APPROVED: 11/6/2014

City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, October 16, 2014 **6:00 PM** **City Hall**

INVOCATION: Rev. Cassian Dunlop, St. Andrews Orthodox Church

PLEDGE OF ALLEGIANCE: Vice Mayor Eckian

CALL TO ORDER: Mayor Bob

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 - None

II. APPROVAL OF MINUTES

14241 September 18, 2014 - City Commission Workshop
October 2, 2014 - City Commission Workshop
October 2, 2014 - Regular City Commission Meeting

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, 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

14237 Presentation of the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2013.

Jim Myers, Finance Director, presented to the Commission the Certificate of Achievement for Excellence in Financial Reporting provided by the Government Finance Officers' Association. He explained the award noting that it is the 26th year the City has earned the award. He recognized those employees who assisted with the preparation of the Comprehensive Annual Financial Report including Joy Mackenzie, Janice Jones and Donna Collins from Milestones Professional Services.

IV. AUDIENCE TO BE HEARD - None

V. CONSENT AGENDA

14236 Reappointment to the Greenwood Cemetery Board - Charles Bagg

14238 Resolution No. 14-78: Approval of State of Florida Department of Transportation (FDOT) Drainage Easements

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. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

14239 Resolution No. 14-76: Policy for Public Facility Names and Name Changes

Derek Schroth, City Attorney, announced Resolution No. 14-76: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, Adopting a Policy on Public Facility Names and Name Changes.

Dianne Kramer, Acting City Manager, reviewed the proposed policy developed according to the Commission workshop and cited those facilities that could be subject to naming, the need to notify the public when facilities are named or renamed, the discouragement of the renaming of existing streets, and the possibility of providing honorary names for existing streets. She noted that, if the resolution is approved, staff will bring back a recommendation for a memorial to honor Dr. Martin Luther King.

Mr. Schroth opened the public hearing at 6:12 p.m. There being no public comment, the hearing was closed at 6:12 p.m.

A motion was made by Vice-Mayor Eckian, seconded by Commissioner Holland, to Approve Resolution No. 14-76. The motion carried by the following vote:

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

14240 Resolution No. 14-77: Site Plan with Waivers for Eustis Retail Center

Mr. Schroth announced Resolution No. 14-77: A Resolution of the City Commission of the City of Eustis, Florida, Approving a Site Plan with Waivers for Eustis Retail Center on Approximately 9.5 Acres Located on the North Side of U.S. Hwy. 441 at the Intersection of Spring Harbor Blvd.

Ms. Kramer explained the proposed site plan noting that the site is located within the Wekiva Study area; however, a geotechnical evaluation showed there are no Karst features present and no direct connection between Lake Louise and the aquifer. She cited the features of the five proposed buildings noting that two planned tenants are Aldi and Pollo Tropicale. She explained the locations of the underground exfiltration system, a wetland, an upland buffer, a "do not disturb" wooded area in the northeast section of the property and a privacy wall along the northern border and along the western side. She reviewed the requested waivers regarding street setbacks, reducing the landscape area from 7 to 9 feet instead of 10 feet with the addition of planters, allowing an 8 foot buffer instead of 15 to 24 feet along Hwy. 441, reducing the handicapped parking stall depth to 18 feet per the 2010 ADA Standards, and a waiver to the architectural standards for Building A to reduce the amount of required glass frontage. She noted that there have been concerns expressed by residents regarding cut-through traffic. She stated staff's recommendation for approval and the benefits to the City.

The Commission questioned the 18-foot handicapped spaces with Ms. Kramer explaining that the 18-foot is consistent with current ADA standards but is not consistent with the City's current land development regulations. She stated it does have the same depth as regular parking spaces and the extra width which is more important for the handicapped spaces.

The Commission confirmed that the wetlands on the north side of the property will remain undisturbed and that the architectural breaks are compliant with the City's regulations. They then questioned if the public can drive through the parking area from one end to the other with Ms. Kramer explaining that the main entrance will be at the traffic light but that the City's regulations require cross-access easements.

Mr. Schroth opened the public hearing at 6:24 p.m.

The following individuals addressed the Commission regarding the site plan: 1) Ashok Patel, 1404 Westmoreland Ave., who commented on the possible effect on wildlife and need for an ecological survey; 2) Ron Wiltjer, 3002 Colfax St., who expressed concern regarding the proposed fast food restaurant and the loss of privacy to the residents; 3) Valene Baker, 3010 Dupont Street, who expressed concern regarding the increase in pass-through traffic on the residential roads and the increase in noise pollution; and 4) Dina Martin, 3013 Lakeshore Court, who expressed concern regarding the loss of trees and possible increase in safety issues.

Joel T. Arnold, applicant, commented on his work with City staff to make sure the development is compatible with the area.

The Commission confirmed lighting from the development will remain on property as required by regulations.

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

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Resolution No. 14-77. The motion carried by the following vote:

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

14244 Resolution No. 14-80: Expenditure in Excess of $50,000; GMP for Customer Service Remodeling Project

Mr. Schroth announced Resolution No. 14-80: A Resolution of the City Commission of the City of Eustis, Florida, Authorizing a Purchase in Excess of $50,000 and Approval of the Guaranteed Maximum Price of $94,949.00 for the Remodeling of the Customer Service Department in the Finance Annex.

Ms. Kramer explained the required purchase and the need for the remodeling.

Mr. Schroth opened the public hearing at 6:43 p.m. There being no public comment, the hearing was closed at 6:43 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner Muenzmay, to Approve Resolution No. 14-80. The motion carried by the following vote:

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

SECOND READING

14213 Ordinance No. 14-31: Small Scale Comprehensive Plan Amendment; Northwest Corner of Huffstetler Rd. & Kurt St.: 2014-CPLUS-03

Mr. Schroth read Ordinance No. 14-31 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, FL, Amending the City of Eustis Comprehensive Plan Pursuant to 163.3187(1) F.S.; Changing the Future Land Use Designation of Approximately 8.79 Acres of Real Property Located at the Northwest Corner of Huffstetler Dr. and Kurt St. from Residential/Office Transitional (RT), Mixed Commercial/Residential (MCR), and Mixed Commercial/Industrial (MCI) to Mixed Commercial Residential (MCR).

Mr. Schroth opened the public hearing at 6:43 p.m. There being no public comment, the hearing was closed at 6:43 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner Muenzmay, to Adopt Ordinance No. 14-32 on second reading. The motion carried by the following vote:

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

14227 Resolution No. 14-74: Valencia Grove Conceptual Site Plan

Mr. Schroth announced Resolution No. 14-74: A Resolution of the City Commission of the City of Eustis, Florida; Approving a Conceptual Site Plan for a 144 Unit Affordable Housing Complex on Approximately 8.79 Acres Located on the Northwest Corner of Huffstetler Dr. and Kurt St.

Ms. Kramer reviewed the conceptual site plan and explained it is for a 144-unit affordable housing complex and the applicant will be applying for federal housing tax credits. She noted that site plan approval would still be required and that the conceptual approval provides no entitlements. She reviewed staff's recommendation for approval.

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

A motion was made by Commissioner Muenzmay, seconded by Commissioner Holland, to Approve Resolution No. 14-74. The motion carried by the following vote:

Aye: 4 - Vice-Mayor Eckian; Commissioner Holland; Commissioner LeHeup-Smith; and Commissioner Muenzmay

Nay: 1 - Mayor Bob

14226 Ordinance No. 14-33: Business Tax Receipts - Amendment to Section 86-227(d)

Mr. Schroth read Ordinance No. 14-33 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida; Amending Section 86-227(d), Business Tax Receipts, of the City of Eustis Code of Ordinances to Address Administrative Procedures for Issuance of Business Tax Receipts Between July 1 and September 30 of Each Fiscal Year; Providing for Conflict with Existing Ordinances; Providing for Inclusion in the Code of Ordinances; Providing for Severability; Providing for an Effective Date.

Mr. Schroth opened the public hearing at 6:48 p.m. There being no public comment, the hearing was closed at 6:48 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Adopt Ordinance No. 14-33 on second reading. The motion carried by the following vote:

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

FIRST READING

14235 Ordinance No. 14-32: Amendment to Chapter 90, Traffic and Vehicles, of the Code of Ordinances

Mr. Schroth read Ordinance No. 14-32 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; Amending Chapter 90, Article IV, Section 90-152 to Authorize Removal by Police of any Vehicle Illegally Parked within a Public or City Owned Space which Has Been Temporarily Closed Due to a City Approved Special or Community Event; Amending Chapter 90, Article IV, Section 90-154 to Establish Impound Procedures for Illegally Parked Vehicles Removed as a Result of a City Approved Special or Community Event, and to Establish Cost Liability Due to the Removal and Storage of Said Vehicle; Providing for Repeal of Conflicting Ordinances; Providing for Severability; Providing for Inclusion in the Code of Ordinances; Providing for Severability, Codification and an Effective Date.

Lt. Shane McSheehy reviewed the proposed revisions to the parking ordinance to provide authority to the Police Department for the towing of vehicles during special events. He explained the authorization is only provided if the department is unable to contact the vehicle owner and it is actually in the way of the event.

The Commission confirmed the tag would also be run for any outstanding warrants or other issues and where the vehicles would be towed to. The Commission discussed who should pay the towing and storage charges with direction for staff to bring the issue back if it becomes a major problem.

Mr. Schroth opened the public hearing at 6:58 p.m. There being no public comment, the hearing was closed at 6:58 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner Muenzmay, to Approve Ordinance No. 14-32 on First Reading. The motion carried by the following vote:

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

14243 Ordinance No. 14-34: Medical Marijuana Moratorium

Mr. Schroth read Ordinance No. 14-34 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, Establishing a Temporary Moratorium on the Submittal, Processing, and Issuance of Local Business Tax Receipts or Land Use Modifications or Approvals for Marijuana Dispensing Organizations or Medical Marijuana Treatment Centers for a Period of Two Hundred Eighty (280) Days from the Date of Adoption of this Ordinance; Providing for Legislative Findings; the Geographic Area Covered; Repeal of Conflicting Ordinances, Severability and an Effective Date.

Mr. Schroth explained the provisions of the moratorium based on the discussion at the Commission workshop. He opened the public hearing at 7:00 p.m. There being no public comment, the hearing was closed at 7:00 p.m.

The Commission confirmed that the moratorium would not affect the Charlotte's Web statute.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Eckian, to Approve Ordinance No. 14-34 on First Reading. The motion carried by the following vote:

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

VII. OTHER BUSINESS

14242 Non-binding Letter of Intent to Purchase City-owned Sprayfield Property

Ms. Kramer explained the offer is for purchase of the City sprayfield. She reviewed the details of the offer from the North Naples Realty Corp. and staff's recommendations to not hold the note or pay the real estate commission.

The Commission discussed the following: 1) not holding the note; 2) providing a counter offer of $1,472,000 without the City holding the note or paying the real estate agent; 3) whether or not the City wants to hold the property in case it increases in value; 4) having the property reappraised; 5) hiring a consultant to provide recommendations regarding the property; 6) specifying the use of any funds realized from the sale; and 7) what the property would be used for.

Betty Hensinger, representing North Naples Realty Corp., explained that Avante has a contract to purchase the solar farm property and discovered the wastewater treatment facility in the area does not have sufficient capacity. She stated that in order to afford to expand that capacity, Avante needs to have a larger development. She further commented they do not want homes on septic systems but need more development in order to afford to construct an additional treatment facility.

She explained their proposal for financing the project was to provide the City with an annual revenue stream while the project was being developed. She stated that within the first 60 days they will be able to determine if they can accomplish what they want; however, only if they find something needing additional environmental study would they require the additional 60 or 120 days. She added that the initial $250,000 would become nonrefundable after the first 60 days. She further explained that the $250,000 would become nonrefundable if there are no environmental issues and no inspection issues that come up in the first 60 days. They are also requesting the right for two additional 60 day extensions and they will put an additional $50,000 on deposit if there are issues that come out of the initial inspection, not comp. plan amendment issues but inspection issues that would have to be addressed that can't be completed in the first 60 days.

Ms. Kramer stated that the letter of intent states that the $250,000 is nonrefundable after the inspection period, if the buyer fails to close within 30 days.

Ms. Hensinger stated it would be refundable up to the end of the inspection period and they have asked for two 60-day extensions, if necessary.

The Commission further discussed the allowed length of the inspection period, hiring a consultant to represent the City, continuing negotiations for sale of the property, opportunity costs and use of the revenue to move other projects forward.

Mr. Schroth recommended the Commission provide direction on the amount of the counteroffer, what component of the deposit would be nonrefundable, and a timeframe for closing.

The Commission discussed allowing Ms. Kramer to negotiate those items and for Ms. Kramer to retain a consultant to assist with negotiations.

CONSENSUS: It was a consensus of the Commission for the Acting City Manager to retain a real estate consultant and continue the discussion with the City not holding the note and not paying the buyer's broker's fees.

VIII. FUTURE AGENDA ITEMS - None

IX. COMMENTS

City Commission

Vice Mayor Eckian thanked everyone who attended the Boys and Girls Club fish fry. He also urged the audience to make an informed decision in the upcoming election.

Commissioner Holland thanked the Friends of Eustis for sponsoring their political forum. He noted the Hob Nob would be held October 23rd at the Chamber building. He stated that is a ticketed event with all of the proceeds to go to Eustis Heights Elementary book program. He urged everyone to attend the Eustis High School football game on Friday.

Commissioner Muenzmay announced there would be a political forum on October 21st sponsored by the Tri-City NAACP. He explained the difference between a forum and a hob nob. He complimented staff on the Parks & Recreation inaugural golf tournament.

Commissioner LeHeup-Smith confirmed the City Manager Applicant Meet and Greet would be October 29th at the Lake Eustis Museum of Art (LEMA) beginning at 5 p.m. She noted the groundbreaking for the Open Door homeless drop-in facility. She reviewed upcoming LEMA events.

City Manager

Ms. Kramer clarified that the Meet and Greet would be from 5 to 7 p.m. and it would be an open house format. She noted that the Chamber would be providing refreshments. She announced there would be a special meeting at 5 p.m. on October 30th followed by a workshop for interviews *with the applicants. She reported the Dept. of Health would be sponsoring a World Aids event in Ferran Park on December 1st. She stated the City has agreed to waive the fees but staff needs direction regarding waiving the insurance requirement.*

CONSENSUS: It was a consensus of the Commission to allow waiver of the additional insurance requirement.

City Attorney

Mr. Schroth announced the need to hold an exempt meeting. He asked if the Commission could meet on Wednesday, October 22nd.

CONSENSUS: It was a consensus of the Commission to hold an exempt meeting on October 22nd at 3:30 p.m.

Mayor

Mayor Bob noted she would know by the next meeting whether or not she has been re-elected. She commented on the need to rebuild the middle class in the City.

X. ADJOURNMENT - 7:43 p.m.

Mary C. Montez
MARY C. MONTEZ
City Clerk

Linda Durham Bob
LINDA DURHAM BOB
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.