



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, May 1, 2014

6:00 PM

City Hall

CALL TO ORDER: Mayor Bob

INVOCATION: Rev. Skip Haymans, First Baptist Church of Eustis

PLEDGE OF ALLEGIANCE: Commissioner LeHeup-Smith

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 - None

II. APPROVAL OF MINUTES

14120 March 25, 2014 - City Commission Workshop
April 3, 2014 - Regular City Commission Meeting
April 3, 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 - Commissioner LeHeup-Smith; Commissioner Muenzmay; Vice-Mayor Eckian; Commissioner Holland; and Mayor Bob

III. PRESENTATIONS

14116 Proclamation declaring Saturday, May 10, 2014 as Letter Carriers' Food Drive Day

Mayor Bob and Vice Mayor Eckian presented a proclamation to Byron Shelton, Vice President of the Central Florida Letter Carriers, recognizing Saturday, May 10, 2014, as Letter Carriers' Food Drive Day in the City of Eustis.

IV. AUDIENCE TO BE HEARD

Nancy Muenzmay, 3312 Indian Trail, addressed the Commission on behalf of the Business Opportunity Center and thanked the Commission for their attendance at the Partners for Success event.

Sandra Lewis, 2450 County Road 44 W, addressed the Commission regarding a problem with the Florida Foods sprayfield adjoining their neighborhood. She emphasized the problem with the odor from the sprayfield and lack of cooperation by Florida Foods.

Rick Gierok, Deputy Public Works Director, reviewed the history of the problem and the City's contact with Lake County, Florida Dept. of Environmental Protection (FDEP) and Florida Foods. He explained that Florida Food sprays effluent on two sprayfields which the volume is regulated by FDEP. He stated that FDEP confirmed that Florida Foods has been significantly exceeding

their maximum volume. He reported that FDEP has notified Florida Foods that, effective May 1st, they will be fined if they exceed their allowed volumes. He stated that Florida Foods has asked the City if they can tie into the City's sewer system and City staff has been meeting with them and reviewing their information to determine if the City's wastewater plant can handle their effluent. The City has agreed to a trial of 50,000 gallons to make sure it does not damage the City's plant. If it works, a proposal will be brought back for consideration.

The Commission asked to receive an update regarding the trial as soon as results are available with Mr. Gierok indicating it would probably take two weeks to determine the effect on the plant.

The Commission expressed concern regarding the effect on the City's wastewater plant and eventually the City's reclaimed water and the responsibility of Florida Foods to ensure their sprayfields are capable of handling their effluent.

Mr. Gierok explained the analysis the City had performed on the Florida Foods effluent before agreeing to the test. He noted that it is a food product process, not a chemical process. He assured the Commission that nothing has been agreed to other than the trial. He further assured the Commission that, if the effluent causes a problem, it will not be a catastrophic failure. He added that some of the contents of the effluent may help the City's plant.

Discussion was held regarding what could be done about the standing water with Mr. Gierok stating that a meeting has been scheduled with all of the parties.

Ms. Lewis reported she had previously spoken with EPA and they said, because the area is a wetlands, the water cannot be pumped from the site. She added that she was told there have been problems with the site for over 20 years.

The Commission confirmed the City will continue working on the problem, emphasized that staff needs to ensure the City will not just be moving the problem from the one area to the Bates Avenue area and that the nutrient loading into Lake Eustis will also need to be evaluated.

V. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

14114 Resolution No. 14-27: Site Plan Modification for Life Community Church at 2910 Dillard Road

Derek Schroth, City Attorney, announced Resolution No. 14-27: A Resolution of the City Commission of the City of Eustis, Florida; Approving a Modification to the Life Community Church Site Plan for the Construction of a 2,822 Square Foot Children's Wing Addition on Approximately 9.4 Acres Located at 2910 Dillard Road.

Lori Barnes, Senior Planner, reviewed the requested site plan modification to the existing church and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:29 p.m. There being no public comment, the hearing was closed at 6:29 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner Muenzmay, to Approve Resolution No. 14-27. The motion carried by the following vote:

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

14115 Resolution No. 14-28: Amending FY2013-14 Budget

Mr. Schroth announced Resolution No. 14-28: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, Amending the FY2013/2014 Budget of the General Fund of the City of Eustis; and Authorizing the Finance Director of the City of Eustis, Florida, to Make the Necessary Adjustments.

Dianne Kramer, Acting City Manager, explained the unanticipated increase in legal advertising expenses which necessitated the requested budget amendment noting that it would normally have been on the Consent Agenda but she wanted to emphasize the reason for the increase due to increased advertising rates. She noted that there would need to be adjustments made as well to application fees to cover those increased costs and the need to increase the budget for advertising for the next year.

Mr. Schroth opened the public hearing at 6:32 p.m. There being no public comment, the hearing was closed at 6:32 p.m.

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

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

14119 Resolution No. 14-29: Invocation Policy

Mr. Schroth announced Resolution No. 14-29: A Resolution of the City Commission of the City of Eustis, Florida; Establishing Invocation Policies Before Meetings of the Eustis City Commission; Making Findings; and Providing an Effective Date.

Ms. Kramer explained the resolution was drafted at the recommendation of the City Attorney. She noted there is nothing significantly different than what the City currently does; however, there was not a written policy in place. She explained that a written policy will protect the City against any concerns about how the City handles the invocation process. She reviewed the policy and stated that the only change will be that the invocation and the pledge will occur before the official beginning of the meeting.

The Commission expressed concern for the need for the policy with Mr. Schroth noting the City is in the 11th Circuit Court District which allows invocations at public meetings; however, the 9th Circuit Court District in California does not allow invocations.

Mr. Schroth opened the public hearing at 6:34 p.m.

Sue Hooper, 621 N. Eustis Street, expressed concern about the need for the policy and informed the Commission she had contacted the Liberty Institute regarding the invocation issue. She explained the purpose of the Institute and indicated they informed her this was probably a good thing for the City to do but they also offered their support if there is a future issue. She presented to the Commission copies of the Constitution and read for the record the First Amendment regarding the free exercise of religion. She commented on the history of "separation of church and state".

Michelle Tennison, City resident, noted she had informed Ms. Hooper about the Liberty Institute. She asked if those in opposition were City residents.

Mr. Schroth explained how the resolution came about due to an issue that arose in the Town of Lady Lake with a resident who threatened a lawsuit to prohibit invocations.

Ms. Tennison further commented emphasizing her support for the City continuing having invocations at the Commission meetings.

There being no further public comment, the hearing was closed at 6:44 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Resolution No. 14-29. The motion carried by the following vote:

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

FIRST READING**14118 Ordinance No. 14-23: Lot Line Deviation**

Mr. Schroth read Ordinance No. 14-23 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, Adding Subsection (G) Lot Line Deviations to Section 102-11 of the City of Eustis Land Development Regulations; Providing for Codification; and Providing for an Effective Date.

Ms. Kramer stated the County already has the proposed process and explained the need to establish a process to allow minor lot line deviations.

Mr. Schroth opened the public hearing at 6:46 p.m. There being no public comment, the hearing was closed at 6:46 p.m.

A motion was made by Commissioner Muenzmay, seconded by Commissioner Holland, to Approve Ordinance No. 14-23 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

14113 Ordinance No. 14-24: Conditional Use Permit for Existing Accessory Apartment at 4 Cypress Drive

Mr. Schroth read Ordinance No. 14-24 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, Approving a Conditional Use Permit for an Existing Accessory Apartment in a Suburban Residential (SR) Land Use District on Approximately 0.43 Acres Located at 4 Cypress Drive.

Ms. Barnes reviewed the application for a conditional use permit for an existing accessory apartment at 4 Cypress Drive, the history of the request and stated staff's recommendation for approval.

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 Approve Ordinance No. 14-24 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

14117 Ordinance No. 14-25: Stormwater Utility

Mr. Schroth read Ordinance No. 14-25 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, Replacing in its Entirety Article III, Stormwater Utility, of Chapter 94 of the Eustis Code of Ordinances; Providing for Codification; and Providing for an Effective Date.

Ms. Kramer explained the proposed changes to the stormwater utility ordinance so that it accurately reflects actual current City practice.

Mr. Schroth opened the public hearing at 6:49 p.m. There being no public comment, the hearing was closed at 6:49 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 14-25 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

VI. FUTURE AGENDA ITEMS

Ms. Kramer asked the Commission their preference for handling of the gas tax distribution resolution. She stated the City has two options - either not bring it forward for consideration or consider a resolution opposing the formula.

CONSENSUS: It was a consensus of the Commission for staff to bring forward a resolution opposing the proposed formula.

VII. COMMENTS

City Commission

Commissioner Muenzmay thanked the rest of the Commission for their attendance at the the Partners for Success event and congratulated Commissioner Holland on receiving the Community Service Award. He commented on recent increases in the Duke Energy electric rates.

Commissioner LeHeup-Smith also congratulated Commissioner Holland and noted two other local business people who were recognized. She cited the Pack Rat Yard Sale in Ferran Park, the Friday Street Party, and the Graphic Excellence display at the Lake Eustis Museum of Art.

Vice Mayor Eckian also congratulated Commissioner Holland. He reported on the Boys & Girls Club fishing tournament stating they netted \$5,000 for the Eustis and Umatilla clubs. He thanked Nancy Muenzmay for her work on the Partners for Success event and Human Resources Director Ann Isaacs for attending the event.

Commissioner Holland commented on the Community Service Awards dinner and thanked Ms. Muenzmay for the Partners for Success event. He noted that the Lady Panthers softball team and the baseball team are advancing in the playoffs.

City Manager

Ms. Kramer reported on a schedule she received from the executive search firm and asked for agreement on the dates.

CONSENSUS: It was a consensus of the Commission to propose either Wednesday, June 18th or Friday, June 20th for the initial meeting with the search firm. The July 30th proposed date was approved and it was agreed they should avoid August 14th through 16th due to the Florida League of Cities conference and that the onsite interviews should be held in the evening due to the beginning of the school year.

Ms. Kramer noted a list of property to be surplused was sent to the Commission for review.

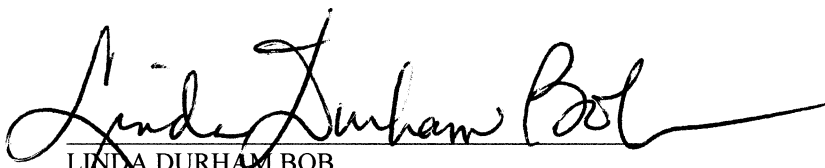
City Attorney - None

Mayor

Mayor Bob commented on the use of Ferran Park for the prom photos noting the upcoming improvements to the park and also urged everyone to attend First Friday.

VIII. ADJOURNMENT - 7:07 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.