



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, March 6, 2014

6:00 PM

City Hall

CALL TO ORDER: Mayor Bob

INVOCATION: Rev. Larry Boone, Eustis First Assembly of God

PLEDGE OF ALLEGIANCE: Commissioner Muenzmay

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

14084 February 20, 2014 - Regular City Commission Meeting

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

III. PRESENTATIONS

14091 Presentation by Lake County Schools Regarding Engage LCS Program

Chris Patton, Lake County Schools, provided a presentation regarding EngageLCS to be funded by a federal grant. He explained the four instructional priorities, how the new approach differs from the traditional approach to school budgeting, and upcoming changes to the high school scheduling. He commented on other changes to education within the state including a new assessment test and grading formula.

IV. AUDIENCE TO BE HEARD

Joe LaPolla, Parks and Recreation Director, introduced the City's new event coordinator Erin Bailey.

Andrew Holland, a student at Eustis High School, invited the Commission and audience to attend the upcoming Powder Puff football game which will benefit Jay Ryan and his fight against leukemia and will be held March 20th at the Eustis High School stadium. He distributed flyers to each of the Commissioners.

V. CONSENT AGENDA

14082 Resolution No. 14-19: Bid Award for Fire Station 23 on Hicks Ditch Road

14086 Resolution No. 14-16: Foreclosure Authorization - 315 Palmetto Street,
Case #12-090 and #12-248

14087 Resolution No. 14-17: Foreclosure Authorization - 528 East Citrus Avenue, Case #13-011

14088 Resolution No. 14-18: Foreclosure Authorization - 2104 Suanee Avenue, Case 12-006 and #12-007

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

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

SECOND READING

14074 Ordinance No. 14-16 as Revised: Payment Plan Agreements for Utility Billing Errors

Derek Schroth, City Attorney, read Ordinance No. 14-16 by title on second reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; Adding Section 94-263, Payment Plan Agreements for Utility Billing Errors, to Article VI Service Rates, Charges, and Bill Procedures of the Eustis Code of Ordinances; Providing for Codification; and Providing for an Effective Date.

Mr. Schroth opened the public hearing at 6:14 p.m. There being no public comment, the hearing was closed at 6:14 p.m.

The Commission noted the workshop to be held following the Commission meeting to discuss the utility billing issues with a request that standards or guidelines be developed to ensure consistency with how different cases are handled.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Adopt Ordinance No. 14-16 on second and final reading. The motion carried by the following vote:

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

Nay: 1 - Mayor Bob

14089 Ordinance No. 14-22: Special Event Permits

Mr. Schroth read Ordinance No. 14-22 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, Replacing Article IV Special Events of Chapter 18 of the Eustis Code of Ordinances in its Entirety; Providing for Codification; and Providing for an Effective Date.

Dianne Kramer, Acting City Manager, explained the proposed changes to the special event permitting process and the need for a revised process. She noted that the recommendations were developed by a committee of the various departments over approximately a year. She stated that the police department will oversee the new process and noted that it does address the seasonal outdoor sales such as Christmas trees.

The Commission questioned what would be different for Georgefest or First Friday under the new ordinance with Ms. Kramer explaining that City-sponsored events are exempt from the process.

The Commission then asked about the Farmer's Market held at the Fairgrounds with Ms. Kramer explaining that a permit will be required for all events if more than a certain number of attendees is expected.

The Commission commented on the tent regulations noting that no sizes are included in the ordinance, the requirements relating to the serving of alcohol, and the possibility the ordinance may restrict some events from occurring.

Ms. Kramer explained that a resolution will be brought back establishing the necessary fees which will include a \$50 application fee. She stated the intent of the ordinance is to make sure events are held safely, not keep them from occurring.

Fred Cobb, Police Chief, explained one goal for establishing the new process was to make sure requirements are provided to the public upfront.

The Commission confirmed that the current application fee is \$300.

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

Sam Chapin asked if the ordinance will apply to the Sailing Club events with Ms. Kramer explaining that the current events they hold are related to their land use so the permit would only be required if they hold an event that goes beyond that.

There being no further public comment, the hearing was closed at 6:30 p.m.

Further discussion was held with Chief Cobb stating the intent is to streamline the process and make it easier for the public which may facilitate the City in attracting more events.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 14-22 on First Reading. The motion carried by the following vote:

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

Nay: 1 - Commissioner Muenzmay

VII. OTHER BUSINESS

14090 Umatilla Annexation Request

Ms. Kramer explained the request by the City of Umatilla to allow an annexation that encroaches into the City's planning area. She explained that the property owner's parcels partially extend into the City's planning area. She recommended approval of the request and explained there is very little usable land on the parcels that are in the City's planning area.

Mayor Bob opened the floor to public comment.

Gail Carlson, 16535 Orange Ave., stated she owns property adjoining the subject property. She expressed concern about access to the property and indicated that she and other adjoining land owners intend to object to the annexation with the City of Umatilla.

The Commission confirmed that the property owners/developers would have to meet all current development criteria.

Ms. Kramer explained the letter will state that the City does not object to the annexation and stated she could include that the City would not support access from St. Louis Road.

CONSENSUS: *It was a consensus of the Commission for the Acting City Manager to send the letter to the City of Umatilla stating they would not object to the annexation; however, would not support access from St. Louis Road.*

14092 Gateway Improvement Incentive Program

Ms. Kramer explained the Commission previously discussed a gateway incentive program during the code enforcement workshop. She indicated that other cities that have established such a program have found them to be very successful. She stated the proposed program would be for matching grants not to exceed \$3,000. She stated the areas of the City that would be included in the program are Orange Avenue between Bay Street and Abrams Road and SR19 from Hwy. 441 to Pendleton Avenue. She reviewed possible uses of the grants stating that landscaping would not be eligible. She further explained an agreement would be required and that the funds would not be provided until the work was completed. She suggested \$45,000 be allotted for the program to come from the Economic Development Fund for FY2013-14 which would be awarded on a first come, first serve basis.

The Commission suggested allowing the use of external solar lighting, recommended keeping the forms as simple as possible and insuring that receipts for cost of the work done are appropriate.

CONSENSUS: It was a consensus of the Commission for staff to proceed with creation of the program as proposed.

14085 Presentation by Randall Arendt

Randall Arendt, Brunswick, Maine, provided a presentation regarding twice-green development and community planning. He commented on the need for cities to update their development regulations every ten years with public input. He cited the high cost to cities and counties of providing services to residential development. He explained twice-green development and its benefits. He commented on the design of The Park at Wolf Branch Oaks and how it has changed since it was first designed. He provided a Powerpoint presentation which explained the design process he utilizes and included photos of various developments and examples of some commercial redevelopment projects. He cautioned against utilizing wetlands as open space and stated that it is the uplands that provides the recharge for the aquifer, not the wetlands. He compared the County's regulations regarding open space to the City's. He stated that the City's existing LDR's are consistent with its comprehensive plan noting the time and money the City put into development of the regulations. He stated that a development could be done in Eustis even with the 50% density bonus. He offered to provide a tour of Wolf Branch Oaks for the Commissioners.

Mayor Bob opened floor to public questions at 7:15 p.m. No one came forward at that time.

The Commission noted the primary development style within the City and the difference between that and what Mr. Arendt presented. They questioned if the Park development could be scaled down to meet the style and price range within the City to obtain higher density than one per acre with Mr. Arendt responding affirmatively and explaining how he developed the sample he presented.

The Commission questioned Mr. Arendt's statement about uplands being more important for recharge of the aquifer with Mr. Arendt explaining that both are critical to recharge.

The Commission commented on the twice-green concept agreeing that environmental development must also be economically sound and questioning how to convince a developer that environmentally sound development can also be financially sound.

Mr. Arendt stated the best way is to have another developer explain how to utilize the twice-green concept.

The Commission questioned how more expensive developments can be scaled down to local prices with Mr. Arendt responding that the twice-green concept is not more expensive and actually moves less dirt around. He stated that ULI and the National Association of Homebuilders have been promoting its use.

VIII. FUTURE AGENDA ITEMS

Vice Mayor Eckian cited the proposed agreement regarding the local option gas tax and stated it may need to be on the agenda in the near future.

Ms. Kramer stated that a workshop will need to be scheduled to interview the city manager recruitment firm shortlist.

CONSENSUS: It was a consensus of the Commission to hold the workshop on March 25th at 4:00 p.m.

IX. COMMENTS

City Commission

Commissioner Holland thanked the City staff and others for their great job on Georgefest. He thanked Andrew Holland for his presentation about the charity powder puff football game.

Vice Mayor Eckian also thanked everyone involved for their work on Georgefest and noted that Ms. Kramer would be presenting a report on the local option gas tax.

Commissioner LeHeup-Smith reminded everyone about the Lake Eustis Museum of Art Wine-A-Fare to be held March 13th. She also commented on how wonderful Georgefest was.

Commissioner Muenzmay complimented everyone on the Georgefest event. He quoted Henry David Thoreau stating that what the City needs to be successful is to get everyone focused on the same goal and purpose.

Mayor Bob reminded everyone about the upcoming First Friday event and thanked everyone for their work on Georgefest.

Commissioner Holland requested that staff try to keep the March 20th agenda as light as possible so that Commissioners can attend the charity football game.

City Manager

Ms. Kramer reported on the City and County Managers' meeting regarding the interlocal agreement for the local option gas tax. She explained that the current distribution formula provides for the first 2 cents to be based on 75% transportation expenditures and 25% population. The remaining cents are percentages that were put in the interlocal agreement when they were first approved 20 years ago. She stated cents 3 and 4 are based on transportation expenditures from FY1978-79 through FY1982-83 with just over 69% going to the County. For the 5th and 6th pennies, the County retained 69% with the cities' share based on population as of April 1, 1985. The cities opposing the formula have grown significantly since 1985. She and Vice Mayor Eckian stated that the current decisions were actually made in 2012. She noted there are a large number of the other cities that do not want the formula to consider transportation expenditures. She explained what can be included in transportation expenditures and stated there is a majority representing more than 50% of the population supporting formula #2 which is 50% road miles and 50% population which results in Eustis losing the most.

Vice Mayor Eckian reviewed the five cities losing funding, all of which are in the northern part of the County. He commented on the enabling legislation and explained that the tax is actually imposed by the County. He stated that the statute only mentions transportation expenditures. He commented on the related Attorney General opinions regarding what can be included noting that it can also be used for transit and paratransit. He further commented on the additional losses to the City due to inability to leverage the funds to obtain matching grants and the amount of future losses. He stated that the conflict is between those cities that are growing rapidly and those that are not.

Ms. Kramer noted that all of the cities gaining funding have new roads and the cities losing funding have older roads and need the funding. She noted that an interlocal agreement must be submitted to the County by May. She further reported on the City Managers' meeting noting she had affirmed that the City of Eustis could not sign the agreement as proposed. She stated that if no interlocal agreement is approved then the distribution will go to the default formula in the statute which is all expenditure based. She stated the additional problem is the County retaining their percentage of 66.38%.

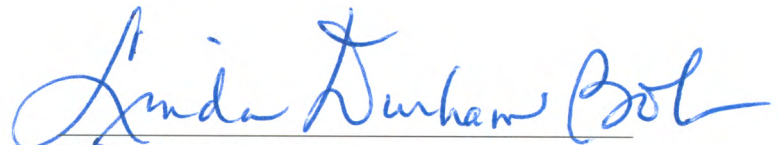
The Commission questioned the vote by the County Commission stating that the City needs to hold their local representative accountable for not protecting the City's interests. They questioned the phase-in of the proposed formula with Ms. Kramer explaining the first year the City will lose \$170,000, the next year an additional \$57,000, and the third year another \$50,000.

The Commission discussed not signing the proposed interlocal agreement, whether or not there is any legal basis for challenging the formula, the percentage being retained by the County and their development of the proposed formulas, and confirmed that, if the City does not sign the agreement, the City would still receive its share of the funds.

City Attorney - None

X. ADJOURNMENT - 7:58 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.