



# City of Eustis, Florida

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

## Meeting Minutes – Final\* City Commission

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Thursday, August 21, 2014

6:00 PM

City Hall

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**INVOCATION:** Rev. Beth Farabee, First United Methodist Church

**PLEDGE OF ALLEGIANCE:** Vice Mayor Eckian

**CALL TO ORDER:** Mayor Bob

### **ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE**

**Present:** 4 - Vice-Mayor Albert Eckian; Commissioner Karen LeHeup-Smith; Commissioner Kress Muenzmay; and Mayor Linda Bob

**Absent:** 1 - Commissioner Michael Holland

### **I. AGENDA UPDATE**

*Dianne Kramer, Acting City Manager, announced that the presentation by Alex Lopez regarding the American Youth and Leadership Program would be postponed.*

### **II. APPROVAL OF MINUTES**

**14191** August 5, 2014 - City Commission Workshop  
August 7, 2014 - Regular City Commission Meeting  
August 7, 2014 - City Commission Workshop

**A motion was made by Commissioner Muenzmay, seconded by Commissioner LeHeup-Smith, to Approve the Minutes. The motion carried by the following vote:**

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

### **III. PRESENTATIONS**

**14186** Presentation by Lake Technical College (Lake Tech)

*Tom Carrino, Economic Development Director, introduced Dr. Diane Culpepper, director of Lake Technical College, formerly known as Lake Tech.*

*Ms. Culpepper reviewed the history of the vocational school, explained the recent name change to Lake Technical College, reviewed their current and new programs, explained the increasing need for skilled technicians and announced their new CNC operator specialist and machining programs. She cited additional needs for the school.*

### **IV. AUDIENCE TO BE HEARD - None**

### **V. CONSENT AGENDA**

**14172** Resolution No. 14-48: Revised Florida Department of Transportation Traffic Signal Maintenance and Compensation Agreement

- 14185 Resolution No. 14-52: Approval of Modification to the PBA Collective Bargaining Agreement
- 14183 Resolution No. 14-55: Bid Award for the Bates Avenue Wastewater Treatment Plant (WWTP) Headworks Refurbishment/Replacement
- 14184 Resolution No. 14-58: Purchase in excess of \$50,000 for the CR 44 Water Plant Well Inspection & Rehabilitation project.

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

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

## **VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS**

- 14190 Resolution No. 14-53: Affordable Housing Incentive

*Derek Schroth, City Attorney, announced Resolution No. 14-53: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, Providing for an Affordable Housing Development Incentive Grant of \$37,500 in Fiscal Year 2014/15 for a Qualified Federal Housing Credit Development.*

*Lori Barnes, Senior Planner, explained the City's Affordable Housing Development Incentive Grant program, the federal housing tax credit program and the request for funding in the amount of \$37,500. She noted that the City has received inquiries from four possible developments; however, if the Florida Housing Finance Corporation approves a project in Eustis, it will only approve one.*

*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 Eckian, seconded by Commissioner LeHeup-Smith, to Approve Resolution No. 14-53. The motion carried by the following vote:**

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

- 14189 Resolution No. 14-54: Site Plan with Waivers for O'Reilly Auto Parts at 1500 S. Bay St.

*Mr. Schroth announced Resolution No. 14-54: A Resolution of the City Commission of the City of Eustis, Florida; Approving a Site Plan with Waivers for O'Reilly Auto Parts on Approximately 0.86 Acres Located at 1500 South Bay Street.*

*Ms. Barnes reviewed the requested site plan and waivers for the proposed O'Reilly Auto Parts to be located at 1500 S. Bay Street.*

*Mr. Schroth opened the public hearing at 6:30 p.m. There being no public comment, the hearing was closed at 6:30 p.m.*

**A motion was made by Commissioner LeHeup-Smith, seconded by Vice-Mayor Eckian, to Approve Resolution No. 14-54. The motion carried by the following vote:**

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

**SECOND READING****14083 Ordinance No. 14-17: Design District Map Amendment for City-Owned Parcel on the Southwest Corner of East County Road 44 (CR 44) and Hicks Ditch Road**

*Mr. Schroth announced he would preside over the quasi-judicial hearings. He noted the City's receipt of additional documents for the record and explained the quasi-judicial procedures and definition of competent and substantial evidence. He added that the City has been threatened with litigation in the event the ordinances are passed. He stated that an accusation of bias has been made against one or more of the Commissioners and explained that if any of the Commissioners think they are unable to make their decision based on the evidence presented or if they came in having already decided then they should recuse themselves. He asked if any of the Commissioners needed to recuse themselves and all responded negatively. He then asked them to disclose any communications they may have had regarding the matter outside the proceedings.*

*Commissioner LeHeup-Smith reported she had a conversation with Hugh Kent on Tuesday regarding the overall effect of the ordinances and John Smith that afternoon with the same content.*

*Vice Mayor Eckian reported he had discussions with the Acting City Manager and the City Attorney on various dates that were primarily about due process for the ordinance and substance of the ordinance.*

*Mr. Schroth reviewed the history of the readings of the ordinance and postponements. He disclosed that he is a life member of the Trout Lake Nature Center.*

*Mr. Schroth read Ordinance No. 14-17 by title only on second reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; Amending the Design District Map; Changing the Design District Designation of Approximately 22.4 Acres of City-Owned Real Property Located at the Southwest corner of East County Road 44 and Hicks Ditch Road from Rural District to Suburban Corridor.*

*Mr. Schroth noted Ms. Kramer's resume was previously stipulated as part of the record and asked Ms. Kramer to review her background prior to presenting the City's request.*

*Ms. Kramer provided an overview of her education and work history. She summarized what was presented at the previous hearings and presented a map showing the location of the subject property, explained the post-approval conditions and reviewed what may be allowed under the PI and MCI land use designations. She stated that changing the design district does not change what is allowed under the land use designations but changes the performance standards.*

*Mr. Schroth opened the public hearing at 6:41 p.m.*

*Dan Langley, Fishback Dominick law firm appeared representing John Smith and Robert T. Panuska, cited the documents he provided to be incorporated into the record and noted that he also provided to the City a copy of the transcript of the previous hearing. He reviewed a map of the Trout Lake area showing the subject property and the conservation easement and expressed opposition to approval of Ordinance No. 14-17 and Ordinance No. 14-18. He requested permission to stipulate his comments as part of the hearing for Ordinance No. 14-18 and stipulated the City's ability to do the same. He distributed to the Commission a copy of his Powerpoint presentation.*

*Edward Williams, Williams Development Service, reviewed his background and education. He stated his opinion that the City needs to amend its comprehensive plan and maps if it approves Ordinance No. 14-17.*

The following individuals addressed the Commission in opposition to Ordinance No. 14-17: 1) Joan Bryant, President of Trout Lake Nature Center; 2) Linda Bistrek, representing Oklawaha Valley Audubon Society; 3) Sue Jantz, member of Trout Lake Nature Center and Audubon Society; and 4) Bill Ferree, 222 S. Stone Street.

There being no further public comment, the hearing was closed at 7:23 p.m.

Ms. Kramer explained the difference between Ordinance No. 14-17 and 14-18. She stated that the discussion regarding conservation is not applicable to 14-17 but only to 14-18. She provided rebuttal to the public comments.

Mr. Schroth noted the need for a straw poll vote prior to a formal vote due to the absence of Commissioner Holland.

The Commission questioned the order the ordinances were considered and whether one ordinance was dependent upon the other and any possible impact on Ord. 14-17 by the conservation easement.

Ms. Kramer explained that the conservation easement does not affect any of the property included in Ordinance No. 14-17.

The Commission discussed the location of property designated as Suburban Corridor, a development recently approved by the County, the effect on the City by decisions made by other entities and the possibility of the City becoming landlocked, and confirmed the following: 1) the legal process for consideration of the ordinance was followed properly; and 2) Mr. Hemke would defend the City if the ordinance was appealed.

The Commission provided comments on Map #2, the land use transects, and the need to repair the fragmented transect.

Mr. Schroth explained the need for a straw poll with all Commissioners indicating support for passage of the ordinance.

**A motion was made by Vice-Mayor Eckian, seconded by Commissioner Muenzmay, to Adopt Ordinance No. 14-17 on second reading. The motion carried by the following vote:**

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

**14094      Ordinance No. 14-18: Design District Map Amendment for City-Owned Property South of East County Road 44 (CR 44) and West of Hicks Ditch Road**

Mr. Schroth read Ordinance No. 14-18 by title only on second reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; Amending the Design District Map to Correct Mapping Errors; Assigning the Design District Designations of Suburban Neighborhood and Suburban Corridor to Approximately 124.5 Acres of City-Owned Real Property Located South of East County Road 44 and West of Hicks Ditch Road.

Ms. Kramer explained the proposed ordinance and presented a map showing the location of the subject property. She noted there is a small parcel in the southern portion that has been omitted from the ordinance due to an error that was discovered in the legal description for the property. She added that the former city attorney is working to rectify that error. She reviewed the existing City facilities located or being constructed on the property. She explained the land use patterns contained within the City's comprehensive plan, the purpose for the ordinance, the use of a conservation easement, and the lack of performance standards under the conservation designation indicated on the Design District Map.

*The Commission confirmed that the Suburban Neighborhood and Suburban Corridor would provide standards and control and that the current situation provides no standards or control and that the conservation easement would be the governing document for that property.*

*Mr. Schroth confirmed it is a valid and enforceable easement and that only the grantee - the Oklawaha Valley Audubon Society - has the right to construct an educational facility on the subject property. He noted that there has not been a formal assignment to Trout Lake. He stated that the City cannot use nor have any activity inconsistent with the conservation easement. He cited what is allowed under the easement but could only be done by the Audubon Society as the grantee.*

*The Commission discussed the conservation easement and the current state of the property, the functional purpose of the ordinance, and the effect on their plans if the Trout Lake Nature Center purchased a portion of the property.*

*Mr. Schroth confirmed that some of the activities proposed by the Trout Lake Nature Center might be prohibited by the conservation easement. He indicated that could be resolved if both parties agreed to the change. It was noted that any future Commission could make changes if it followed the appropriate procedures.*

*The Commission discussed the protection of the wetlands with Ms. Kramer explaining the protection is provided by the land use designation not the design district and the subject property is designated PI - Public Institution. She confirmed that nowhere in the comprehensive plan are standards for a conservation design district.*

*Mr. Schroth opened the public hearing at 8:14 p.m.*

*The following individuals spoke in opposition to Ordinance No. 14-18: 1) Edward Williams, Williams Development Services, as a professional consultant for John Smith and Robert Panuska; 2) Dan Langley, Fishback Dominick law firm representing John Smith and Robert T. Panuska, who confirmed his earlier comments, presentation and submittals regarding Ordinance No. 14-17 were incorporated by reference as part of Ordinance No. 14-18; 3) Sue Jantz; and 4) Joan Bryant, President of Trout Lake Nature Center, who informed the Commission that the Oklawaha Audubon Society had transferred the conservation easement to Trout Lake Nature Center.*

*There being no further public comment, the hearing was closed at 8:43 p.m.*

*The Commission discussed the conservation easement, wetlands within the subject property, the requirement for wetlands to be surveyed, the effect of drainage from Hicks Ditch basin on the area and Trout Lake, work to be done by the Lake County Water Authority on area lakes including Trout Lake, and whether or not the property could be changed from PI to Conservation and if that would protect the property.*

*Commissioner Muenzmay left the meeting at 8:52 p.m. and returned at 8:55 p.m.*

*The Commission discussed the pros and cons of redesignating the land intended to be protected with a conservation land use designation.*

*Mr. Schroth questioned if an educational facility would be allowed under the conservation land use designation. He explained that the choices available to the Commission are either to approve, deny or postpone the ordinance. He noted that a straw poll would be required prior to a final vote.*

*The Commission discussed passing the ordinance and then directing staff to determine which portions of the property are suitable for a conservation land use designation and what would be the most expedient way to accomplish that.*

*Mr. Schroth took a straw poll of the Commission on passing the ordinance with three Commissioners indicating yes and one to continue.*



*The Commission directed staff to immediately begin reviewing the property to determine areas appropriate for a conservation land use designation and to obtain input from the Audubon Society, Trout Lake and any other interested members of the public.*

**A motion was made by Vice-Mayor Eckian, seconded by Commissioner Muenzmay, to Adopt Ordinance No. 14-18 on second reading. The motion carried by the following vote:**

**Aye:** 3 - Vice-Mayor Eckian; Commissioner Muenzmay; and Mayor Bob

**Nay:** 1 - Commissioner LeHeup-Smith

**14177 Ordinance No. 14-29: Chapter 109, Use Table of the Land Development Regulations**

*Mr. Schroth announced a five minute recess at 9:15 p.m. The meeting reconvened at 9:24 p.m.*

*Mr. Schroth read Ordinance No. 14-29 by title only on second reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, Amending Section 109-4 Use Regulations (b) Use Table of the Land Development Regulations to Eliminate Obsolete Land Use Districts from the Table and to Modify Permitted and Conditional Uses in all Other Land Use Districts; Providing for Codification; and Providing for an Effective Date.*

*Ms. Kramer reviewed the rewording of Footnote #4 of the Land Use Table to clarify a use may be allowed as part of a commercial center within an approved Planned Unit Development or Mobile Home Park Plan consistent with the goals, objectives, and policies of the Comprehensive Plan. She noted that those uses would only be allowed as a Limited Use, not permitted.*

*Mr. Schroth opened the public hearing at 9:27 p.m.*

*The following individuals addressed the Commission in opposition to Ordinance No. 14-29: 1) Robert Panuska, 35525 Estes Road; 2) Hugh Kent; 3) Ken Laroe; 4) Dan Langley, Fishback Dominick law firm representing John E. Smith and Robert Panuska; and 5) James Rotella.*

*There being no further public comment, the hearing was closed at 9:53 p.m.*

*The Commission discussed whether or not a mixed use development could be placed in certain land use designations and the use of planned unit developments with Ms. Kramer explaining commercial uses are not permitted in an SR designation under the current ordinance.*

*Ms. Kramer explained you would not want to place a large mixed use development within a mixed use designation as it would not be tied to a development plan. She explained that a planned unit development is an overlay that assigns specific land uses in specific areas. She further explained that the proposed ordinance was intended to make it clear that a mixed use development could be done only as part of a planned unit development overlay not as a permitted use.*

*The Commission discussed the public's desire for mixed use developments and whether a PUD can be placed in an SR designation, transitional areas, what can be done under the existing code and whether or not the current code is too open to interpretation.*

*Mr. Schroth explained the Commission's options are either to deny, approve or continue the ordinance with Ms. Kramer noting there are more changes in the proposed ordinance that weren't discussed so it may be better to deny.*

*Mr. Schroth conducted a straw poll on passage of Ordinance No. 14-29 with three Commissioners indicating denial and one yes.*

*The Commission requested that staff schedule workshops to discuss the land use table.*

A motion was made by Vice-Mayor Eckian, seconded by Commissioner Muenzmay, to Deny Ordinance No. 14-29. The motion carried by the following vote:

Aye: 3 - Vice-Mayor Eckian; Commissioner LeHeup-Smith; and Commissioner Muenzmay

Nay: 1 - Mayor Bob

## VII. OTHER BUSINESS

### 14187 Special Event Parking Issues

*Fred Cobb, Police Chief, explained the issue regarding problems with parking during special events had been brought up by the Commission at a previous meeting.*

*The Commission discussed whether or not the City needs to change its towing policy, the type of problems that have occurred, whether or not stronger signage warning that vehicles may be towed would be helpful or if the City should begin towing vehicles with Chief Cobb noting that the current ordinance does not give the police department the authority to tow a vehicle unless it is blocking traffic or creating a public safety hazard.*

*The Commission discussed adopting legislation to allow towing with Chief Cobb noting that a decision would also need to be made regarding who would be responsible for the towing costs and where the vehicles would be towed to.*

*The Commission discussed not charging the public for the towing unless it proved to be a larger problem than anticipated with Chief Cobb suggesting that the vehicles be towed to another public parking area.*

*Chief Cobb indicated the Department would make every effort to get a vehicle owner to move their vehicle prior to having it towed. He also commented on the need to have signage put up earlier and the restricted parking areas marked off sooner.*

*CONSENSUS: It was a consensus of the Commission to have a revision to the ordinance brought back for consideration.*

## VIII. FUTURE AGENDA ITEMS

*Mr. Schroth asked the Commission for permission to allow Dan Langley to address the Commission regarding a possible future agenda item.*

*Mr. Langley cited the directive to staff under Ordinance No. 14-18 regarding identifying property to be designated for conservation. He asked the Commission to consider at the next meeting delaying the effective date of the ordinance or denying it and explained his concerns.*

*Mr. Schroth explained there is a 30-day deadline to file a "Petition for a Writ of Certiorari" and the process that would entail.*

*The Commission noted that extra meetings could be scheduled if necessary with Ms. Kramer explaining that staff can begin the process quickly but there are certain time frames that the City has no authority over. She indicated that it would require a large scale map amendment so it would have to go to the state for review.*

*Mr. Schroth explained that Mr. Langley's proposal was for the Commission to repeal its action in order to avoid possible litigation.*

**IX. COMMENTS****City Commission**

Commissioner Muenzmay informed the Commission that he would be leaving for a trip to Ireland. He thanked the Commission for its work and commented on the difficulty in receiving mail and threats and the inference that the system doesn't work.

Commissioner LeHeup-Smith announced that Open Door is waiting on grant funding for the remodeling of the drop-in homeless shelter. She noted that the Chamber launch party would be Thursday, August 28th at 5:30 p.m. at the Chamber office.

Vice Mayor Eckian thanked the Public Works Department for their work on a lift station that needed repair and the amount of time and effort that went into the repair.

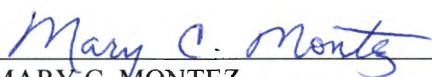
**City Manager**

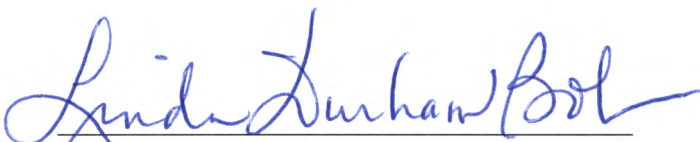
Ms. Kramer reported that the bids for the Ferran Park site work came in way over budget. She explained that it was decided to remove renovation of the restrooms from the project and do that work inhouse. She further explained that the site work will be combined with the second phase and the entrance to the parking lot at Clifford so it will be one site work project. She stated that means the playground equipment will not be installed until spring 2015.

**City Attorney - None****Mayor**

Mayor Bob commented on the need to act with integrity. She presented some photos of the new school for Eustis Heights Elementary. She noted the students are now wearing uniforms.

**X. ADJOURNMENT - 10:40 p.m.**

  
MARY C. MONTEZ  
City Clerk

  
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](http://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.