her involvement with the objection to the comprehensive plan amendment and other issues. He opened the public hearing at 7:45 p.m. There being no public comment, the hearing was closed at 7:45 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Brett, to Approve Resolution No. 15-57. 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

15149 Ordinance No. 15-14: Voluntary Annexation of 3.86 Acres Located on the North Side of U.S. 441, West of Gables Dr.

Mr. Schroth read Ordinance No. 15-14 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 3.86 acres of real property located on the north side of U.S. Highway 441, west of Gables Drive.

Mr. Schroth opened the public hearing at 7:46 p.m. There being no public comment, the hearing was closed at 7:46 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Bob, to Adopt Ordinance No. 15-14 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

15150 Ordinance No. 15-15: Small Scale Amendment to the Future Land Use Map of the Comprehensive Plan (2015-CPLUS-04)

Mr. Schroth read Ordinance No. 15-15 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, FL., amending the City of Eustis Comprehensive Plan pursuant to 163.3187(1) F.S.; changing the Future Land Use Designation of approximately 3.86 acres of recently annexed real property located on the north side of U.S. Highway 441, west of Gables Drive, from Regional Commercial in Lake County to General Commercial (GC) in the City of Eustis.

Mr. Schroth opened the public hearing at 7:46 p.m. There being no public comment, the hearing was closed at 7:46 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Bob, to Adopt Ordinance No. 15-15 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

15151 Ordinance No. 15-16: Design District Assignment

Mr. Schroth read Ordinance No. 15-16 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Design District Designation of Suburban Corridor to 3.86 acres of recently annexed real property located on the north side of U.S. Highway 441, west of Gables Drive.

Mr. Schroth opened the public hearing at 7:47 p.m. There being no public comment, the hearing was closed at 7:47 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Brett, to Adopt Ordinance No. 15-16 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

FIRST READING

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

Mr. Schroth read Ordinance No. 15-18 by title on first 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 explained the purpose of the ordinance which was drafted pursuant to Commission direction at the July 13, 2015 special Commission meeting. He noted that the individual who had requested to be qualified had not, at that time, filed a lawsuit. He further explained that the ordinance would only become effective in the event of a successful court challenge of the current charter provision. He commented on other needed changes to the charter and the possibility of a charter review. He opened the public hearing at 7:49 p.m. There being no public comment, the hearing was closed at 7:49 p.m.

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

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

VIII. OTHER BUSINESS

15175 Overview of Florida's Public Records and Open Meetings Laws

Mr. Schroth provided for the Commission a review of the Florida public records and open meetings laws as previously requested by the Commission. He cited the two major aspects of the Sunshine Law: 1) Public records law; and 2) Open meetings law. He reviewed the requirements of the open meetings law and common inadvertent violations. He noted that personal notes for your own use are not a public record. He advised that if they have or receive a public record they should give it to the City Clerk for archiving. He explained that, if the Commissioners rely on the advice of City staff or attorney, then any violation will be inadvertent and not intentional and, therefore, it will not be a criminal violation.

Mr. Schroth then reviewed the ethics laws citing issues such as *quid pro quo*, utilizing their position to gain influence such as with a speeding ticket, and reporting requirements for gifts other than from family. He noted there are serious and criminal penalties for violations of the ethics law.

IX. FUTURE AGENDA ITEMS

Commissioner Gnann-Thompson asked for a workshop prior to end of fiscal year to discuss priorities for the next year and was advised that usually occurs in January.

Vice Mayor LeHeup-Smith distributed a handout regarding pigeons and confirmed a workshop had been scheduled regarding pigeon regulations. She reported that she was approached by Johnny Smith regarding his property at Eustis and Macdonald. She explained that the City previously had a lease to use the property for public parking. She stated that he wants to know if the City is interested in renewing the lease and asked for discussion on the proposal to be on the next agenda

Mayor Holland asked to have the Bates Avenue Neighborhood Council information on a future agenda.

X. COMMENTS

City Commission

Commission Gnann-Thompson complimented the department directors and thanked them for recent meetings she had with them.

Vice Mayor LeHeup-Smith announced the "Strut Your Mutt" program to be held for the benefit of Lake County Animal Services and the South Lake Animal League. She thanked Rick Gierok and the Public Works staff for removal of a diseased tree. She cited an article in Charity Magazine regarding homelessness and reported the Open Door facility on Citrus Avenue would open on August 17th with the formal opening in September.

Mayor Holland commented on B.E. Thompson's gubernatorial appointment for the Early Learning Coalition and his involvement with various homeless organizations. He reported on a meeting he and the City Manager had with Dr. Robert Marvet who has a contract with the City of Leesburg. He noted the movement of the homeless population between Leesburg and Eustis. He further commented on the need for the two cities to work together on the issue.

Mr. Thompson explained Dr. Marvet's history and involvement with the City of Leesburg. He stated they will be scheduling meetings with the City Manager and the Mayor to discuss the transient

population in north Lake County. He noted that the City of Leesburg is paying for the study but it is showing there is a growing homeless problem in the overall area.

Mayor Holland also noted that Dr. Marvet would be providing a presentation at the League of Cities conference.

Commissioner Brett announced free sports physicals would be provided by the First Presbyterian Church.

Commissioner Bob announced Michael Ray would be in Walmart signing his new album on Friday evening. She also commented on the homeless problem in Florida and reminded everyone that it was again time to complete volunteer forms for the local schools.

Commissioner Gnann-Thompson noted she had contacted one of Michael Ray's relatives and invited him to join the City at Eustis Live on Friday.

Mayor Holland stated that the Eustis Live event would include a Panther Spirit Pep Rally. He announced that Gene Dekerhoff, Voice of the Seminoles would be speaking at the Eustis Community Center on Wednesday, August 19th.

City Manager

Mr. Neibert introduced the new Human Resources Director Bill Howe. He also thanked the Commission and others for their condolences in passing of his father.

City Attorney

Mr. Schroth reported that a deposition has been scheduled for Mr. Panuska. He noted a number of Commissioner depositions to be held on Friday. He stated there would be a three day hearing beginning August 31st regarding the comprehensive plan administrative hearing. He reviewed a request from Mr. Langley regarding an agreement on the comprehensive plan wording.

CONSENSUS: It was a consensus of the Commission to not accept the proposed agreement.

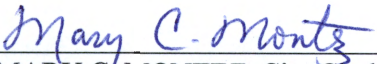
Mr. Schroth then reported on the lawsuit regarding Ordinances No. 14-17 and 14-18. He stated the judge ruled the ordinances are void due to a technical deficiency. He stated that a new ordinance redesignating the fire station property's design district will be brought forward. He stated a rehearing on the judge's decision was requested and was allowed. He reported that since then he had received a letter from Mr. Langley providing terms for them to withdraw their motion. He asked if the Commission had any interest in resolving the lawsuit under the proposed terms. He stated that the new hearing was set for September 17th.

CONSENSUS: It was a consensus of the Commission for Mr. Derek to proceed with the hearing and not settle under the proposed terms.

Mayor

Mayor Holland thanked City staff for their efforts on behalf of the City and complimented the organizations that presented at the meeting and cited their benefits to the community.

XI. ADJOURNMENT - 8:20 p.m.


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.