APPROVED: 4/2/2015

# City of Eustis, Florida

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

## Meeting Minutes – Final*
## City Commission

**Thursday, March 19, 2015** **6:00 PM** **City Hall**

### INVOCATION: Rev. Ron Holder, First Church of God

### PLEDGE OF ALLEGIANCE: Commissioner LeHeup-Smith

### CALL TO ORDER: Mayor Eckian - 6:10 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

**15059** March 3, 2015 - Special City Commission Meeting
March 5, 2015 - Regular City Commission Meeting
March 5, 2015 - City Commission Workshop

**A motion was made by Vice-Mayor Holland, seconded by Commissioner LeHeup-Smith, 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. AUDIENCE TO BE HEARD

*Susan Hooper, 621 N. Eustis Street, commented on the number of realtors coming to Eustis from Orlando. She cited a property she has listed with a family interested that would like to have a fence installed and the difficulty they are having with meeting the fence setback regulations.*

*There being no further public comment, Audience to be Heard was closed at 6:17 p.m.*

### IV. CONSENT AGENDA

*Commissioner Bob asked to remove from the Consent Agenda consideration of the City Manager Employment Agreement and Resolution No. 15-15: Bid Award for Phase 1 of Ferran Park Improvements.*

**15057** Resolution No. 15-13: GMP with Evergreen Construction Management Inc. for Library Renovations

**15052** Resolution No. 15-16: Approval of City Finance Director Appointment

**A motion was made by Vice-Mayor Holland, seconded by Commissioner LeHeup-Smith, to Approve the Consent Agenda as amended with the removal of the City Manager Employment Agreement and Resolution No. 15-15. The motion carried by the following vote:**

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

### 15051 Approval of City Manager Employment Agreement

*The Commission discussed possible concerns regarding Ronald Niebert's performance evaluations and asked Human Resources Director Ann Isaacs if she felt the issues discussed are manageable with input from the Commission.*

*Ms. Isaacs recommended that a performance plan could be established with goals for him to reach within the first year. She also recommended a six-month review.*

*Following further discussion, it was a consensus of the Commission that the new City Manager's work plan include addressing the areas of concern.*

*Mayor Eckian opened the floor to public comment at 6:25 p.m. No one came forward at that time.*

**A motion was made by Vice-Mayor Holland, seconded by Commissioner Brett, to Approve the City Manager Employment Agreement with the understanding that a work plan would be prepared which would include addressing those areas perceived as weaknesses. The motion carried by the following vote:**

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

### 15050 Resolution No. 15-15: Bid Award for Phase 1 of Ferran Park Improvements

*The Commission discussed whether or not the new playground would interfere with future use of the rail line and whether or not the construction would interfere with the high school senior pictures.*

*Dianne Kramer, Acting City Manager, confirmed that the playground would not interfere with use of the rails and that there would still be portions of the park not affected by the work where the senior photographs could be taken.*

*Mayor Eckian opened the public hearing at 6:28 p.m. There being no public comment, the hearing was closed at 6:28 p.m.*

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

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

## V. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

**FIRST 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 first 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.*

*Lori Barnes, Senior Planner, reviewed the requested annexation, the design district assignment and the comprehensive plan amendment for the future land use assignment. She confirmed that the site meets the criteria for annexation and that the request is consistent and compatible with the comprehensive plan and land development regulations. She stated the Lake County Schools planner reviewed the proposal and found no adverse impact. She confirmed all three ordinances were properly advertised, noticed to the surrounding property owners and a community meeting was held. She stated staff's recommendation for approval of Ordinances No. 15-04, 15-05 and 15-06.*

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

**A motion was made by Vice-Mayor Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 15-04 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

**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 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 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 6:37 p.m. There being no public comment, the hearing was closed at 6:37 p.m.*

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

**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 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 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 6:38 p.m. There being no public comment, the hearing was closed at 6:38 p.m.*

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

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

*Mr. Schroth read Ordinance No. 15-07 by title on first reading: An Ordinance of 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.*

*Ms. Kramer explained the requested large scale comprehensive plan text amendment and stated all elements are being revised except the Transportation Element, which was revised in 2012 under Ordinance No. 12-09, and the Infrastructure Element. She reviewed the process used and cited the workshops held over the previous two year period beginning in March 2012. She explained* *that the review of the comprehensive plan was begun in order to update the plan to address new state legislation passed in 2011 eliminating certain requirements. She stated that the Commission and staff also wanted to eliminate unnecessary specificity and provide more flexibility in order to improve the City's ability to fairly and effectively implement policies and make it consistent with normal development review processes. She explained that the plan included some policies that required a level of analysis for comprehensive plan map amendments that required information is not yet available at that time. She explained that type of analysis is normally done during the site plan approval.*

*Ms. Kramer then explained the purpose of the comprehensive plan is to provide a general policy and guidelines with specific regulations contained in the Land Development Regulations. She provided a summary of the major changes within each element and explained that, if approved on first reading, the amendment would be sent to the State for an expedited review with a tentative date for second reading of June 4, 2015. She added that it would become effective 30 days after approval on second reading.*

*Mr. Schroth opened the public hearing at 6:57 p.m.*

*Jon Prospisil, Goldenrod FL, expressed opposition to changing the text from "native plants" to "Florida Friendly". He recommended utilizing different criteria for different types of projects and suggested including a percentage requirement for native plants.*

*There being no further public comment, the hearing was closed at 7:03 p.m.*

*Mayor Eckian explained his recommendation during the workshop to change the wording to "Florida Friendly" instead of "native plants" or "right plant, right place".*

*Ms. Kramer noted Section 5.2.13a (Future Land Use Element) refers to the management of naturally sensitive areas. She suggested that it could be changed to read "native and Florida Friendly plants". She explained the section refers to conservation areas.*

*Following further discussion, it was agreed that Section 5.2.13a of the Future Land Use Element could be amended to read "...Florida Friendly and native vegetation as feasible". It was confirmed the ordinance could be amended as suggested without an additional reading.*

*Ms. Kramer noted the City did receive one letter of objection to the amendment.*

**A motion was made by Vice-Mayor Holland, seconded by Commissioner Bob, to Approve Ordinance No. 15-07 on First Reading with Section 5.2.13a of the Future Land Use Element amended to read as follows: "Eventual removal of invasive plants and replanting with Florida Friendly and native vegetation as feasible". The motion carried by the following vote:**

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

# VI. OTHER BUSINESS

## 15058 Acceptance of the Comprehensive Annual Financial Report (CAFR) for the Year Ended September 30, 2014

*Colleen Scott, Finance Director, reviewed the Comprehensive Annual Financial Report (CAFR) for the year ending September 30, 2014. She explained what is contained within the CAFR including the Statement of Activities, Balance Sheet and Statement of Fund Balance. She then explained the difference between Government wide - accrual and Governmental - modified accrual. She reviewed the Deposits and Investments, Capital Assets and Long Term Liabilities. She then reviewed the Statistical Section including levels of service, demographic information and history of outstanding debt. She discussed the net change in Fund Balance and commented on the increases in revenue and savings in expenditures. She summarized that the City is financially sound, they have a clean audit and they need to work on improving Fund Balance.*

*The Commission confirmed that the auditors verify that the City's funds balance to the bank statements.*

*Mayor Eckian opened the floor to public comment at 7:40 p.m.*

*Jon Pospisil, Goldenrod FL, congratulated the City on receiving the GFOA award for 26 years.*

*No one else came forward at that time.*

**A motion was made by Vice-Mayor Holland, seconded by Commissioner Brett, to Accept the Comprehensive Annual Financial Report for the Year Ended September 30, 2014. The motion carried by the following vote:**

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

### 15063 Approval of FY 2016 Tentative Budget Calendar and Workshop Schedule

*Ms. Kramer asked if any of the Commissioners needed to change any of the proposed dates with Commissioner Brett stating he could not make June 25th.*

*CONSENSUS: It was a consensus of the Commission to eliminate the June 25th workshop and hold the budget workshops on July 13th and 14th with the information from the 25th to be considered on the 13th.*

*The Commission questioned whether the September 3rd public hearing date is too early based on the State's requirements with Ms. Kramer indicating she would confirm that it meets the state schedule.*

## VII. FUTURE AGENDA ITEMS

*Vice Mayor Holland stated he wanted the Commission to discuss the amount spent on the City Attorney having to respond to Leonard Wheeler's emails as well as on frivolous lawsuits.*

*Mr. Schroth commented on Mr. Wheeler's emails. He explained that he reviews them to make sure there are no public records requests buried in them. He stated that the previous City Manager and Ms. Kramer asked him to review the emails due to Mr. Wheeler's previous litigation which has been settled. He indicated that the Commission could direct a staff member to review those rather than the law firm. He noted that the City won the previous lawsuit filed by Mr. Wheeler.*

*CONSENSUS: It was a consensus of the Commission to have the City Clerk review Mr. Wheeler's emails rather than the City Attorney.*

*Mr. Holland agreed he no longer needed to have the agenda item.*

*Commissioner Bob complimented Ms. Kramer on her service as Acting City Manager and asked to have some type of recognition of Ms. Kramer's service.*

*Mayor Eckian volunteered to work with staff to arrange recognition of Ms. Kramer at the April 16th regular Commission meeting.*

## VIII. COMMENTS

### City Commission

*Commissioner Bob stated that the former FCAT test is now the Florida State Assessment. She announced that testing would begin the next week with spring break to be held the following week.*

*Mayor Eckian reported on his and Economic Development Director Tom Carrino's visits to local businesses and stated he is working on the May 21st workshop.*

*Vice Mayor Holland announced the following upcoming events: 1) May 11th Amazing Race for Charity benefitting a variety of local charities; 2) April 24th and 25th - Relay for Life for the American Cancer Society; and 3) Hot dog drive- thru on Friday, March 27th at the Police Department, sponsored by the City's Relay for Life team. He noted his trip to Tallahassee and announced that the annual League of Cities conference would be held in Orlando, August 13th through 15th.*

*Commissioner LeHeup-Smith reported on the Lake Eustis Museum of Art Wine -A-Fare. She congratulated Ron Neibert and Colleen Scott on their appointments. She announced that the Kiwanis Club had bought out the Bay Street Players April 22nd performance of "Jesus Christ Superstar". She stated that proceeds will be used for the Kiwanis scholarship program. She announced the following upcoming events: 1) Friday, March 20th, ribbon cutting celebrating the Bay Street Players' 40th anniversary; 2) Saturday, March 21st - the Lake Eustis Sailing Club Youth Foundation's 10th Anniversary; 3) March 28th - Downtown Cruise-in; 4) April 3rd - Eustis Live street party; and 5) April 4th - Spring Fling egg hunt in Ferran Park.*

### City Manager

*Ms. Kramer noted the Commission's previous request to establish a grant policy. She stated the need to clarify the provision of in kind services which costs the City money. She suggested that if the Commission intended for the City's services to be provided in kind, that the departments get reimbursed from the balance of the grant funds.*

*Following discussion, it was a consensus of the Commission that, for this year, to allow the balance of the grant funds to be utilized to reimburse the departments for the provision of any in kind services.*

### City Attorney

*Mr. Schroth commented on the lawsuit filed on March 18th regarding an allegation of a Sunshine violation. He assured the Commissioners they are covered by the City's insurance coverage. He also stated the suit is frivolous and his intent to go after the attorney for sanctions if they do not withdraw the suit during the safe harbor period. He stated that, even if there was determined to be a violation, the action would be against the attorney assigned by the insurance company since the Commission was acting under his advice.*

### Mayor

*Mayor Eckian noted he would provide a report next month regarding his activities during his first few months as mayor. He commented on how surprised other city officials are by the number of Eustis officials that attend the community events.*

## IX. ADJOURNMENT - 8:20 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.