



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, November 7, 2013

6:00 PM

City Hall

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

INVOCATION: Rev. Phil Malley, Eustis First Assembly of God

PLEDGE OF ALLEGIANCE: Vice Mayor Bob

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

13251 October 17, 2013 - Regular City Commission Meeting
 October 17, 2013 - City Commission Workshop

A motion was made by Commissioner Michael Holland, seconded by Commissioner Albert Eckian, to Approve the Minutes. The motion passed by an unanimous vote.

III. AUDIENCE TO BE HEARD - None

IV. CONSENT AGENDA

13252 Appointment to the Historic Preservation Board - Frances Coleman

13253 Appointment of Member to the Eustis Housing Authority - Faye Weaver

13257 Resolution No. 13-82: Lake Nettie Reserve Final Plat

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

13250 Resolution 13-84: Refuse Rate Decrease

Derek Schroth, City Attorney, announced Resolution No. 13-84: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, Authorizing a Decrease to City of Eustis Rates for the Non-Disposal Portions of Residential Solid Waste Collection Services, Residential Yard Trash Collection Services, Residential Recycling Services and the Commercial Solid Waste Collection Services, to Provide for the Annual Adjustment of the Refuse Rate Index Established by Lake County for Waste Management, Inc. of Florida, to be Effective January 1, 2014.

Jim Myers, Finance Director, explained the requested decrease of 0.65% to the City's solid waste collection service fees based on the annual adjustment of the Refuse Rate Index as set by Lake County with the new rates to be effective January 1, 2014.

Mr. Schroth opened the public hearing at 6:06 p.m. There being no public comment, the hearing was closed at 6:06 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Resolution No. 13-84. The motion carried by the following vote:

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

13254 Resolution No. 13-81: Reduction of Code Enforcement Fine/Release of Lien, 818 Edgewater Drive, Code Enforcement Case 12-091

Mr. Schroth announced Resolution No. 13-81: A Resolution of the City Commission of the City of Eustis, Florida; Providing for a Reduction of Outstanding Code Enforcement Fines Against 818 Edgewater Drive and Release of Liens Upon Receipt of the Reduced Fine.

Dianne Kramer, Acting City Manager, explained the request to reduce the code enforcement fines against 818 Edgewater Drive and recommended denial of the requested reduction and release of lien. She stated that it is not the new owner that is requesting the reduction, it is the previous owner who abandoned the property. She reviewed the history of the code enforcement action and sale of the property for back taxes. She explained that when the property was purchased at the tax sale, the buyer paid more than the amount of the back taxes so there was a surplus. Both the City and the previous owner have made a claim for the surplus. She expressed support for denying the resolution and allowing the City to collect the code enforcement fines from the available surplus funds after which the lien would be released.

The Commission confirmed that a lien was recorded against the property and that the individual claiming the surplus no longer has an ownership interest in the property.

Mr. Schroth explained that, if the City did not have the lien, the previous owner would be entitled to all of the surplus funds.

Mr. Schroth opened the public hearing at 6:13 p.m.

Michael Sznajstajler addressed the Commission as representative for the former owner Todd Rizzo. He explained the timeline of the foreclosure of the property, vacation of the judgment and satisfaction of mortgage. He presented a copy of the timeline and an affidavit from Mr. Rizzo stating he did not receive the court order vacating the final judgment for foreclosure so he was unaware that he still retained ownership of the property nor did he receive the code violation notices nor tax notices from Lake County.

Mr. Schroth questioned why the mortgage was satisfied with Mr. Sznajstajler stating he is unsure why the mortgage company did that.

The Commission questioned why Mr. Rizzo did not receive any of the notices from either the City or the County with Mr. Sznajstajler explaining that he was going through two foreclosure proceedings at the same time. Mr. Rizzo moved after receiving the Final Judgment of Mortgage Foreclosure and had no reason to notify the City or County of his new address.

There being no further comments, the hearing was closed at 6:25 p.m.

The Commission discussed the fact that Mr. Rizzo is claiming funds that he did not put into the property, the abandonment of the property by both Mr. Rizzo and the bank, and the possibility of partially reducing the fines.

Mr. Sznapstajler further explained that Mr. Rizzo did initially fight the foreclosure and did not abandon the property but thought he had lost the property through the foreclosure.

The Commission further discussed partially reducing the lien and the responsibility of someone to give the post office a forwarding address and whether or not they could amend the resolution.

A motion was made by Commissioner Eckian, seconded by Commissioner Holland, to Deny Resolution No. 13-84. The motion carried by the following vote:

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

CONSENSUS: *It was a consensus of the Commission to reduce the amount of the code enforcement fine to \$8,000 and to release the lien upon payment of the \$8,000 by the County.*

VI. OTHER BUSINESS

13258 Offer to Purchase a Portion of the Tri-City Property on Frankie's Rd. Near Astatula

Ms. Kramer explained that an offer had been received to purchase a portion of the Tri-City owned property, located off of Frankie's Road in Astatula. She explained for the public that the property was purchased by the cities of Eustis, Mount Dora and Tavares for use as a landfill. The property was only used for that purpose for a short time. She stated that the City's share of the purchase price would be \$40,000 and noted that the City of Mount Dora has already approved the sale.

CONSENSUS: *It was a consensus to proceed with the sale with staff to bring back a formal resolution.*

VII. FUTURE AGENDA ITEMS - None

VIII. COMMENTS

City Commission

Commissioner Eckian thanked everyone who worked on the grand opening of the Market Place at Palmetto Plaza. He cited the upcoming Chamber Gala. He reported that two women have achieved their GED through the Bates Avenue Neighborhood Improvement Council program. He noted the CRA Community Meeting scheduled for Tuesday, November 12th at the Carver Park Garden Room.

Commissioner LeHeup-Smith announced the upcoming Lake Eustis Museum of Art silent auction featuring Christmas trees and ornaments for sale.

Commissioner Holland also thanked staff, particularly Lori Barnes, for their work on the Market Place and Rich Hoon and Joe LaPolla for the First Friday event. He noted the upcoming Light Up event.

Vice Mayor Bob reported on the Lake Community Action Agency (LCAA) annual dinner and commented on the groundbreaking for the new school for Eustis Heights Elementary.

Mayor Muenzmay commented on the November First Friday event, the LCAA dinner and the event at the Gethsemane Baptist Church.

City Manager

Ms. Kramer asked Lori Barnes to provide a report on the opening of the Market Place at Palmetto Plaza.

Lori Barnes, Senior Planner, recognized the other staff members that assisted with the Market Place set up and preparation prior to the opening. She reported on the positive comments from the vendors with 90% confirmation to come back and additional new vendors signed up since the opening.

Ms. Kramer recognized the Everlasting Life Church of God for allowing overflow parking on their property. She reported on the followup by Police Chief Cobb with Mrs. McGuinness who had approached the Commission at a previous meeting regarding speeding on East Crooked Lake. She announced that the County would be reinstating their impact fees as of January 13, 2014, and noted the Board of Commissioners will be considering a change that will allow commercial development to pay the impact fees upon receipt of the certificate of occupancy rather than at the time of permitting. She reported on a meeting with the City and County Managers regarding the gas tax and that information will be forthcoming regarding that issue.

City Attorney

Mr. Schroth reported on the progress of the Keating litigation and stated he would be meeting with the newly assigned lawyers and transferring to them his information about the case.

IX. ADJOURNMENT - 6:59 p.m.


MARY C. MONTEZ
City Clerk


KRESS T. MUENZMAY
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.