APPROVED: 1/7/2014

City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, December 5, 2013 | **6:00 PM** | **City Hall**

CALL TO ORDER: Mayor Muenzmay - 6:00 p.m.

INVOCATION: Rev. Ron Holder, First Church of God

PLEDGE OF ALLEGIANCE: Commissioner Holland

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

13282 October 29, 2013 - Golden Triangle Summit Meeting
November 14, 2013 - City Commission Workshop
November 19, 2013 - Regular City Commission Meeting
November 19, 2013 - City Commission Workshop

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve the Minutes. The motion passed by an unanimous vote.

III. AUDIENCE TO BE HEARD

Daniel DiVenanzo, 1737 Lake Terrace Dr., thanked City staff for the downtown events noting he is president of the Downtown Business Alliance and giving special thanks to Richard Hoon. He disclosed that he is licensed in real estate. He asked the Commission for permission to present a proposal to the Commission in January regarding the possibility of the City purchasing the two blocks in the downtown previously occupied by the hospital.

IV. CONSENT AGENDA

13277 Appointment to the Lake-Sumter MPO Bicycle and Pedestrian Advisory Committee (BPAC) - Lori Barnes

13279 Appointment to the Historic Preservation Board - Monte Stamper

13276 Resolution No. 13-92: Interview and Interrogation Technology Grant

13278 Resolution No. 13-94: Foreclosure Settlement Proposal for property located at 1116 East Hazzard Avenue

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

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

V. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

13280 Resolution No. 13-93: Site Plan Approval for City of Eustis Fire Station No. 2

Derek Schroth, City Attorney, announced Resolution No. 13-93: A Resolution of the City Commission of the City of Eustis, Florida, Approving a Site Plan for a City of Eustis Fire Station on Approximately 2.5 Acres of Land Located on Hicks Ditch Road, South of County Road 44.

Lori Barnes, Senior Planner, reviewed the site plan for the City fire station to be located on City-owned property on Hicks Ditch Road.

Mr. Schroth opened the public hearing at 6:11 p.m. There being no public comment, the hearing was closed at 6:11 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner Eckian, to Approve Resolution No. 13-93. The motion carried by the following vote:

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

VI. OTHER BUSINESS

13283 Utility Ordinance Requirements for Multi-Unit Properties and Possible Revisions

Dianne Kramer, Acting City Manager, explained there was an issue with utility payments for a multi-unit parcel that was incorrectly billed for several years. She explained the current ordinance allows a property owner to put in one meter to serve multiple units but the individual units are supposed to be billed individually; however, this was not done on the subject property. She stated that the property owner is requesting an agreement to phase in the increased charges due to the monthly charge going from $40 per month to $400 per month. She explained that staff is requesting direction from the Commission whether they are interested in amending the ordinance to allow the flexibility to consider the request. She further explained the proposed revision is very specific to prevent a large number of requests coming before the Commission. She cited the recommended language as follows: "If a multi-unit customer has been charged as a single meter/single business for more than three years, the City Commission may adopt an agreement with the property owner to correct the charges and include payment of multiple availability charges and other charges consistent with ordinance requirements over a time period not to exceed three years." She said if the Commission is willing to consider the change, staff will bring back an ordinance; after which, the Commission could consider an agreement.

The Commission asked if the intent was for any requests to come to staff or the Commission.

Ms. Kramer explained that staff would negotiate an agreement and then bring it to the Commission for approval.

Mayor Muenzmay disclosed he had met with the property owner and heard his complaint.

The Commission discussed the issue as follows: 1) the possibility that the new accounting system might disclose other problem accounts; 2) requiring the property owner to pay the full amount as required in the existing ordinance; 3) the property owner's responsibility as a developer to know the required per unit charge; 4) writing off the $40,000 due to it being the City's mistake; 5) beginning to charge the correct amount immediately; 6) whether or not the proposed change would allow the City to forgive the uncharged fees as stated; 7) how the City forgives overages for broken water lines; 8) whether or not the property owner should have known they were undercharged; and 9) the need to have a mechanism in place to allow staff to work out any problems.

Mr. Schroth noted he had informed Mr. Granger that a decision on his case would not be determined at the meeting and advised that Mr. Granger and his attorney be allowed to present his side of the issue at a later date.

The Commission discussed revising the ordinance in order to allow the Commission to consider agreements to resolve utility billing errors and what parameters to set for those negotiations.

Mr. Schroth explained he and staff had looked at other methods for addressing the issue and determined that it will require an ordinance revision in order to allow any consideration of agreements to correct billing errors.

Mayor Muenzmay opened the floor to public comment and invited the property owner to address the Commission.

Rob Granger, 2785 S. Bay Street (business address), addressed the Commission regarding the problem with his property noting it was not his intent to address the Commission at the meeting. He indicated he would be willing to provide all of the background information to the Commission at the proper time if requested.

Mr. Schroth stated Mr. Granger would have the opportunity to provide that information at a later date if the Commission agrees to move forward with the revision to the utility ordinance.

Daniel DiVenanzo expressed support for revising the ordinance to provide the flexibility needed to address issues.

CONSENSUS: It was a consensus of the Commission for staff to bring back a revision to the utility ordinance that would enable the City to consider agreements to address long-term billing errors.

VII. FUTURE AGENDA ITEMS

Commissioner Holland asked to have Mr. DiVenanzo's request on the agenda in January.

Commissioner Eckian recommended that the City hold its visioning workshop first and then invite Mr. DiVenanzo to present his proposal.

CONSENSUS: It was a consensus, with Mr. DiVenanzo's agreement, to place his presentation on the February 6th agenda.

Vice Mayor Bob asked to have a discussion about naming something within the City after Dr. Martin Luther King.

Ms. Kramer stated her previous understanding was that the Commission first wanted to develop a policy on how to name streets and buildings. She asked if they wanted to address the policy first or have her bring back the suggestions that have been submitted regarding Dr. King.

CONSENSUS: It was a consensus of the Commission to first have a workshop to discuss development of a policy.

Mayor Muenzmay asked to have a report on the agenda regarding the Police and Fire pension plans.

VIII. COMMENTS

City Commission

Commissioner Eckian thanked everyone involved with the Light Up event.

Commissioner LeHeup-Smith also commented on the Light Up event and cited the following activities: Bay Street Players' Christmas shows, Olivia's brunch on Sundays, and Colonial Tavern has opened.

Commissioner Holland highlighted the efforts of Rich Hoon, Joe LaPolla, Jobey Jones, the Business Alliance and the Chamber of Commerce in presenting the Light Up program. He commented on the League of Cities legislative committee session and noted Lake County Days will be in February.

Vice Mayor Bob commented on the new Eustis flea market. She reported on the Bates Avenue Neighborhood Council celebration and the groundbreaking for the new Eustis Heights Elementary School.

Commissioner Holland welcomed Miss Eustis and thanked her for her involvement in Light Up.

Commissioner Eckian thanked Mr. Hoon and Ms. Kramer for attending the groundbreaking to represent the City. He asked for staff to let the Commission know when the Lake County Days will be with Jim Myers, Finance Director, stating they will be February 18th and 19th.

Mayor Muenzmay thanked everyone for attending the Light Up event and noted the number of compliments he has received on the event.

City Manager

Ms. Kramer thanked staff for their efforts on the Light Up event and noted that staff members gave up their holiday to be there. She reported that she spoke with the FDOT consultant regarding the City's concerns about the US 441 alternatives analysis. He indicated he would be happy to come and do a workshop with the Commission to discuss their concerns.

CONSENSUS: It was a consensus of the Commission to hold a workshop with the consultant.

Ms. Kramer asked for direction from the Commission regarding the possible acquisition of property at Gottsche and Kensington in the Palmetto Plaza area.

The Commission discussed the need for small parking lots in various areas including Palmetto Plaza and the Women's Club.

CONSENSUS: It was a consensus of the Commission for staff to move forward with the negotiations.

City Attorney

Mr. Schroth reported that he received a settlement proposal from John Keating and asked for direction from the Commission as to whether or not to consider the settlement.

CONSENSUS: It was a consensus of the Commission to not consider the settlement.

IX. ADJOURNMENT - 7:23 p.m.

Mayor Muenzmay announced that the Commission would adjourn and then go to the corner at Eustis and Magnolia to bury the City's time capsule which will be re-opened in 2023.

Mary C. Montez

MARY C. MONTEZ
City Clerk

Linda Durham Bob

Mayor/Commissioner

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.