



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, July 17, 2014

6:00 PM

City Hall

INVOCATION: David Williamson, Central Florida Freethought Community

PLEDGE OF ALLEGIANCE: Commissioner LeHeup-Smith

CALL TO ORDER: Mayor Bob - 6:05 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE

Dianne Kramer, Acting City Manager, explained a change to Resolution No. 14-45 amending the Capital Improvement Plan, which was one of the Consent Agenda items. She stated that the \$80,000 previously designated for the renovation of the Finance Annex will be utilized to re-roof the building and replace the building's air conditioning system. She explained the amount of funding is the same and the internal renovation will be continued into the next fiscal year.

II. APPROVAL OF MINUTES

- 14167 June 5, 2014 - Regular City Commission Meeting
June 17, 2014 - City Commission Workshop
June 18, 2014 - City Commission Workshop
June 19, 2014 - City Commission Workshop
June 19, 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 - Commissioner LeHeup-Smith; Commissioner Muenzmay; Vice-Mayor Eckian; Commissioner Holland; and Mayor Bob

III. PRESENTATIONS

- 14163 The Open Door Presentation

Ann Huffstetler Rou, 2000 Country Club Drive, addressed the Commission regarding the planned Open Door drop-in shelter and stated their request for a \$10,000 donation to support the program.

B. E. Thompson, 1203 Chesterfield Court and Lifestream Director of Development, reviewed information from the 2014 State of Florida report on the homeless. He cited contributions to the program and reported they are seeking \$150,000 from the State matching grant program.

The Commission asked about the shelter's operating hours and when it will open for service with Mr. Thompson responding the hours will be 8 to 5 Monday through Friday and it will not be an overnight shelter. He explained the time table for release of funding, issuance of bids and contracts and stated they hope to be open by December or January.

14165 Installation of Eustis Historical Museum and Preservation Society Officers and Trustees

Tim Totten, President-Elect of the Eustis Historical Museum and Preservation Society, explained the re-organization of the Society. He further explained that their bylaws require them to be presented to the Commission. He reported on their planned new programs and introduced the new board members and trustees as follows: Sue Hooper, Louise Carter - Historian, Ethel Ryan, Christie Bobbitt - Recording Secretary, Terry Holt - Assistant Treasurer, Jim Rotella, Nan Cobb - Director of Membership, Kim Winn, Susan Snell, Jill Baker - First Vice President, Reg Paggett - Assistant Historian, B.E. Thompson, and Angel Lake - Corresponding Secretary.

Mayor Bob swore in the Historical Society board members and trustees.

14164 City Events Update

Erin Bailey, City Special Events Coordinator, reported on the various City events including the 2014 July 4th Street Party, the remaining 2014 Street Parties, a golf tournament planned for October to raise funds for recreation scholarships, plans for a concert series in Ferran Park in November and other planned and proposed events. She presented a video from the 4th of July celebration.

The Commission discussed the amount budgeted for City events, whether or not additional funding was required, the need for staff to have some flexibility in scheduling the monthly events, possibly increasing the number of events or expanding the First Friday events, and encouraging sponsorships for some of the events such as the proposed movie nights.

IV. AUDIENCE TO BE HEARD

Deidre D. Lewis, Eustis Housing Authority, asked if the Commission has an ordinance regarding the delivery of periodicals. She explained a problem they are having with the delivery of newspapers being thrown indiscriminately and which are also clogging the new drains on the street. She further explained they have complained to the Sentinel and the delivery people with no results. She then commented on a problem they are having with mail delivery and water service due to a confusion regarding the street name - Johnson Street or Johnson Avenue.

V. CONSENT AGENDA

- 14153 Resolution No.14-44: Amendments to Personnel Rules and Regulations**
- 14151 Resolution No. 14-45: Amendment to the FY 2013-14 Capital Improvement Plan**
- 14154 Resolution No.14-47: Award of Group Dental Insurance**
- 14155 Resolution No. 14-49: 2014 Revocable Non-Exclusive Agreement with Lake County for Use of 40 Acres on Frankie's Road**
- 14156 Resolution No. 14-50: Approval of purchase in excess of \$50,000.00 for Ferran Park playground equipment and exercise equipment for Palmetto Point Park Fitness Trail.**
- 14157 Lake County Arts and Cultural Alliance Representative**
- 14158 Appointment to the Firefighters' Pension Board of Trustees - Larry Turnbow**
- 14160 Lake Sumter MPO Citizen Advisory Committee Representative**

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

SECOND READING

14149 Ordinance No. 14-28: Replacement of Chapter 86, Article V., Business Tax of the Eustis Code of Ordinances

Derek Schroth, City Attorney, read Ordinance No. 14-28 by title on second reading: An Ordinance of the City Commission of the City of Eustis, Florida; Repealing Ordinance No. 07-04; Replacing Chapter 86, Article V.: Business Tax of the City of Eustis Code of Ordinances in its entirety; 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 6:44 p.m. There being no public comment, the hearing was closed at 6:44 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Adopt Ordinance No. 14-28 on second reading. The motion carried by the following vote:

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

FIRST 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 disclosed that Joan Bryant had made comments to the Commission during an earlier workshop regarding Ordinance No. 14-17 and 14-18.

Mr. Schroth read Ordinance No. 14-17 by title on first 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.

Ms. Kramer explained the design district designations and how they are used in the form-based code and responded to comments made in a June 4, 2014, letter of opposition.

Mr. Schroth opened the public hearing at 6:52 p.m.

Joan Bryant, President of Trout Lake Nature Center, stated they did not receive a notice of public hearing on Ordinance No. 14-17 but did receive a notice on Ordinance No. 14-18. She expressed opposition to the recommended design district designation and asked the Commission to delay a decision on the ordinance.

Dan Langley, Fishback Dominick law firm representing John B. Smith and Robert T. Panuska, expressed opposition to Ordinance No. 14-17. He presented the following documents for the record and by reference: 1) his letters dated March 17, 2014 and June 4, 2014; 2) his March 20, 2014 email to the City Attorney regarding the ordinances; 3) the City's Comprehensive Plan, the Land Development Regulations including the Design District Map and the Comprehensive Plan Future Land Use Map Series, Maps 1 through 20; 4) the video and audio file from the Commission June 19,

2014 meeting regarding the Trout Lake Nature Center offer to purchase City-owned property; and 5) an email dated June 6, 2014, addressed to him confirming that the design district map was adopted as part of the Land Development Regulations. He introduced Ed Williams as his development expert.

Ed Williams, Williams Development Services - 920 S. Delaney Ave. Orlando FL, commented on the adoption of the City's map series and their legal standing. He referred to Map #2 and stated his opinion regarding the consistency of the proposed change with the adopted design district map and the existing land use.

Mr. Langley continued his statement of opposition to Ordinance No. 14-17 and his opinion that the subject application is deficient.

Jim Rotella, 217 E. Badger Ave., expressed opposition to the ordinance.

Don Hemke, special land use counsel for City of Eustis, responded to the public comments and cited his previous memorandum regarding the ordinance. He asked to incorporate Ms. Kramer's resume into the record. He then asked Ms. Kramer to respond to the comments regarding the public notice, the consistency with the comprehensive plan, the comprehensive plan map series and the consistency with surrounding land uses.

Ms. Kramer responded to the comments and explained her analysis of the consistency. She confirmed that notices were mailed to all property owners within 500 feet and stated that by staff's measurement Trout Lake Nature Center is not within 500 feet of the subject parcel but is within 500 feet of the other parcel.

Mr. Langley questioned Ms. Kramer regarding her responses.

There being no further public comment, the hearing was closed at 7:22 p.m.

The Commission discussed the following: 1) what is located across the street from the subject property; 2) the size of a development approved by the County close to the subject property; and 3) the possibility that the County and surrounding cities are making decisions that will affect what Eustis looks like.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 14-17 on First Reading. The motion carried by the following vote:

Aye: 5 - Commissioner LeHeup-Smith; Commissioner Muenzmay; Vice-Mayor Eckian; Commissioner Holland; 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 on first 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 noted the previous discussion regarding design district designations and explained the use of design districts. She explained why the recommended change is being designated as a mapping error. She added that there is no "conservation" design district designation. She reviewed the subject area and the design district recommendation and responded to the June 4, 2014, letter of objection.

Mr. Schroth opened the public hearing at 7:33 p.m.

Joan Bryant, President of Trout Lake Nature Center, stated their request that the City delay a decision on the ordinance due to their offer and cited their prior opposition to the ordinance.

Dan Langley, Fishback Dominick law firm representing John B. Smith and Robert T. Panuska, submitted for the record the curriculum vitae of Ed Williams as his expert witness. He asked to incorporate all previous documents submitted for Ordinance No. 14-17 and expressed opposition to Ordinance No. 14-18.

Ed Williams, Williams Development Services, testified to his opinion regarding the ordinance and subject property.

Dan Langley further stated his clients' opposition to the ordinance. He asked to incorporate by reference all the applicable arguments he made regarding Ordinance No. 14-17.

Vance Jochim, Fiscal Rangers blogger, commented on private property rights.

Don Hemke, special land use counsel to the City, asked to incorporate into the record his and staff's response to Mr. Langley's prior comments regarding Ordinance No. 14-17 and responded to the comments by Mr. Langley and Mr. Williams.

Ms. Kramer confirmed that the Trout Lake Nature Center received a notice regarding the subject property of Ordinance No. 14-18 but not the other as they are not within 500 feet of the other parcel. She further responded to the comments and issues raised by Mr. Langley and Mr. Williams.

Mr. Hemke asked to have Ms. Kramer's resume made a part of the record.

There being no further public comments, the hearing was closed at 7:58 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 14-18 on First Reading. The motion carried by the following vote:

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

Mr. Schroth noted that the meeting was at the two hour mark.

CONSENSUS: *It was a consensus of the Commission to continue the meeting but to take a recess.*

RECESS: 7:59 p.m. **RECONVENE:** 8:07 P.M.

VII. OTHER BUSINESS

14152 Proposed Millage Rate for 2014 and Date of the First Public Hearing

Jim Myers, Finance Director, explained that the Commission needs to determine the millage rate and hearing date to be included on TRIM notices to be mailed out in August. He stated that the current millage rate is 7.5810 and recommended that the first hearing date be September 4, 2014, at 6:00 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner Muenzmay, to set the tentative Millage Rate at 7.5810 mills and the date of the first public hearing as September 4, 2014. The motion carried by the following vote:

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

14162 FY 14/15 Insurance Renewal

Ann Isaacs, Human Resource Director, reviewed the renewal rates for the City's health, dental, life and vision insurance. She stated staff's recommendation to renew the current insurance. She asked for direction from the Commission regarding the surplus and cost sharing. She reviewed the current cost sharing with City employees. She provided some examples of possible cost sharing and recommended that, if a change was approved, that advance notice be provided to the employees.

The Commission discussed the following: 1) the effectiveness of the City's wellness programs including the fitness center and tobacco cessation program; 2) utilizing the health insurance surplus to cover the increased premiums; 3) whether or not to implement additional cost-sharing of the insurance premiums; 4) the need to provide notice to the employees if cost-sharing is increased; 5) the amount of the insurance deductibles; 6) the low number of salary increases provided to the employees; 7) the cost to the employee for an 1% increase in cost sharing; and 8) the cost to the City of the pension plans.

CONSENSUS: It was a consensus of the Commission to have staff provide an analysis of the deductibles and possible additional cost sharing and to schedule a workshop.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Eckian, to accept the proposed insurance renewal and use of the surplus funds to offset the increase in premiums. The motion carried by the following vote:

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

Nay: 1 - Commissioner Muenzmay

14169 Sale of City-owned Residential Property

Ms. Kramer reviewed the information provided regarding the bids received on the City-owned residential parcels. She recommended acceptance of the bids.

The Commission discussed ensuring that any sales are contingent upon any code enforcement issues being cleared.

CONSENSUS: It was a consensus of the Commission for Ms. Kramer to proceed with the sale of the subject properties.

VIII. FUTURE AGENDA ITEMS

Vice Mayor Eckian requested a short presentation that shows the legal City limits of all the surrounding cities with a discussion on the future planning areas.

Commissioner Holland cited the need for another workshop regarding the Trout Lake Nature Center workshop.

Commissioner LeHeup Smith requested that staff provide additional information about the planned trails and confirmed that staff would follow-up on the complaint about the delivery of the periodicals and the name of Johnson Street/Johnson Avenue.

Commissioner Muenzmay noted a previous request for staff to make a recommendation on a policy for the naming of streets.

Commissioner Holland noted a problem on the 4th of July with getting cars moved and commented on the need to set a policy regarding the towing of cars.

IX. COMMENTS**City Commission**

Vice Mayor Eckian congratulated staff and the Chamber on the July 4th celebration.

Commissioner LeHeup-Smith confirmed that residents may continue to vote for the Georgefest button design until July 31st at the Lake Eustis Museum of Art and encouraged everyone to vote.

City Manager

Ms. Kramer commented on the recent breakfast at Eustis Heights Elementary School. She recommended establishing a mentoring program for the schools and allowing employees to take one hour per week as a mentor.

The Commission discussed the amount of time required for each visit and the need to ensure that the program is completely voluntary and would not affect any employee's evaluation or merit increase.

CONSENSUS: It was a consensus of the Commission for Ms. Kramer to proceed with implementing a mentoring program for the schools.

City Attorney

Mr. Schroth commented on the possible passage of the referendum on medical marijuana. He recommended that, if the referendum passes, the Commission consider enacting a one-year moratorium. He stated he would draft a memo and schedule a workshop for September.

Vice Mayor Eckian asked about a law he thought had been passed that said municipal elected officials shouldn't comment on constitutional amendments.

Mr. Schroth assured the Commission they have the first amendment right to speak their opinion.

Mr. Schroth then reported on the Vulcan property purchase of a portion of the Tri-City property and stated they are requesting a 90-day extension.

CONSENSUS: It was a consensus of the Commission to grant the 90-day extension.

Mayor

Mayor Bob noted that right now Eustis Heights Elementary is rated an F school. She noted the new principal and a number of plans for the future. She announced a number of upcoming back-to-school activities on August 9th and stated that the first day of school would be August 18th.

X. ADJOURNMENT - 8:37 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 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.