APPROVED: 7/17/2014

City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, June 19, 2014 | **6:00 PM** | **City Hall**

INVOCATION: Rev. Brent Elliott, Lake Eustis Christian Church

PLEDGE OF ALLEGIANCE: Commissioner Holland

CALL TO ORDER: Mayor Bob

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE - None

II. PRESENTATIONS

14148 Recognition of John Futch, Director of Public Works, Upon His Retirement

Mayor Bob presented a plaque to John Futch, Public Works Director, in recognition of his almost 20 years of service to the City and his retirement from the City effective June 30, 2014. Ms. Kramer commented on the improvements to the City provided by Mr. Futch and cited his accomplishments during his service to the City.

III. AUDIENCE TO BE HEARD

Bea Grassel, 1422 Lake Junietta Dr., Tavares, invited the City to participate in the School Board's "Red for Ed" program to benefit the County's needy students. She explained they would like to have the City agree to be a collection site for donated school supplies. She presented various items to the Commissioners including wrist bands and buttons.

Emily Lee, 705 E. Washington Ave., Eustis, congratulated Mr. Futch on his retirement. She thanked the Commissioners and the City for their support of the Bates Avenue Neighborhood Improvement Council and thanked the Bates Avenue Council members and others. She commented on how well the community and City work together and cited the benefits to come from working with Kids Central.

IV. CONSENT AGENDA

14138 Resolution No. 14-37: Local Agency Program (LAP) Agreement for the Construction of Eustis Elementary School Sidewalks - Orange Avenue

14139 Resolution No. 14-38: 2014 Annual Renewal of contract with Odyssey Manufacturing Company for purchase of Sodium Hypochlorite

14142 Resolution No. 14-41: Interlocal Agreement with the School Board of Lake County, Florida, Regarding the Eustis Heights Elementary School Site

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

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

V. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

14143 Resolution No. 14-39: Preliminary Subdivision Plat Approval, with Waivers, for The Cove at Crooked Lake, on the south side of East Lakeview Avenue, east of West Crooked Lake Place and west of Fahnstock Street

Derek Schroth, City Attorney, announced Resolution No. 14-39: A Resolution of the City Commission of the City of Eustis, Florida; Approving a Preliminary Subdivision Plat with Waivers for the Cove at Crooked Lake, a 19-lot Single Family Subdivision, on Approximately 11.47 Acres Located on the South Side of East Lakeview Avenue, East of West Crooked Lake Place and West of Fahnstock Street.

Lori Barnes, Senior Planner, reviewed the preliminary subdivision plat request for The Cove at Crooked Lake and presented a Powerpoint presentation regarding the project.

The Commission questioned the size of the existing tree buffer and swale with Ms. Barnes indicating there is a 13-foot tree buffer and a 5-foot v-swale. She further explained that the setback of the house will be measured from the property line not from the edge of the buffer.

Fred Morrison, representing the Connecticut Company, addressed the Commission and explained the requested waivers.

The Commission cited the adjoining West Crooked Lake development and asked if the developer could eliminate one lot to spread the residential lots out more.

Mr. Morrison responded the developer was previously asked about that and declined. He noted that the other development was not required to provide 40% in open space. He added that the lots are carefully staggered so that no lot looks into the backyard of more than two lots so that it meets the intent of the code.

The Commission asked if a development on the other side would be able to build lots at 85% of the proposed lots with Ms. Barnes stating that the lots would still have to meet the minimum lot width and square footage requirements for a suburban neighborhood district under either a house lot or estate lot, whichever lot typology they choose.

Mr. Schroth opened the public hearing at 6:29 p.m.

The following individuals spoke in reference to Resolution No. 14-39: 1) Marcus Smith, West Crooked Lake Place; 2) Kurt Wagner, West Crooked Lake Place; 3) Madelyn Locke, 1610 Buena Vista Drive; 4) Brandon Avalone, 25 E. Magnolia Ave.; 5) Michael Reed, 52 Dogwood Lane; and 6) Franklin Kilpatrick, 1601 Buena Vista Drive.

Mr. Morrison responded to the public comments and explained that a number of the questions were about detailed engineering which has not been completed. He stated that the construction plans will address the technical issues raised.

The Commission asked about the planned size and price range of the homes with Mr. Morrison indicating they have not gotten to that point in the planning.

The Commission asked if what is on the plan is a pedestrian walkway or a boat drive with Mr. Morrison stating there is no boat ramp on the plans and his understanding that it is a walkway.

There being no further public comment, the hearing was closed at 6:54 p.m.

Mr. Schroth explained to the Commission that since the developer requested waivers, they have the discretion to deny the application; however, if they had not requested the waivers, they would not have had the discretion to deny the application.

The Commission discussed the acreage of the West Crooked Lake Development, the number of homes in the surrounding subdivisions, the number of homes in the West Crooked Lake Subdivision versus the proposed development, the arrangement of the lots being based on the City's code and the open space requirements, the possibility of eliminating one lot between Lots 19 and 14 in order to make the lots wider, removal of two lots one from the east side and one from the west, and whether or not the Commission has the authority to approve the site plan with the condition of removal of two lots.

Mr. Schroth indicated they could not approve with a condition due to how it was advertised plus the applicant would have to consent to any alternations to the application.

The Commission discussed the condition of the road, the effort by the developer to develop the site in accordance with the code and open space requirements, compatibility with the neighborhood, lack of objections to development of the property, concern regarding the number of homes proposed and current issues regarding the property due to wildlife, amount of undergrowth of foliage and gathering of nonresidents.

Commission Muenzmay moved to approve Resolution No. 14-39. The motion died for lack of a second.

A motion was made by Commissioner LeHeup-Smith, seconded by Commissioner Holland, to Deny Resolution No. 14-39 and for staff to discuss with the developer the possibility of removing one lot each from the east and west side. The motion carried by the following vote:

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

14141 Resolution No. 14-40: Extension of Cash Management Contract for One Year

Mr. Schroth announced Resolution No. 14-40: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, Extending the Cash Management Contract with Branch Banking and Trust (BB&T) until June 30, 2015.

Jim Myers, Finance Director, explained the recommendation to extend the cash management contract with BB&T until June 30, 2015 and explained their proposed changes to the contract reducing the interest to 15 basis points. He further explained the probability that it would not be to the City's benefit to seek RFP's at the time. He added that BB&T has indicated a willingness to waive the 120-day requirement for cancellation in the event the City would want to make a change.

Mr. Schroth opened the public hearing at 7:14 p.m. There being no public comment, the hearing was closed at 7:14 p.m.

The Commission questioned when staff would recommend going out to bid with Mr. Myers responding when it appears to be beneficial. He commented on the number of banks that are not currently interested in the City's business.

A motion was made by Commissioner Holland, seconded by Commissioner Muenzmay, to Approve Resolution No. 14-40. The motion carried by the following vote:

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

14145 Resolution No. 14-42: Lease Agreement with Kids Central, Inc.

Mr. Schroth announced Resolution No. 14-42: A Resolution of the City Commission of the City of Eustis, Florida; Authorizing the Mayor to Execute a Lease Agreement with Kids Central, Inc. for use of City Property at 1128 Clifford Avenue, Eustis, Florida for a Neighborhood Family Center to Provide Community Services and Resource Information.

Debra Wise, Deputy Chief of Programs for Kids Central, commented on her meetings with the Bates Avenue Neighborhood Improvement Council and the Acting City Manager. She informed the Commission that a position has been offered to Emily Lee to continue her work with the Council.

Mr. Schroth opened the public hearing at 7:17 p.m. There being no public comment, the hearing was closed at 7:17 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Eckian, to Approve Resolution No. 14-42. The motion carried by the following vote:

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

14146 Resolution No. 14-43: Community Garden License Agreement with Kids Central, Inc.

Mr. Schroth announced Resolution No. 14-43: A Resolution by the City Commission of the City of Eustis, Lake County, Florida Rescinding Resolution No. 13-33 and Approving a Replacement Revocable Non-Exclusive License Agreement between Kids Central, Inc. and the City of Eustis for a Community Garden in the Cardinal Cove Section of Carver Park.

Mr. Schroth opened the public hearing at 7:18 p.m. There being no public comment, the hearing was closed at 7:18 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Eckian, to Approve Resolution No. 14-43. The motion carried by the following vote:

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

SECOND READING

14019 Ordinance No. 14-10: Voluntary Annexation - North Side of East County Road 44 (CR 44) west of Gatch Road and East of Hicks Ditch Road

Mr. Schroth confirmed that the Commission did not have any additional ex parte communications to reveal since the previous hearing. He reminded the Commission and public regarding the quasi-judicial hearing procedures. He then read Ordinance No. 14-10 on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida; Voluntarily Annexing Approximately 11.09 Acres of Real Property Located on the North Side of East County Road 44, West of Gatch Road and East of Hicks Ditch Road.

Ms. Kramer reviewed some of the issues from the presentation provided at first reading. She confirmed the property is contiguous to the City limits and meets all state requirements for voluntary annexation. She explained it was submitted as part of the City's annexation encouragement program.

Thomas Cloud, Gray Robinson, addressed the Commission representing the applicant.

Mr. Schroth opened the public hearing at 7:22 p.m.

Dan Langley, Fishback Dominick law firm appeared as representative for John B. Smith and Robert T. Panuska. He introduced into the record a letter from the City's outside counsel, dated May 6, 2014, in response to Mr. Langley's March letter of objection. He asked to have the letter as part of the record for the next two public hearings as well. He then submitted for the record the waiver of the community meeting.

There being no further public comment, the hearing was closed at 7:31 p.m.

Mr. Schroth stated that the annexation ordinance is addressed under FSS Chapter 171 and that the Commission has the discretion to approve or deny.

Don Hemke, special counsel to the City for Ordinances No. 14-10, 14-11 and 14-12, noted his appearance at the first reading. He stated his opinion that the City has met all the requirements and may move forward with consideration of the ordinance.

A motion was made by Commissioner Holland, seconded by Commissioner Muenzmay, to Adopt Ordinance No. 14-10 on second reading. The motion carried by the following vote:

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

14020 Ordinance No. 14-11: Comprehensive Plan Amendment (Large Scale) North Side of County Road 44, West of Gatch Road and East of Hicks Ditch Road

Mr. Schroth read Ordinance No. 14-11 on second and final reading: An Ordinance of the City Commission of the city of Eustis, Lake County, Florida, Amending the city of Eustis Comprehensive Plan Pursuant to 163.3184 F.S.; Changing the Future Land Use of Approximately 11.09 Acres of Recently Annexed Real Property Located on the North Side of East County Road 44, West of Gatch Road and East of Hicks Ditch Road from Urban Low in Lake County to "Mixed Commercial Residential" (MCR) in the City.

Mr. Cloud addressed the Commission as representative for the applicant.

Mr. Langley, Fishback Dominick and representing Robert T. Panuska and John B. Smith, asked for clarification regarding the ordinances with Mr. Schroth explaining that Ord. 14-10 is governed by Chapter 171 and Ord. 14-11 and 14-12 are quasi-judicial.

Mr. Langley expressed his clients' opposition to Ordinance No. 14-11 and his opinion regarding deficiencies in the handling of the application. He submitted for the record the agenda packet for the January LPA (Local Planning Agency) meeting stating that a hearing was not held on the ordinance and asked to have the video of the meeting be included as part of the record.

Mr. Schroth clarified with the City Clerk if the video exists with Ms. Montez responding that if it is not on the website then there was a problem with the video equipment; however, there would be an audio recording.

Mr. Langley stated that there is not a link to that specific item on the video. Mr. Schroth clarified with Mr. Langley, that if the video exists it will be incorporated into the record.

Mr. Langley asked to reincorporate into the record the qualifications of Ed Williams. He submitted for the record a copy of the future land use map (map #1) and the development patterns map (map #2). He asked the Commission to deny the comprehensive plan amendment and stated they are not in a position to approve due to the lack of an LPA hearing on that item.

Ed Williams, Williams Consulting, addressed the Commission stating his opinion that the application was not completed properly.

Mr. Schroth opened the public hearing at 7:55 p.m. There being no further public comment, the hearing was closed at 7:55 p.m.

Mr. Cloud responded to the comments from Mr. Langley and Mr. Williams.

Mr. Hemke responded to the procedural comments regarding the waiver, the DRC minutes and the LPA meeting.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Adopt Ordinance No. 14-11 on second reading. The motion carried by the following vote:

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

14023 Ordinance No. 14-12: Design District Map Amendment - North Side of East County Road 44 (CR 44), West of Gatch Road and East of Hicks Ditch Road

Mr. Schroth read Ordinance No. 14-12 on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; Assigning a Design District Designation of Suburban Corridor to 11.09 Acres of Recently Annexed Real Property Located on the North Side of East County Road 44, West of Gatch Road and East of Hicks Ditch Road.

Tom Cloud, representing the property owner, stated his support for Ordinance No. 14-12.

Mr. Schroth opened the public hearing at 8:02 p.m.

Mr. Langley, Fishback Dominick law firm, addressed the Commission as representative for John B. Smith and Robert T. Panuska. He asked for various sections of the City code to be incorporated into the record by reference as well as the Land Development Regulations. He submitted for the record Sec. 163.3174 of the Florida Statutes by reference, and read for the record subsection 4(c). He also submitted for the record a copy of the ordinance adopting the design district map into the Land Development Regulations, the definitions for land development regulations in Sec. 153.3164 of the Community Planning Act and by reference his argument from the previous hearing regarding the rural development pattern designation for State Road 44A adjacent to the subject property.

Ed Williams, Williams Development Services and as expert consultant for Mr. Fishback, addressed the Commission in opposition to the adoption of Ordinance No. 14-12.

Mr. Schroth asked for any rebuttal by Mr. Cloud who declined.

Mr. Hemke referred to his May 6th memo and referred to an exchange of emails between himself and Ms. Kramer regarding the procedural issues. He asked for Ms. Kramer to report on the design district designation.

Ms. Kramer stated there is no application for a design district amendment as the property was annexed so there was no design district to change from. The City needed to assign a design district designation and that is how all annexation requests have been handled. She referred to the presentation provided at first reading regarding the design district assignment and stated the recommended designation of Suburban Corridor is the most consistent with the surrounding area.

There being no further public comment, the hearing was closed at 8:24 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Adopt Ordinance No. 14-12 on second reading. The motion carried by the following vote:

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

14122 Ordinance No. 14-26: Consenting to the Inclusion of the City within the County MSTU for Ambulance and EMS

Mr. Schroth read Ordinance No. 14-26 on second and final reading: An Ordinance by the City Commission of the City of Eustis, Lake County, Florida, Adopted Pursuant to Section 125.01 (1) (q), Florida Statute (2007) Consenting to the Inclusion of the City of Eustis, Florida, Within the Countywide Municipal Service Taxing Unit for the Provision of Ambulance and Emergency Medical Services, as Adopted by the Board of County Commissioners of Lake County, Florida; Providing for the City to be Included Within Said M.S.T.U. for a Specific Term of Years; Providing for an Effective Date.

Ms. Kramer noted that the second reading was postponed due to an advertising issue.

Mr. Schroth opened the public hearing at 8:25 p.m. There being no public comment, the hearing was closed at 8:25 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Eckian, to Adopt Ordinance No. 14-26 on second reading. The motion carried by the following vote:

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

FIRST READING

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

It was noted that the meeting was at 2.5 hours and a decision was needed by the Commission as to whether to continue.

CONSENSUS: It was a consensus of the Commission to continue the meeting.

Mr. Schroth read Ordinance No. 14-28 on first 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.

Ms. Barnes explained the proposed revisions to the Business Tax Receipt ordinance.

Mr. Schroth opened the public hearing at 8:34 p.m. There being no further public comment, the hearing was closed at 8:34 p.m.

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

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

VI. OTHER BUSINESS

14150 Trout Lake Nature Center Offer to Purchase City-owned Property

RECESS: 8:36 p.m. RECONVENE: 8:40 p.m.

Ms. Kramer reported on the Trout Lake Nature Center's offer to purchase City-owned property along CR44, which was submitted under "Audience to be Heard" at the June 5, 2014, Commission meeting. She explained there are a number of questions and suggested holding a workshop with the Trout Lake Board.

The Commission discussed various concerns regarding the proposal including impact of selling the property below just value, permanent removal of the property from the tax roll, the need to discuss the proposal with the Trout Lake Board in a workshop, whether or not passage of Ordinance Nos. 14-17 and 14-18 would affect the Nature Center's plans for the property and the need to get information to their board prior to the workshop.

CONSENSUS: It was a consensus of the Commission to proceed with consideration of Ordinances No. 14-17 and 14-18.

CONSENSUS: It was a consensus of the Commission to schedule a workshop with the Trout Lake Nature Center Board with a suggested date and time of 4:00 p.m. on July 17th just prior to the regular Commission meeting.

VII. FUTURE AGENDA ITEMS

Commissioner Holland requested that the Special Events Coordinator Erin Bailey provide a report on the First Friday events.

VIII. COMMENTS

City Commission - None

City Manager

Ms. Kramer reported that a property owner has requested water and sewer for Biscayne Heights on Fishcamp Road. She explained it is outside of the City's utility service area and would cost approximately $10 million to extend those lines.

CONSENSUS: It was a consensus of the Commission to not pursue extension of the utility lines.

Ms. Kramer then reported that she had received a letter of intent to purchase the sprayfield property from CG Land Investments for $1,842,000. She noted that the offer states the property is 307 acres, which is incorrect. She asked if the Commission is open to any future offers.

CONSENSUS: It was a consensus of the Commission to consider future offers if the offer is at or above just value.

City Attorney - None

Mayor

Mayor Bob announced that the next regular Commission meeting would not be until July 17th. She reminded everyone about the July 4th First Friday event.

IX. ADJOURNMENT - 9:24 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.