APPROVED: 6/18/2015

City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, June 4, 2015 | **6:00 PM** | **City Hall**

INVOCATION: Evangelist Lortasha Hill, Wi.n.1 Ministries

PLEDGE OF ALLEGIANCE: Commissioner Bob

CALL TO ORDER: Mayor Eckian - 6:00 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: 5 - Commissioner Linda Bob; Commissioner Bill Brett; Vice-Mayor Michael Holland; Commissioner Karen LeHeup-Smith; and Mayor Albert Eckian

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

15117 May 7, 2015 - City Commission Workshop
May 21, 2015 - Regular City Commission Meeting
May 21, 2015 - City Commission Workshop

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

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

III. AUDIENCE TO BE HEARD

Dave Bacon, Mount Dora, addressed the Commission regarding the raising of pigeons and previous discussions he had with City staff regarding the requirements to have pigeons. He asked the Commission consider reinstating the ability for residents to be able to have pigeons in the City.

Andy Hawkins, representing CNO Commercial Real Estate in Orlando, explained they are working on a project for Goodwill Industries. He expressed concern regarding the nitrate/nitrogen loading analysis. He explained they are unable to submit an application to the City as they have been unable to find a vendor that has an understanding of the required analysis.

Mayor Eckian confirmed that if the project will be on central sewer the analysis will not be required.

Lortasha Hill, W.I.N. 1 Ministries, addressed the Commission regarding a prayer walk to be held Saturday, June 6, 2015 at 9:30 a.m. She explained what will occur and the route for the walk.

There being no further public comment, Audience to be Heard was closed at 6:16 p.m.

Mayor Eckian recognized Stephanie Luke, Lake County School Board member.

IV. CONSENT AGENDA

15110 Resolution No. 15-36: GNSS Reference Station Agreement with FDOT

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

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

V. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

<u>SECOND READING</u>

15062 Ordinance No. 15-07: Large Scale Text Amendment to the Comprehensive Plan

Derek Schroth, City Attorney, read Ordinance No. 15-07 by title on second and final reading: An Ordinance by the City Commission of the City of Eustis, Florida, amending the City of Eustis Comprehensive Plan 2010-2035 pursuant to Section 163.3184 of the Florida Statutes; providing for text revisions to the Future Land Use Element, the Future Land Use Appendix, the Conservation Element, the Recreation and Open Space element, the Housing Element, the Economic Development Element, the Intergovernmental Coordination Element, and the Capital Improvements Element; eliminating the Public School Facilities element in its entirety; providing for the repeal of ordinances inconsistent with this ordinance; providing for conflicting provisions; and providing for severability and effective date.

Dianne Kramer, Development Services Director, explained the purpose for the amendment and reviewed the changes made since first reading to address comments provided by the State of Florida Department of Economic Opportunity (DEO), Florida Department of Environmental Protection, Florida Department of Transportation and St. John's River Water Management District. She noted most of the agencies had no comments and that DEO had indicated even if the City did not address their technical assistance comment it would not form the basis of a challenge. She explained that, if the ordinance is approved on second reading, it would become effective 31 days after the state finds the adoption package complete.

Mr. Schroth opened the public hearing at 6:28 p.m. There being no further public comment, the hearing was closed at 6:28 p.m.

A motion was made by Vice-Mayor Holland, seconded by Commissioner Bob, to Adopt Ordinance No. 15-07 on second reading. The motion carried by the following vote:

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

15100 Ordinance No. 15-09: Conditional Use Permit - 235 East Badger Avenue

Mr. Schroth read Ordinance No. 15-09 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a conditional use permit for a museum with a complementary retail use for sales of religious articles located in a residential/office transitional land use district on approximately 0.25 acres at 235 East Badger Avenue.

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

A motion was made by Vice-Mayor Holland, seconded by Commissioner Brett, to Adopt Ordinance No. 15-09 on second reading. The motion carried by the following vote:

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

FIRST READING

15112 Ordinance No. 15-10: Voluntary Annexation of Approximately .35 acres Located at 34 Ohio Blvd.

Mr. Schroth read Ordinance No. 15-10 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 0.35 acres of real property at 34 Ohio Boulevard.

Lori Barnes, Senior Planner, reviewed the proposed annexation, future land use designation and design district designation for 0.35 acres located at 34 Ohio Boulevard. She expressed staff's recommendation for approval stating that the request meets the requirements of the Joint Planning Area and Florida Statutes, and the proposed designations are compatible with the surrounding area and consistent with the Comprehensive Plan and Land Development Regulations.

Mr. Schroth opened the public hearing at 6:34 p.m. There being no public comment, the hearing was closed at 6:34 p.m.

A motion was made by Vice-Mayor Holland, seconded by Commissioner Bob, to Approve Ordinance No. 15-10 on First Reading. The motion carried by the following vote:

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

15113 Ordinance No. 15-11: Small Scale Amendment to the Comprehensive Plan for .35 Acres Located at 34 Ohio Blvd.

Mr. Schroth opened Ordinance No. 15-11 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 0.35 acres of recently annexed real property located at 34 Ohio Boulevard from Urban Medium in Lake County to Mixed Commercial/Residential (MCR) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:35 p.m. There being no public comment, the hearing was closed at 6:35 p.m.

A motion was made by Vice-Mayor Holland, seconded by Commissioner Bob, to Approve Ordinance No. 15-11 on First Reading. The motion carried by the following vote:

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

15114 Ordinance No. 15-12: Design District Assignment for Approximately .35 Acres Located at 34 Ohio Blvd.

Mr. Schroth read Ordinance No. 15-12 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Design District Designation of Suburban Corridor to approximately 0.35 acres of recently annexed real property located at 34 Ohio Boulevard.

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

A motion was made by Vice-Mayor Holland, seconded by Commissioner Brett, to Approve Ordinance No. 15-12 on First Reading. The motion carried by the following vote:

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

VI. OTHER BUSINESS

15115 Fee Waiver Request: Wilts Alexander

Ms. Kramer reviewed the requested fee waiver from Wilts Alexander pertaining to the variance request approved at the May 21st Commission meeting. She explained the fee was not a fine but was for the after-the-fact variance application. She commented on the only previously approved fee waivers. She suggested the Commission consider providing Mr. Alexander with a grant for the community park rather than granting a fee waiver. She noted that Mr. Alexander was out of town and could not attend the meeting.

The Commission asked about the amount of staff time involved in assisting Mr. Alexander with Ms. Kramer confirming that staff spent a significant amount of time in assisting Mr. Alexander.

The Commission discussed requiring Mr. Alexander to pay the hard costs involved with the application, whether or not Code Enforcement saw Mr. Alexander installing the fence and therefore should have stopped him at that time and informed him of the need for a variance, the benefit of the fencing to the business, and the possibility of reducing the fee to the same as a before-the-fact variance application charge.

A motion was made by Commissioner LeHeup-Smith, seconded by Commissioner Brett, to reduce the fee to $149.35, the amount of the hard costs only. The motion carried by the following vote:

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

Nay: 1 - Mayor Eckian

15116 Compensation of Former Acting City Manager

The Commission discussed the following points: 1) the difference between Ms. Kramer's compensation and the previous City Manager; 2) Ms. Kramer's willingness to accept a lower salary due to the City's budget situation at that time; 3) reduction of Ms. Kramer's salary without Commission consideration; 4) the possibility of increasing her salary back to $125,000 until her upcoming retirement or providing her with a bonus; 5) the previous Acting City Manager's salary not being rolled back once a new City Manager was hired; 6) Ms. Kramer's salary being under the authority of the City Manager as with all department directors; 7) that the Commission should have set her continuing salary prior to the new City Manager's effective date; and 8) what authority the Commission has on Ms. Kramer's salary.

Mr. Schroth stated the Commission can direct the City Manager to provide a bonus to an employee that has done a good job.

Mayor Eckian opened the floor to public comment. No one came forward.

The Commission further discussed the issue noting that the salary was agreed upon by Ms. Kramer and the issue should have been discussed sooner.

Mayor Eckian summarized the Commission's options as follows: 1) Agree should have addressed sooner but leave as is; 2) Refer to Human Resources and have recommendation brought back; 3) Have a Commissioner work with Ms. Kramer and Human Resources to develop a recommendation; 4) Make an adjustment now; or 5) Develop a bonus to reward work while under City Commission direction.

The Commission discussed whether or not they can make a recommendation to the City Manager regarding the salary and the possibility of Commissioner Bob working with Human Resources to bring back a recommendation.

Ms. Kramer expressed her appreciation for the Commission's comments on her work but stated she would prefer they not do anything more. She cited the good work done by other employees and department heads during her tenure as Acting City Manager.

The Commission discussed recognizing Ms. Kramer upon her retirement including possibly providing a bonus and her request that the Commission not take further action.

Upon the request of Commissioner Bob, the discussion was closed.

CONSENSUS: It was a consensus of the Commission to leave the salary as is and have Human Resources determine an appropriate recognition upon Ms. Kramer's retirement.

VII. FUTURE AGENDA ITEMS

Commissioner Bob distributed information excerpted from the Charter with Section 8 - Mayor highlighted. She commented on the cancellation of a contract that was approved by the Commission and that should have gone back to the Commission for consideration of cancellation. She expressed concern about actions being taken without Commission approval. She asked that an organizational workshop be scheduled. She asked why the lease was cancelled.

Ron Neibert, City Manager, responded that it was cancelled at the request of an employee of Kids Central and explained the lease was expiring anyway and he gave them a 120 day notice.

The Commission discussed the handling of the lease cancellation and distribution to the Commission of a Commission summary report with City Clerk Mary Montez explaining that was a routine report that just recently the Commission had been added to the distribution list. She explained that it was originally created to inform City employees who could not attend the Commission meetings of actions taken at those meetings.

Mayor Eckian noted there is requirement in the City Manager's contract for the Commission to do an evaluation in August 2016. It was recommended that Human Resources be asked to update the previously used evaluation form to include any issues identified through prior performance reviews and that it be brought to a meeting for discussion so the City Manager knows what he will be evaluated on.

CONSENSUS: It was a consensus of the Commission to hold a workshop to discuss the Commission organization and the evaluation form and process for the City Manager. It was recommended that Mr. Neibert discuss with Ms. Kramer issues that occurred during her tenure as Acting City Manager.

VIII. COMMENTS

City Commission

Vice Mayor Holland thanked Erin Bailey, the City's Events Coordinator, for her work on the Memorial Day service. He commented on his participation in the Eustis High School and Seminole Springs Elementary graduations. He announced the release of the Michael Ray video which was filmed in Eustis. A portion of the video was played for the audience.

Commissioner Brett announced he would miss the next Commission meeting due to travel.

Commissioner Bob announced her retirement from Lake County Schools as of Monday, June 8, 2015. She noted she will be volunteering at local schools and commented on her history within the Florida State Retirement System including her last 25 years with the School Board system.

City Manager

Mr. Neibert stated the Commission needs to schedule a workshop to review the proposed changes to the Land Development Regulations. He cited the following possible dates - June 16th, 23rd and 25th.

CONSENSUS: It was a consensus of the Commission to hold the workshop at 5:30 p.m. on Tuesday, June 16, 2015.

Mr. Neibert reminded the Commission of the need to schedule the previously approved workshop to discuss the Commission's organizational structure.

CONSENSUS: It was a consensus of the Commission to hold the workshop on Thursday, June 11, 2015, at 5:30 p.m. and to hold the workshop in the Community Building Lakeview Room if available.

Mayor Eckian confirmed that there would be three primary topics - Commission governance, strategic planning and the evaluation form and process for the City Manager.

Mr. Neibert introduced the new Police Chief Gary Calhoun.

City Attorney - None

Mayor

Mayor Eckian commented on his attendance at the 90th birthday celebration for Eustis Elementary School. He then reported on the Upper Ocklawaha Working Group meetings to develop action plans on nutrient loading in area waterways. He noted that the City will be asked to submit a report on what it has done on that issue. He commented on the transition with the new City Manager and a number of new department heads.

IX. ADJOURNMENT - 7:50 p.m.

Mary C. Montez
MARY C. MONTEZ
City Clerk

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.