



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, January 16, 2014

6:00 PM

City Hall

CALL TO ORDER: Mayor Bob - 6:18 p.m.

INVOCATION: Rev. Beth Farabee, First United Methodist Church

PLEDGE OF ALLEGIANCE: Commissioner Eckian

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

14040 January 7, 2014 - Regular City Commission Meeting

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

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

III. PRESENTATIONS

14021 Presentation by Lake County Economic Development & Tourism
Regarding Business Opportunity Center Update

Robert Chandler, representing Lake County Economic Development & Tourism, provided a presentation and update on the local and other area Business Opportunity Centers. He introduced Nancy Muenzmay as director of the Incubator Program. He noted they are not asking for additional funding for 2014 due to not meeting their expectations for 2013. He reviewed problems identified in the first year of operation, how they are addressing those problems and plans for the next year.

The Commission asked how the occupancy rate is effecting the program's financial status with Mr. Chandler responding that the program was never intended to be a revenue generator, whatever revenue is raised just assists with the program. He noted that at some point they may have to look at reducing the number of available offices.

14022 Presentation by Sue Cordova of the Annual Report on the Lake County
Enterprise Zone

Sue Cordova, Enterprise Zone Development Agency, presented the annual report on the Lake County Enterprise Zone including the accomplishments for 2013 and plans for the next year. She commented on a possible project through the Boys & Girls Club and the benefits that could result if they build within the City's enterprise zone.

Rob Keef, Ohio Blvd., asked about a comment made by Ms. Cordova regarding the difficulty in bringing in business and how they are trying to make things easier for new businesses. He expressed concern about whether they are trying to circumvent homeowners.

Ms. Cordova explained that the enterprise zones are already designated and they will only be working with businesses appropriate for those areas.

IV. AUDIENCE TO BE HEARD

Emily Lee, 705 E. Washington Ave. and representing the Bates Avenue Neighborhood Council and Improvement Center, reported on their GED program and the community garden noting that they have had two GED graduates - one now enrolled at Lake Tech and one entering the military.

V. CONSENT AGENDA

- 14005 Appointment to Eustis Memorial Library Board of Trustees - Vivian Carla Miller Mitchell
- 14006 Appointment to Eustis Housing Authority - Tommy L. Hayes II
- 14008 Appointment to the Historic Preservation Board - Matthew Kalus
- 14009 Appointment to the Historic Preservation Board - Steve McGrath
- 14000 Resolution No. 14-03: Approval of Lease Agreement with Hayes Brothers Funeral Home
- 14013 Resolution No. 14-05: Approval of Purchase in Excess of \$50,000 for Police Vehicles

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 14007 Resolution No. 14-02: Appointment of Commissioners to Boards and Committees

Derek Schroth, City Attorney, announced Resolution No. 14-02: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, to Appoint Liaisons, Directors/Members and Alternate Directors/Members to Various Committees and Boards of Directors to Ensure that the City's Interests, as Expressed through the City Commission, are Represented on these Various Committees and Boards of Directors.

The Commission discussed who should be appointed to each position with a consensus for the Commissioners and staff to be appointed as follows: Liaison to Fire and Police Pension Boards - Jim Myers, Finance Director, or his designee; Upper Ocklawaha Basin Working Group - Commissioner Eckian with Commissioner LeHeup-Smith as Alternate; Lake County League of Cities - Commissioner Holland with Commissioner LeHeup-Smith as Alternate; Lake-Sumter MPO Governing Board - Commissioner Muenzmay with Commissioner LeHeup-Smith as Alternate; Lake Community Action Agency Board of Directors - Commissioner Muenzmay; City Audit Committee - Mayor Bob; PRM Group Health Board of Directors - Ann Isaacs, Human Resources Director, and Karen Crouch as Alternate; Lake Eustis Area Chamber of Commerce - Commissioner LeHeup-Smith; and Mayor Bob to the Lake County Educational Concurrence Review Committee.

Mr. Schroth opened the public hearing at 7:16 p.m. There being no public comment, the hearing was closed at 7:16 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Eckian, to Approve Resolution No. 14-02 with the discussed appointments. The motion carried by the following vote:

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

14015 Resolution No.14-04: Eustis Heights Elementary Vacation of Right-of-Way

Mr. Schroth announced Resolution No. 14-04: A Resolution of the City Commission of the City of Eustis, Florida; Authorizing the Vacation and Abandonment of an Unimproved 33-foot Right-of-Way Located East of Kurt Street and North of Golf Links Ave., and Lying within the Eustis Heights Elementary School Parcel at 301 West Taylor Avenue, in Accordance with Ordinance No. 12-08.

Lori Barnes, Senior Planner, explained the requested right-of-way vacation for an unimproved right-of-way partially within the boundary of Eustis Heights Elementary. She explained how the right-of-way was discovered and the need for the vacation.

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 Commissioner Muenzmay, to Approve Resolution No. 14-04. The motion carried by the following vote:

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

FIRST READING

14016 Ordinance No. 14-01: Voluntary Annexation - Northeast Corner of David Walker Dr. & Mt. Homer Rd.

Mr. Schroth informed the audience that, unless they requested their property be annexed, they will not be annexed and they only received a notice because their property was adjacent to property that was requested to be annexed. He added they were only the subject of the annexations if they had requested annexation.

Mr. Schroth read Ordinance No. 14-01 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; Voluntarily Annexing Approximately 25.51 Acres of Real Property Located on the Northeast Corner of David Walker Drive and Mt. Homer Road.

Ms. Barnes reported on the application for voluntary annexation by the Unitarian Universalist Congregation of Lake County. She explained the intent of the applicant to purchase the property for use as a church facility. She stated Ordinance No. 14-02 would change the future land use designation from Urban Low in Lake County to Mixed Commercial Residential in the City, and Ordinance No. 14-03 would assign a design district designation of Suburban Residential.

Dianne Kramer, Acting City Manager, clarified that the design district would be Suburban Neighborhood.

Mr. Schroth opened the public hearing at 7:20 p.m. There being no public comment, the hearing was closed at 7:20 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 14-01 on First Reading. The motion carried by the following vote:

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

**14017 Ordinance No. 14-02: Comprehensive Plan Amendment (Large Scale)
Northeast Corner of David Walker Dr. & Mt. Homer Rd.**

Mr. Schroth read Ordinance No. 14-02 by title on first 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 FS; Changing the Future Land Use of Approximately 25.51 Acres of Recently Annexed Real Property Located on the Northeast Corner of David Walker Dr. and Mt. Homer Rd. from Lake County Urban Low to "Mixed Commercial Residential" (MCR).

Mr. Schroth opened the public hearing at 7:21 p.m. There being no public comment, the hearing was closed at 7:21 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 14-02 on First Reading. The motion carried by the following vote:

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

**14018 Ordinance No. 14-03: Design District Map Amendment - Northeast Corner
of David Walker Dr. & Mt. Homer Rd.**

Mr. Schroth read Ordinance No. 14-03 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; Assigning the Design District Designation of 25.51 Acres of Recently Annexed Real Property Located on the Northeast Corner of David Walker Drive and Mt. Homer Road as Suburban Neighborhood.

Mr. Schroth opened the public hearing at 7:21 p.m. There being no public comment, the hearing was closed at 7:21 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 14-03 on First Reading. The motion carried by the following vote:

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

**14027 Ordinance No. 14-04: Voluntary Annexation - Multiple Properties in Various
Enclaves as Shown in Exhibit A**

Mr. Schroth read Ordinance No. 14-04 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; Voluntarily Annexing Approximately 6.2 Acres of Real Property Located in Various Enclaves Within the City, as Shown in Exhibit A.

Ms. Barnes announced the next four groups of ordinances are a result of the voluntary annexation incentive program the Commission implemented in October 2013. She stated that the majority of properties are already developed as single family homes and receiving City water. She reviewed the requested annexations contained in Ordinance No. 14-04, the proposed future land use designations contained in Ordinance No. 14-05 and the design district designations contained in Ordinance No. 14-06. She added that, after the ordinance was advertised, it was discovered that a property was inadvertently included that cannot be annexed as it is not currently contiguous. She stated staff's intention to re-advertise without that parcel prior to second reading.

Mr. Schroth opened the public hearing at 7:27 p.m.

Egor Emery, 35544 Estes Road, expressed support for the voluntary annexations and encouraged the City to identify other ways to entice similar property owners to annex.

The following individuals expressed opposition to the annexation: 1) Mary Balmer, 619 S. Ohio Blvd.; and 2) John "Rob" Keef, 607 Ohio Blvd.

There being no further public comment, the hearing was closed at 7:32 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Eckian, to Approve Ordinance No. 14-04 on First Reading with the exclusion of the property located at 111 W. Seminole Avenue. The motion carried by the following vote:

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

14031 Ordinance No. 14-05: Comprehensive Plan Amendment (Small Scale) for Multiple Properties in Various Enclaves as Shown in Exhibit A

Mr. Schroth read Ordinance No. 14-05 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, Amending the City of Eustis Comprehensive Plan Pursuant to 163.3187(1) F.S.; Changing the Future Land Use Designation of 6.2 Acres of Recently Annexed Real Property located in Various Enclaves Within the City, as Shown in Exhibit A, and More Particularly Described Herein, from "Urban Low" and "Urban Medium" in Lake County to "Residential Office Transition" (RT), "Suburban Residential" (SR), and "General Commercial" (GC) in the City of Eustis.

Mr. Schroth opened the public hearing at 7:33 p.m. There being no public comment, the hearing was closed at 7:33 p.m.

Mayor Bob stated for the record that some of the roads in the subject area are very narrow and recommended the City look at what improvements are necessary in that area.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 14-05 on First Reading with the exclusion of the property located at 111 W. Seminole Avenue. The motion carried by the following vote:

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

14038 Ordinance No. 14-06: Design District Map Amendment for Multiple Properties in Various Enclaves as Shown in Exhibit A

Mr. Schroth read Ordinance No. 14-06 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; Assigning the Design District Designation of 6.2 Acres of Recently Annexed Real Property Located in Various Enclaves Within the City; as Shown in Exhibit A, and More Particularly Described Herein, as Suburban Neighborhood, Suburban Corridor, Urban Neighborhood and Urban Corridor.

Mr. Schroth opened the public hearing at 7:35 p.m. There being no public comment, the hearing was closed at 7:35 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 14-06 on First Reading with the exclusion of the property located at 111 W. Seminole Avenue. The motion carried by the following vote:

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

14028 Ordinance No. 14-07: Voluntary Annexation - Multiple Properties in Various Enclaves as Shown in Exhibit A

Mr. Schroth read Ordinance No. 14-07 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; Voluntarily Annexing Approximately 2.09 Acres of Real Property Located in Various Enclaves Within the City, as Shown in Exhibit A, and More Particularly Described Herein.

Ms. Barnes reported that the properties included in Ordinance No. 14-07 become contiguous upon approval of Ordinance No. 14-04. She reviewed the requested annexation of five properties within various enclaves within the City with two of the five current water customers. She then reviewed

the future land use designations that would be assigned in Ordinance No. 14-08 and the design district designations that would be assigned in Ordinance No. 14-09. She reported that 114 W. Seminole would have to be removed from the ordinance and the ordinances would be re-advertised prior to second reading.

Mr. Schroth opened the public hearing at 7:38 p.m. There being no public comment, the hearing was closed at 7:38 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 14-07 on First Reading with the exclusion of the property located at 114 W. Seminole Avenue. The motion carried by the following vote:

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

14029 Ordinance No. 14-08: Comprehensive Plan Amendment (Small Scale) for Multiple Properties in Various Enclaves as shown in Exhibit A

Mr. Schroth read Ordinance No. 14-08 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, Amending the City of Eustis Comprehensive Plan Pursuant to 163.3187(1) F.S.; Changing the Future Land Use Designation of 2.09 Acres of Recently Annexed Real Property Located in Various Enclaves Within the City, as Shown in Exhibit A, and More Particularly Described Herein, from "Urban Low" and "Urban Medium" in Lake County to "Residential Office Transitional" (RT), "Public/Institutional" (PI), and "Suburban Residential" (SR) in the City of Eustis.

Mr. Schroth opened the public hearing at 7:39 p.m. There being no public comment, the hearing was closed at 7:39 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 14-08 on First Reading with the exclusion of the property located at 114 W. Seminole Avenue. The motion carried by the following vote:

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

Nay: 1 - Mayor Bob

14030 Ordinance No. 14-09: Design District Map Amendment - Multiple Properties in Various Enclaves as Shown in Exhibit A

Mr. Schroth read Ordinance No. 14-09 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; Assigning the Design District Designation of 2.09 Acres of Recently Annexed Real Property Located in Various Enclaves Within the City, as Shown in Exhibit A, and More Particularly Described Herein, as Suburban Neighborhood, Suburban Corridor, and Urban Corridor.

Mr. Schroth opened the public hearing at 7:40 p.m. There being no public comment, the hearing was closed at 7:40 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Eckian, to Approve Ordinance No. 14-09 on First Reading with the exclusion of the property located at 114 W. Seminole Avenue. The motion carried by the following vote:

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

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

Mr. Schroth read Ordinance No. 14-10 by title on first 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 County Road 44, West of Gatch Road and East of Hicks Ditch Road.

Ms. Barnes explained the application for voluntary annexation of 11.09 acres by John F. Ballard Jr. Trustee and stating Ordinance No. 14-11 would change the future land use designation from Lake County Urban Low to Mixed Commercial Residential and Ordinance No. 14-12 would assign a design district designation of Suburban Corridor.

Mr. Schroth opened the public hearing at 7:42 p.m.

The following individuals addressed the Commission to express concern or opposition to the proposed annexation: 1) Terry Ross, N. Grove Street; 2) Egor Emery, 35544 Estes Road; and 3) Dan Langley, Fishback Dominic law firm representing John E. Smith and Robert Panuska.

There being no further public comment, the hearing was closed at 7:50 p.m.

The Commission discussed the following issues: 1) making their decision based on the merits of the application and not on who is submitting the application; 2) the proximity of the subject property to the City's urban core; 3) lack of commercial interest in developing downtown property or redeveloping other sites in the City; 4) the review that will be required of the development once it is submitted; and 5) whether or not the property will be developed by the original applicant.

Mr. Schroth confirmed that the Commission does have discretion in whether or not to approve the annexation.

A motion was made by Vice-Mayor Eckian, seconded by Commissioner Muenzmay, to Approve Ordinance No. 14-10 on First Reading. The motion carried by the following vote:

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

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

Mr. Schroth read Ordinance No. 14-11 by title on first 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 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. Schroth opened the public hearing at 7:57 p.m.

The following individuals addressed the Commission in opposition to Ordinance No. 14-11: 1) Dan Langley, Fishback Dominick law firm representing John Smith and Robert Panuska; and 2) Egor Emery, Estes Road

Ms. Kramer informed the public of additional information contained in the staff's report and stated that in Mixed Commercial Residential the maximum density is 12 units per acre. She stated there are compatibility requirements within the City's code and noted that the property immediately east of the subject site has an approved development plan in Lake County of 215 lots with a density of 9 dwelling units per acre. She noted property in the City to the west of the site that is designated

Industrial and the amount of proposed future development for that area.

The Commission reviewed the land use designation map for the subject area and confirmed that whatever is approved will have to meet compatibility standards. They also commented on the benefits to the area if the property is developed and noted the planning method of providing clustered residential with large open space in rural areas.

Mr. Schroth reopened the hearing at 8:10 p.m. to allow comments on the additional information. There being no further public comment, the hearing was closed at 8:10 p.m.

A motion was made by Vice-Mayor Eckian, seconded by Commissioner Muenzmay, to Approve Ordinance No. 14-11 on First Reading. The motion carried by the following vote:

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

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

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

Mr. Schroth opened the public hearing at 8:11p.m.

Mr. Langley, on behalf of his clients John E. Smith and Robert T. Panuska, expressed opposition to Ordinance No. 14-12.

Ms. Kramer stated that the proposed design district is Suburban Corridor which only establishes design criteria and does not establish the allowed use of the property. She explained the property would be designated "corridor" due to its location along an arterial road.

There being no further public comments, the hearing was closed at 8:15 p.m.

A motion was made by Commissioner Muenzmay, seconded by Commissioner Holland, to Approve Ordinance No. 14-12 on First Reading. The motion carried by the following vote:

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

14026 Ordinance No. 14-13: Voluntary Annexation - South Side of County Road 44, West of E. County Road 44 and Gatch Road.

Mr. Schroth read Ordinance No. 14-13 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; Voluntarily Annexing Approximately 45.69 Acres of Real Property Located on the South Side of County Road 44, West of E. County Road 44 and Gatch Road.

Ms. Barnes explained the voluntary annexation application received from 44-44 Properties LLC. She reviewed the location of the property and stated Ordinance No. 14-14 would change the land use designation from Urban Low in the County to Mixed Commercial/Residential and General Commercial in the City and Ordinance No. 14-15 would assign a Suburban Corridor design district designation. She reviewed the surrounding land uses in the County and the City. She concluded stating that any residential development in the MCR will have to meet the City's compatibility requirements and the maximum commercial intensity in MCR is .25, as well as in the General Commercial.

Mr. Schroth opened the public hearing at 8:21 p.m.

Mr. Langley, Fishback Dominick law firm representing John E. Smith and Robert T. Panuska, expressed opposition to the annexation. He commented on issues with the property's location in the Wekiva Study Area. He asked to have his comments on the previous ordinances incorporated.

There being no further public comment, the hearing was closed at 8:27 p.m.

Mr. Schroth asked Ms. Kramer to address some of Mr. Langley's comments regarding pre-comprehensive plan requirements with Ms. Kramer indicating her understanding that when a site plan is submitted the cited requirements would apply, not prior to the comprehensive plan amendment.

Mr. Schroth confirmed Ms. Kramer's understanding that all of the Wekiva Parkway requirements, both statutory and in the City's comprehensive plan, would apply upon consideration of the actual development not necessarily the designation of the land use.

Mr. Schroth opened the floor to public comment on the additional information provided by Ms. Kramer at 8:28 p.m.

Mr. Langley provided to Mr. Schroth a highlighted copy of the City's Comprehensive Plan 2035 Section FLUA-1 Plan Amendment Standards of Review. He cited Section 5.1.3 stating it requires a site plan at the comprehensive plan amendment stage.

Mr. Schroth asked if the subject property is in the overlay protection district or study area with Ms. Kramer stating that it is in the study area, not the overlay protection district. He recommended that he be requested, prior to second reading, to provide a legal interpretation regarding the ambiguity in Goal FLU-5 or the City conduct the required analysis.

Ms. Kramer recommended tabling consideration of the ordinance to allow the analysis prior to consideration.

Mr. Schroth opened the floor to public comment on the continuance at 8:32 p.m. There being no public comment, the hearing was closed at 8:32 p.m.

The Commission discussed postponement of the ordinances and the amount of recharge area outside of the City.

A motion was made by Commissioner Muenzmay, seconded by Vice-Mayor Eckian, to Continue Ordinance No. 14-13. The motion carried by the following vote:

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

14025 Ordinance No. 14-14: Comprehensive Plan Amendment (Large Scale) South Side of County Road 44, West of E. County Road 44 and Gatch Road

Mr. Schroth read Ordinance No. 14-14 by title on first 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 Designation of Approximately 45.69 Acres of Recently Annexed Real Property Located on the South Side of County Road 44, West of E. County Road 44 and Gatch Road from Urban Low in Lake County to "Mixed Commercial Residential" (MCR), and "General Commercial" (GC) as Shown on Exhibit A Attached Hereto.*

Mr. Schroth opened the public hearing at 8:36 p.m. noting the incorporation of Mr. Langley's previous comments. There being no public comment, the hearing was closed at 8:36 p.m.

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

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

14024 Ordinance No. 14-15: Design District Map Amendment - South Side of County Road 44, West of E. County Road 44 and Gatch Road.

Mr. Schroth read Ordinance No. 14-15 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; Assigning the Design District Designation for 45.69 Acres of Recently Annexed Real Property Located on the South Side of County Road 44, West of E. County Road 44 and Gatch Road and East of Hicks Ditch Road as Suburban Corridor.

Mr. Schroth opened the public hearing at 8:36 p.m. again stipulating the inclusion of Mr. Langley's previous comments. There being no public comment, the hearing was closed at 8:36 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Eckian, to Continue Ordinance No. 14-15. The motion carried by the following vote:

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

14014 Ordinance No. 14-16: Payment Plan Agreements for Utility Billing Errors

Mr. Schroth read Ordinance No. 14-16 by title on first 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.

Ms. Kramer explained the ordinance is the result of the discussion held in December regarding an amendment to the code of ordinances to address City billing errors. She explained the criteria for consideration of an agreement as follows: 1) the billing error occurred over a period equaling or exceeding 12 months; 2) the customer would owe more than \$5,000 in charges incurred but not billed; and 3) correction of the billing would increase the monthly charges by 500% or more. She stated that the agreement could incorporate any of the following: 1) a partial or entire waiver of the charges not billed; 2) a multi-year repayment plan of the charges incurred but not previously billed but could not exceed five years; and 3) incremental implementation of the correct billing within a time period not to exceed three years.

Mr. Schroth opened the public hearing at 8:40 p.m.

Mr. Langley confirmed that the continued ordinances would be re-advertised before first reading.

There being no further public comment, the hearing was closed at 8:40 p.m.

The Commission discussed the proposed ordinance including the following comments: 1) opposition to incremental implementation of the correct billing; 2) deferring action to allow provision of additional information including how much lost revenue the City may have incurred; 3) how the specific error occurred; 4) the need to amend the ordinance to allow staff to correct issues for all customers, not just one; 5) the need for an audit of at least all of the multi-unit accounts; 6) the ordinance applying to all customer accounts, not just commercial; 7) the possibility that the proposed amendment would incentivize customers to not report being underbilled; and 8) determining why the error occurred and how much the error cost the City.

Ms. Kramer clarified her understanding from December 5th that the Commission wanted to move forward with the amendment to provide them with the flexibility to address any issues. She emphasized that staff is investigating to see if there are other errors and how much the billing should have been for the original case. She explained her intention that the type of report being requested would be provided if a request for an agreement was submitted.

The Commission further discussed the issue as follows: 1) needing to understand the extent of the problem; 2) not incentivizing customers to not pay their bill; 3) the error that instigated the proposed amendment being the fault of the City and not related to any unpaid bills; and 4) the need to provide the flexibility to address errors.

A motion was made by Commissioner Muenzmay, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 14-16 on First Reading. The motion failed by the following vote:

Aye: 2 - Commissioner Muenzmay; and Commissioner LeHeup-Smith

Nay: 3 - Commissioner Holland; Mayor Bob; and Vice-Mayor Eckian

VII. FUTURE AGENDA ITEMS

Commissioner Holland reported that the Lake County League of Cities is asking to put together a gas tax advisory group. He stated the City needs to appoint a representative at the next Commission meeting and noted that the next League of Cities meeting will be held on Feb. 14th.

VIII. COMMENTS

City Commission

Commissioner Holland commented on the upcoming events and noted that the Commission needs to discuss their involvement in the African American Heritage and GeorgeFest parades

Vice Mayor Eckian reported on the Bates Ave. Neighborhood Council meeting noting that one of the GED graduates has enrolled at Lake Tech. He thanked Rich Hoon for coordinating the tour of City Hall for the special needs students.

Commissioner LeHeup-Smith noted the LEMA dance would be held Friday night at the Community Center.

Mayor Bob commented on the various activities relating to Martin Luther King Day. She asked to have the Incoming Mayor's message on the next agenda.

City Attorney

Mr. Schroth informed the Commission that by denying Ordinance No. 14-16 the code provision would apply necessitating staff pursue the full amount owed, less the statute limitations. He asked if it was Commission's intent to have the ordinance brought back with revisions.

CONSENSUS: It was a consensus of the Commission to bring back the ordinance with the elimination of the third criteria.

Mr. Schroth commented on the ambiguity in the Future Land Use Appendix regarding the comprehensive plan amendment and indicated he would send an email to the Commission to clarify his interpretation.

City Manager

Ms. Kramer apologized for omitting the incoming mayor's message from the agenda and assured Mayor Bob it would appear on the next agenda.

Ms. Kramer reported on the sign for the new fire station and stated a groundbreaking will be scheduled. She noted that the City will decorate a table for the Chamber's Georgefest breakfast. She commented on the great job Lori Barnes has done at Palmetto Plaza on the farmer's market. She noted the various activities sponsored at the farmer's market and explained the difficulty in getting vendor and visitor participation. She stated the market will be held on the following Wednesday but if attendance doesn't improve it may be put on hold at least until after the Phase II of the Plaza is completed.

The Commission discussed the market with suggestions for changing the date or time and additional advertising and publicity.

Mayor Bob announced to the public there would be a workshop following the meeting.

IX. ADJOURNMENT - 9:17 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.