APPROVED: 1/6/2015

City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, December 18, 2014 | **6:00 PM** | **City Hall**

INVOCATION: Fr. Cassian Dunlap, St. Andrew's Orthodox Church

PLEDGE OF ALLEGIANCE: Vice Mayor Eckian

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

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE

II. APPROVAL OF MINUTES

14300 December 4, 2014 - Canvassing Board Meeting
December 4, 2014 - Regular City Commission Meeting
December 4, 2014 - City Commission Workshop

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

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

III. PRESENTATIONS

14291 Presentation of Donation by Ferran Park Beautification Committee

Joe LaPolla, Parks and Recreation Director, introduced B. E. Thompson and Sharron Semento from the now disbanded Ferran Park Beautification Committee. Mr. Thompson and Ms. Semento presented a check to Mr. LaPolla which he indicated would be utilized to improve the sound system at the bandshell.

14293 Recognition of Gwen L. Hayes, Data Processing and Payroll Manager, Upon Her Retirement

Jim Myers, Finance Director, presented a plaque and flowers to Gwen Hayes, City Data Processing and Payroll Manager, in recognition of her retirement and 32 years of service to the City.

14298 Presentation of Plaque to Retiring Commissioner Kress Muenzmay

Mayor Bob and Vice Mayor Eckian presented a recognition plaque to retiring Commissioner Kress Muenzmay for his four years of service on the City Commission.

IV. AUDIENCE TO BE HEARD - None

V. CONSENT AGENDA

14292 Reappointment to the Police Officers' Pension Board of Trustees - John P. Sommer

14289 Resolution No. 14-97: Amendment to the FY 2014-2015 Annual Budget for the Sales Tax Revenue Fund to provide for certain capital outlay needs not previously budgeted.

14296 Resolution No. 14-98: Revocation of License Agreement with Kids Central, Inc. for the Community Garden at Cardinal Cove Park

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

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

VI. OTHER BUSINESS

14294 Potential Wastewater Treatment Service for Florida Food Products, Inc.

Rick Gierok, Public Utilities Director, explained the history of the problem with the Florida Food Products Inc. (FFP) sprayfield, the trial treatment period with the City, its effect on the City's wastewater plant, and explained the major issues identified by staff as follows: 1) the need for flow meters and values, capable of communicating with the wastewater plant, in order to record the flow levels; 2) the rates to be charged as the City does not charge just by volume but also by the strength of the effluent with an additional 16 cents per lb. of suspended solids and biological oxygen demand (BOD); and 3) the collection of impact fees. He explained that the current impact fee formula would result in total EDUs for FFP of 500 EDUs with a total impact fee of $1,334,000. He then reviewed the proposal from FFP noting City codes would prohibit portions of the proposal pertaining to the impact fees and financing.

Dianne Kramer, Acting City Manager, explained that the City's impact fee ordinance does not allow any adjustments to the impact fees. She further explained that, to reduce the impact fees for FFP, the City would have to pay the difference from another funding source.

Jerry Brown, representing Florida Food Products, reviewed the history of the company and explained their problems in developing their new process.

The Commission questioned whether or not the proposed 150,000 gallons/day would be sufficient if the company continues to grow with Mr. Brown indicating it would be unlikely they would need more and that they would only need that much seasonally.

The Commission confirmed staff would be able to access historical data and discussed re-evaluating the surcharge every six months and the need to address the impact fee calculations in light of the seasonal fluctuations not just for FFP but other businesses as well.

Mayor Bob opened the floor to public comment at 6:40 p.m. No one came forward.

The Commission discussed the possibility of amending the impact fee ordinance and confirmed with the City Attorney that could be done as long as it would apply to any other industrial user.

Derek Schroth, City Attorney, noted that the City could allow a partial or complete waiver of the impact fee if the average use annually was less than the 150,000 gallons/day.

Ms. Kramer confirmed that the ordinance would need to be amended first and then an agreement could be considered. She summarized the direction to staff as follows: 1) Determining a *method for adjusting the EDU's based on seasonal capacity; and 2) Allowing all industry with a similar situation a trial period while expanding with any impact fees to be paid after the trial period. It was noted that the request for an extension to ten years for financing of the impact fees would be contingent upon the actual total amount of the impact fees.*

Mr. Brown informed the Commission that FFP has already committed to purchasing the valves and monitoring equipment requested by the City.

The Commission discussed how any changes to the ordinance would affect new companies that come into the City and how the impact fees could be calculated to reduce the fees or discounted with Ms. Kramer noting that if they were discounted the City would have to pay the difference.

Ted Wicks, Wicks Engineering Services, explained the benefit of the trial period and how it would be utilized to calculate the appropriate flow data and determine the amount of capacity needed.

CONSENSUS: It was a consensus of the Commission for the City Attorney and staff to review the regulations and impact fee ordinance and bring back an amendment.

14299 Recruitment for New Police Chief

Ms. Kramer explained staff's desire for direction from the Commission regarding the hiring of a new police chief. She noted there will be some additional expense related to the police chief search as well as for the city manager search. She commented on the benefit of advertising nationally, contacting minority organizations and additional background vetting. She cited the two suggested organizations and their ability to provide those services.

The Commission discussed the need to consider promoting from within, looking at other police departments in the area, and budgeting additional funds for advertising but utilizing City staff for the hiring search.

Mayor Bob opened the floor to public comment at 6:59 p.m. No one came forward.

CONSENSUS: It was a consensus of the Commission for the police chief hiring search to initially be handled by City staff, for staff to obtain additional assistance for specific tasks if necessary and for a budget amendment to be brought back for the additional search expenses.

VII. FUTURE AGENDA ITEMS

Commissioner Muenzmay informed the Commission about a local business that wants to utilize a location in the Central Business District (CBD) to assemble airplane parts for Aerodyne Corporation. He noted that Ordinance No. 14-29 amending the land use table was previously defeated but had it passed it would have allowed the light industrial use within the district. He commented on the time sensitivity of the issue and recommended the Commission reconsider addressing the land use issue.

Ms. Kramer explained the proposed assembly would be a light industrial use and is not permitted within the CBD. She explained how the ordinance could be changed to allow the assembly as follows: 1) The definition of light industrial could be changed; 2) It could be made a permitted use within the CBD; or 3) It could be made a conditional use which would then require an applicant to also apply for the conditional use which would require additional time.

The Commission commented on the benefits to the City of light industrial business and previous discussions regarding the land use table.

Ms. Kramer commented on the previous misunderstanding regarding what would be amended under Ordinance No. 14-29 and recommended that, if the Commission desires to make a change, an ordinance be brought back only addressing the light industrial issue.

CONSENSUS: It was a consensus of the Commission for staff to bring back an ordinance to only address the light industrial within the Central Business District.

VIII. COMMENTS

City Commission

Commissioner Holland wished everyone a Merry Christmas, Happy Hanukah and Happy New Year.

Vice Mayor Eckian thanked the other Commissioners for their hard work. He commended Commissioner Muenzmay for his work on the Commission. He commented on the reception for the Open Door facility and cited the benefits to the City of the project.

Commissioner LeHeup-Smith also complimented Commissioner Muenzmay and thanked him for his service. She reported on a conversation she had with representatives from Duke Energy objecting to how their tree trimmers were cutting back the trees within the City. She stated an arborist from Duke Energy would be coming to the City to review how the trees were trimmed. She noted she was informed that if the tree trimmers are going to cut down a tree on your property they are supposed to put a note on your door first. She also noted they informed her they will also be using growth retardant herbicides on the trees; however, residents have the ability to opt out of that. She recommended the City look at getting all of the power lines within the City moved underground.

Commissioner Muenzmay thanked the rest of the Commission and recommended they watch the video from the meeting regarding Ordinance No. 14-29. He commented on the Commission's response to public input during meetings and the need to make a stand at times. He expressed his willingness to continue to assist the Commission in the future as a private resident.

City Manager

Ms. Kramer alerted the Commission that there would be some additional expenses relating to Georgefest due to increased activities. She specifically cited additional expenses for the Police Department due to the 5k run. She then referred to the Commission's request for a joint meeting with the County Commission regarding Kurt Street. She explained the County is having borings done on Kurt Street in January so the County Manager David Heath suggested they wait until they receive those results and then she would meet with Mr. Heath. If they are unable to reach an agreement, then they will schedule the joint meeting.

City Attorney

Mr. Schroth thanked Commissioner Muenzmay and expressed his pleasure in working with him.

Mayor

Mayor Bob noted she had staff obtain an Acting City Manager pin for Ms. Kramer. She announced that Friday, December 19th, would be the last day of school until January 5th and noted that a free movie would be held in Ferran Park on December 19th at 7:00 p.m. She reported on her and Ms. Kramer's attendance at the Lake County School Board meeting. She commented on the need to watch the School Board issues, possible future rezonings and how it would affect the City's students. She urged everyone to remember the true meaning of the holidays.

IX. ADJOURNMENT - 7:29 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.