City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, May 21, 2015 | **6:00 PM** | **City Hall**

INVOCATION: Moment of silence

PLEDGE OF ALLEGIANCE: Commissioner LeHeup-Smith

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

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE

Mayor Eckian announced that Section VI of the agenda - Public Hearings - would be moved up on the agenda due to the short timeframe prior to the workshop. The remaining items could be considered after the public hearings or after the workshop depending on time constraints.

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

15101 Resolution No. 15-31: Variance to Land Development Regulations Section 109-4.2(e)(8); Fence

Derek Schroth, City Attorney, announced Resolution No. 15-31: 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(e)(8), allowing three strands of barbed wire atop an existing five foot fence on the southeast corner of Palmetto Street and East Bates Avenue.

Dianne Kramer, Development Services Director, explained the criteria for granting of a variance. She noted that in the past there have been requests for a variance that did not meet the criteria but the Commission felt the request was reasonable so they directed staff to bring back a change to the land development code.

The Commission asked if they could grant the variance and then ask staff to draft a change with Ms. Kramer stating they could do that but they would first need to make sure the request meets the variance criteria.

Lori Barnes, Senior Planner, reviewed the request for an "after the fact" variance to allow three strands of barbed wire atop an existing five foot tall chain-link fence located on the southeast corner of Palmetto Street and East Bates Avenue. She presented slides showing the existing location with the barbed wire and reviewed the land development regulations pertaining to the use of barbed wire. She stated that the variance does not meet the requirements for a variance and stated staff does not recommend approval of the request or of the requested fee waiver. She noted that Wilt Alexander, the applicant, is present and would like to make a statement prior to public input.

Wilt Alexander, 503 Palmetto St., King's Tasty Barbecue, explained his justification for his request citing the increase in the crime rate in the area surrounding his property. He presented to the Commission a petition signed by his customers in support of the barbed wire fence. He stated he had determined that going through his property was the preferred escape route prior to the installation of his fence. He commented on the benefit to the community. He noted that he had obtained three bids on having the barbed wire installed and none of the three mentioned he would need a permit before he decided to do the job himself. He cited existing barbed wire within the City.

Mr. Schroth opened the public hearing at 6:27 p.m.

The following individuals addressed the Commission regarding the variance: 1) Gail Isaac-Thomas, 1140 Bates Avenue; 2) Douglas Smallwood, Umatilla resident and King's Barbecue employee; and 3) Sharon Odell, 35345 Harbor Shores Rd., Leesburg.

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

The Commission discussed the requested variance, increased crime within the community, the number of areas where barbed wire already exists, and whether or not the regulations need to be revised.

Ms. Kramer stated that approving the resolution means the Commission has determined that the request meets the criteria for the variance. She explained the Commission's options as follows: 1) the Commission can make those findings and approve the resolution; 2) the Commission can approve the resolution and direct staff to review the regulations for amendment; or 3) they can deny the variance but direct staff to bring back an amendment to the regulations.

Ron Neibert, City Manager, confirmed with the City Attorney that by approving the variance the Commission would not necessarily be setting a precedent since it would be based on a specific set of circumstances.

The Commission further discussed the request, concurred with the interpretation that there is a unique set of circumstances, and possible amendments to the regulations that would address the situation.

A motion was made by Vice-Mayor Holland, seconded by Commissioner Brett, to Approve Resolution No. 15-31. The motion carried by the following vote:

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

SECOND READING

15074 Ordinance No. 15-08: Inclusion of the City within the County MSTU for Ambulance and Emergency Medical Services

Mr. Schroth read Ordinance No. 15-08 by title on second and final reading: An Ordinance by the City Commission of the City of Eustis, Lake County, Florida, adopted pursuant to Section 125.01(1)(q), Florida Statute (2007) consenting to the inclusion of the City of Eustis, Florida, within the Countywide Municipal Service Taxing Unit for the provision of ambulance and emergency medical services, as adopted by the Board of County Commissioners of Lake County, Florida; providing for the City to be included within said M.S.T.U. for a specific term of years; providing for an effective date.

Mr. Schroth opened the public hearing at 6:46 p.m. There being no public comment, the hearing was closed at 6:47 p.m.

A motion was made by Vice-Mayor Holland, seconded by Commissioner Bob, to Adopt Ordinance No. 15-08 on second reading. The motion carried by the following vote:

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

FIRST READING

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

Mr. Schroth read Ordinance No. 15-09 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 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.

Ms. Barnes explained the requested Conditional Use Permit for a museum and religious articles shop to be located at 235 East Badger Avenue across the street from the existing St. Mary of the Lakes Catholic Church. She reviewed the comments from the community meeting and expressed staff's recommendation for approval with the conditions contained in the proposed ordinance as follows: 1) Maintaining the residential character of the structure; 2) Limiting hours of operation to Monday, Wednesday, Friday and Sunday after church services; 3) Permitting only one handicapped parking space to the east of the existing handicap ramp; 4) Signage to be placed on the building only; 5) No outdoor displays or yard sales; and 6) Any exterior lighting must be in compliance with the Land Development Regulations requirements and cannot encroach into adjoining properties. She noted a letter received from Dr. and Mrs. Rotella requesting additional restrictions.

Mr. Schroth opened the public hearing at 6:50 p.m. There being no public comment, the hearing was closed at 6:50 p.m.

A motion was made by Vice-Mayor Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 15-09 on first reading. The motion carried by the following vote:

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

II. APPROVAL OF MINUTES

15108 May 7, 2015 - Regular City Commission Meeting

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

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

III. PRESENTATIONS

15104 Recognition of 2015 Earle B. Phelps Award

Rick Gierok, Public Works Director, explained the award of the 2015 Earle B. Phelps Award to the City's Bates Avenue Wastewater Treatment Plant and announced that the plant was designated #1 in the state. He presented the award to Mayor Eckian.

IV. AUDIENCE TO BE HEARD

Mayor Eckian opened the floor to Audience to be Heard at 6:54 p.m. and asked anyone speaking to limit their comments to three minutes.

Gail Isaac-Thomas thanked the Commission for their approval of the King's Barbecue variance.

There being no further public comment, the floor was closed at 6:55 p.m.

V. CONSENT AGENDA

15105 Reappointment to the Firefighters' Pension Board of Trustees - George Perron

15099 Resolution No. 15-32: Interlocal Agreement with Lake County - Home Investment Partnerships Program

15085 Resolution No. 15-33: Purchase in Excess of $50,000 Civil Engineering Services for Lakeview Avenue Roadway Improvements

15107 Resolution No. 15-35: Financial Policy Revisions

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

VII. FUTURE AGENDA ITEMS

Commissioner Bob commented on the number of City employees retiring. She cited the number of projects concluded under Dianne Kramer's guidance while Acting City Manager. She expressed support for providing some type of financial bonus upon Ms. Kramer's retirement.

Mayor Eckian stated there would be two future items for consideration - the fee waiver for Mr. Alexander and a bonus for Ms. Kramer.

The Commission confirmed whether or not Ms. Kramer's salary was adjusted back to her pre-acting level with Mr. Neibert indicating that had been done along with adjustments for any increases she would have received in the interim.

VIII. COMMENTS

City Commission

Vice Mayor Holland noted the Memorial Day event in Ferran Park and the June 5th street party.

Commissioner Brett announced that the summer kickoff concert would be held Friday night.

City Manager - None

City Attorney - None

Mayor

Mayor Eckian announced that a workshop including members of the Lake County School Board would convene at 7:15 p.m. and invited members of the public to remain for the workshop.

IX. ADJOURNMENT - 7:01 p.m.

Mary C. Montez

MARY C. MONTEZ
City Clerk

ALBERT G. ECKIAN
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.