



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, April 2, 2015

6:00 PM

City Hall

INVOCATION: Minister Phil Barnes, Orange Avenue Church of Christ

PLEDGE OF ALLEGIANCE: Commissioner Bob

CALL TO ORDER: Mayor Eckian - 6:01 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 - None

II. APPROVAL OF MINUTES

15070 March 9, 2015 - City Commission Executive Session (public portion only)
March 19, 2015 - Regular City Commission Meeting
March 19, 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 LeHeup-Smith; Commissioner Bob; Commissioner Brett; Vice-Mayor Holland; and Mayor Eckian

III. PRESENTATIONS

15068 Proposed Lake Sumter State College Center for Environmental Studies

Tom Hofmister, Lake Community Foundation Chairman, provided a presentation regarding the proposed Lake Sumter State College (LSSC) Center for Environmental Studies. He noted the presence of David Jazz, who prepared the architectural renderings of the proposed project. He reviewed the history of the Community Foundation and their efforts to try and identify the best and highest use of the downtown property donated by Waterman Hospital. He cited conversations the Foundation has had with Sen. Hayes and representatives of the College. He stated that Sen. Hayes is working to include in the state budget a line item for the purchase of property for the project. He asked that the Commission consider drafting a resolution of support that could be provided to Sen. Hayes.

Vice Mayor Holland commented on discussions he had on the project with legislators in Tallahassee and expressed support for a resolution.

Mayor Eckian suggested that the Acting City Manager contact LSSC President Mojock to see where they are in the process.

CONSENSUS: *It was a consensus of the Commission for Ms. Kramer to contact Dr. Mojock prior to bringing back a resolution of support.*

IV. AUDIENCE TO BE HEARD *No one came forward at that time.*

V. CONSENT AGENDA

15066 Resolution No. 15-17: Acceptance of Serenity at Retail Subdivision Utility Infrastructure

15067 Appointment of Lake County Arts and Cultural Alliance Representative

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS**SECOND READING**

15054 Ordinance No. 15-04: Voluntary Annexation - Northwest Corner of N. SR 19 & Haselton Road

Derek Schroth, City Attorney, read Ordinance No. 15-04 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida; Voluntarily Annexing Approximately 1.06 Acres of Real Property Located at the Northwest Corner of N. SR 19 and Haselton Road.

Mr. Schroth opened the public hearing at 6:23 p.m. There being no public comment, the hearing was closed at 6:23 p.m.

A motion was made by Vice-Mayor Holland, seconded by Commissioner Bob, to Adopt Ordinance No. 15-04 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

15055 Ordinance No. 15-05: Design District Assignment for Recently Annexed Property at the Northwest Corner of N. SR 19 & Haselton Road

Mr. Schroth read Ordinance No. 15-05 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 Approximately 1.06 Acres of Recently Annexed Real Property Located at the Northwest Corner of N. SR 19 and Haselton Road.

Mr. Schroth opened the public hearing at 6:24 p.m. There being no public comment, the hearing was closed at 6:24 p.m.

A motion was made by Vice-Mayor Holland, seconded by Commissioner Brett, to Adopt Ordinance No. 15-05 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

15056 Ordinance No. 15-06: Comprehensive Plan Amendment/Future Land Use Assignment for Recently Annexed Property at the Northwest Corner of N. SR 19 & Haselton Rd.

Mr. Schroth read Ordinance No. 15-06 by title on second and final 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 1.06 Acres of Recently Annexed Real Property Located at the Northwest Corner of N. SR 19 and Haselton Road from Lake County Urban Low to Mixed Commercial/Residential (MCR) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:24 p.m. There being no public comment, the hearing was closed at 6:25 p.m.

A motion was made by Vice-Mayor Holland, seconded by Commissioner Bob, to Adopt Ordinance No. 15-06 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

VII. OTHER BUSINESS

15069 Resolution No. 15-20: Finalize Settlement Negotiations/Acceptance and Approval of Settlement Agreement in Keating Litigation

Dianne Kramer, Acting City Manager, explained the mediation held with a Florida Supreme Court certified mediator. She provided a brief history of the lawsuit and previously court-ordered mediations. She stated this settlement is strictly monetary for a total payment to the plaintiff of \$470,000 with \$300,000 to be paid by the insurance company and \$170,000 by the City.

Drew Smith, Attorney appointed by the City's insurer for the lawsuit, explained what would occur if the settlement is not approved and the litigation goes forward.

The Commission asked for an estimate of attorney's fees if the trial goes forward with Mr. Smith responding \$200,000 to \$300,000 if the trial goes smoothly.

Mr. Schroth read Resolution No. 15-20 by title only: A Resolution of the City Commission of the City of Eustis, Florida, Ratifying and Accepting the Settlement Agreement with John Kingman Keating, Individually and as Trustee, and John F. Ballard, Individually and as Trustee, Regarding Case No. 2007-CA-002368 (Consolidated with Case No. 2012-CA-002344) as Signed by the Mayor on March 25, 2015; and Approving an Expenditure in Excess of \$50,000 by Authorizing the Finance Director to Pay \$170,000 to Estes Meadow, LLC in Accordance with Said Agreement.

Mr. Schroth opened the public hearing at 6:35 p.m.

Rachel Holtzclaw, 11 Cove Lane, commented on the history of the lawsuit and expressed opposition to the settlement.

Mr. Schroth cited an email sent to the Commission by Emily Lee and read it into the record.

Emily Lee, 705 E. Washington Ave., noted she had sent the message to the Commission. She reconfirmed her support for the settlement and emphasized the need to move on.

There being no further public comment, the hearing was closed at 6:42 p.m.

Mayor Eckian cited his reasons for signing the settlement agreement. He explained that the settlement agreement does not provide any vested rights to Mr. Keating and that any future project will require Mr. Keating to go through the complete development process under current regulations.

The Commission discussed the following: 1) the need to move forward; 2) the cost to the City; 3) the need to focus on current issues and needs; 4) that the settlement makes good business sense; 5) the length of time involved in the lawsuit; 6) whether or not a trial would be winnable; and 7) whether or not the City would be "rewarding a bully".

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

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

Nay: 1 - Commissioner LeHeup-Smith

15065 Informational Report - Limited English Proficiency Plan

Ms. Kramer provided a brief report on the City's Limited English Proficiency Plan. She complimented the Human Resources staff and explained the need to have the plan in order to meet criteria for various grants as well as provide City information to residents with limited English.

VIII. FUTURE AGENDA ITEMS

Mayor Eckian requested that the emergency medical services renewal be placed on the agenda and that reports by the Mayor and Vice Mayor be scheduled.

IX. COMMENTS**City Commission**

Commissioner LeHeup-Smith highlighted the following events: 1) Kiwanis Club scholarship program application period; 2) Kiwanis Club April 22nd fundraiser at Bay St. Players' presentation of Jesus Christ Superstar; 3) her attendance at the funeral for former EHS teacher Laverne Wetzell; 4) progress on the Open Door project; 5) the Egg Hunt in Ferran Park on Saturday, April 4th; 6) Eustis Live street party April 3rd; 7) Painting the Town Purple to raise funds for Relay for Life; and 8) Relay for Life, April 24th in Ferran Park.

Vice Mayor Holland thanked the City's legal team for their work. He announced that the new business, "Rhythms", would be holding a walk through before they open. He cited the Amazing Race for Charity to be held April 11th. He noted a hand out containing the talking points for the penny sales tax renewal and commented on the recent Eustis Jazz Band performance.

Commissioner Brett announced the Lake Eustis Area Chamber of Commerce is sponsoring a Wellness Challenge to include teams of 4.

Commissioner Bob commented on the new school buildings for Eustis Heights Elementary, cited a school in Detroit which has been designated as all female, and commented on the need for the City to think outside the box in finding ways to improve the community.

Mayor Eckian announced that a workshop would be held at 7:15 p.m. on May 21st to discuss education in the City. He noted that the Lake County School Board has been invited to attend.

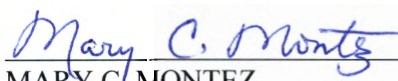
City Manager - None**City Attorney**

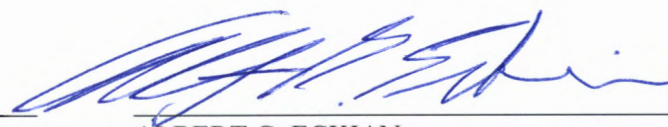
Mr. Schroth announced the dismissal of the Sunshine violation lawsuit.

Mayor

Mayor Eckian thanked the Commission for supporting Resolution No. 15-20 and the attorneys for their assistance. He expressed his desire to see people move to Eustis because it is the most desirable place to live not just because it is inexpensive. He reported on his and Tom Carrino's visits to various local businesses and the need to encourage more economic development.

X. ADJOURNMENT - 7:27 p.m.


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.