APPROVED: 7/18/2013

City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, June 27, 2013 | **6:00 PM** | **City Hall**

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

INVOCATION: Rev. David Clawson, Eustis First Assembly of God

PLEDGE OF ALLEGIANCE: Commissioner Eckian

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

13144 May 16, 2013 - Regular City Commission Meeting
May 16, 2013 - City Commission Workshop
June 5, 2013 - City Commission Workshop

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

III. PRESENTATIONS

13143 Presentation of Mid-Year Financial Report by Trout Lake Nature Center

Joan Bryant, President of Trout Lake Nature Center, reported to the Commission on their activities for the first six months of FY2013 and their newest fundraising efforts. She reviewed planned programs for the remainder of the year particularly special activities honoring the 50th anniversary of the Ocklawaha Valley Audubon Society (OVAS) and the 25th anniversary of the Trout Lake Nature Center. She noted the presence of Ron MacFarlane, Treasurer, to answer any questions regarding the financial reports provided.

The Commission asked about the capital funds campaign that was conducted previously for construction of a new museum with Ms. Bryant reporting that the campaign was stopped due to the recession. She explained they have determined they will construct a smaller facility than originally planned. She noted the upcoming construction of a loop road which will provide additional parking and allow two entrances and exits to the Center. She added they will tie into the City's sewer line as part of that project.

Mr. MacFarlane explained that the funds raised from the campaign are still dedicated for capital projects.

13151 Presentation of the City of Eustis Emergency Management Plan

Fred Cobb, Chief of Police, provided an overview of the City's Emergency Management Plan as previously requested by the Commission. He noted there are no emergency shelters within the City and stated the closest shelters are at Round Lake Elementary School in Mount Dora and Umatilla Elementary School in Umatilla, which is a special needs and pet-friendly shelter.

The Commission asked the following questions: 1) if an emergency preparedness practice can be held periodically; 2) if the City keeps an inventory of supplies such as tarps and water for the interim period before outside emergency organizations response; and 3) about the level of the City's responsibility to "meet basic human needs - medical, water, food, shelter, emergency fuel".

Chief Cobb explained the City sometimes conducts a tabletop exercise and City departments routinely work together during various types of emergency situations. He stated the City does not maintain an inventory of supplies for use by residents and commented on the need for individuals to have personal responsibility for their property. He indicated that the County and State does have supplies located through the state. He explained that Lake County Emergency Management has responsibility for assisting residents with meeting basic human needs.

John Futch, Utilities Director, explained that, prior to a storm event, staff makes sure there are resources available such as sufficient gasoline to run the police cars and other vehicles and that, during hurricane season, City personnel do not go home without ensuring the fuel tanks are full. He added that the City also has water bladders and buffaloes available if needed. He reported they do keep supplies on hand for emergency situations and take stock at the beginning of each storm season.

The Commission urged Chief Cobb to bring to their attention if there are any resources lacking in the event of an emergency.

IV. AUDIENCE TO BE HEARD

Rev. Theo Bob, 2115 Sandridge Circle, addressed the Commission as a volunteer with SWAT (Students Working Against Tobacco) and the Bates Neighborhood Council. He introduced the following members of the Youth Council: Jerome Richardson, Lydia Bob, Madison Roberts, and Ameena Lawrence. He stated they are asking the Commission to adopt a resolution urging the local vendors to cease selling flavored tobacco products.

Lydia Bob, a member of the Bates Avenue Youth Council, provided a slide presentation regarding the use of flavored tobacco to target youth. She reiterated their request that the Commission consider passing a resolution opposing the sale of such products.

CONSENSUS: It was a consensus of the Commission to have the issue added to a future agenda.

V. CONSENT AGENDA

13136 Resolution No. 13-34: Adoption of the City Commission Governance Guide

13127 Resolution No. 13-39: Authorization to Renew Contract with Odyssey Manufacturing Company for an Additional Three (3) Year Period for Purchase and Delivery of Sodium Hypochlorite.

13129 Appointment to the Code Enforcement Board (CEB) - Larry Turnbow

13133 Resolution No. 13-40: Bid Award of Engineering & Design Services for Sidewalk Construction

13139 Resolution No. 13-41: Release of Code Enforcement Liens

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

13135 Resolution No. 13-35: Adoption of the 2013/14 Update to the Strategic Plan

Derek Schroth, City Attorney, read Resolution No. 13-35 by title: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, Adopting the 2013-14 Update to the Strategic Plan.

Paul Berg, City Manager, noted the strategic plan is updated every two years and is the result of a series of workshops. He added that at the July meeting there will be a quarterly update on the strategic plan projects.

Mr. Schroth opened the public hearing at 6:40 p.m. There being no public comment, the hearing was closed at 6:40 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Resolution No. 13-35. The motion carried by the following vote:

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

13138 Resolution No. 13-36: Right-of-Way Vacation of a portion of Lemon Avenue West of Pine Street

Mr. Schroth read Resolution No. 13-36 by title: A Resolution of the City Commission of the City of Eustis, Florida; Authorizing the Closing and Vacating of an Unimproved Portion of the Lemon Avenue Public Right-of-Way Located West of Pine Street in Accordance with Ordinance No. 12-08.

Dianne Kramer, Development Services Director, explained the request does not affect the improved portion of Lemon Avenue only the unimproved. She stated that the adjacent property owner requested the vacation and has agreed to maintain the property.

The Commission asked who would be responsible for relocating the electric guy wire with Ms. Kramer responding that it would up to Duke Energy and the property owner.

The Commission asked if the vacated lot could be sold and developed with Ms. Kramer responding it would be very difficult under the current City regulations. She noted there is no connection to the west.

Mr. Schroth opened the public hearing at 6:44 p.m. There being no 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. 13-36. The motion carried by the following vote:

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

13126 Resolution No. 13-37: Budget Amendment

Mr. Schroth read Resolution No. 13-37 by title: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, Amending the FY2012-2013 Budget for the Various Funds of the City of Eustis, Including the Capital Improvement Plan and Authorizing the Finance Director of the City of Eustis, Florida, to Make the Necessary Adjustments.

Mike Sheppard, Deputy Finance Director, explained the budget amendment is for two items: 1) to allocate to the Water & Sewer Fund its share of the cost of the new software and hardware for approximately $200,000; and 2) to recognize the receipt of a grant in the amount of $98,000 and the expense of those funds for beautification of the islands on Bay Street.

Mr. Schroth opened the public hearing at 6:45 p.m. There being no public comment, the hearing was closed at 6:45 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Resolution No. 13-37. The motion carried by the following vote:

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

13140 Resolution No. 13-42: Residential Contract for Sale and Purchase of City-owned Property at 810 and 821 Edgewater Drive

Mr. Schroth read Resolution No. 13-42 by title: A Resolution of the City Commission of the City of Eustis, Florida; Authorizing the City Manager to Execute a Residential Contract with Lake RC, Inc. for the Sale and Purchase of City-Owned Property Located at 810 Edgewater Drive and 821 Edgewater Drive.

Ms. Kramer explained the two properties were acquired by the City through foreclosure of code enforcement liens. She stated the City has received an offer in the amount of $20,000 for the two lots which have a just value from the Property Appraiser of $17,000. She further explained this would also save the City the cost of either demolishing or repairing the existing structures. She added that the new owner will be required to either repair or replace the structures.

Mr. Schroth opened the public hearing at 6:47 p.m. There being no public comment, the hearing was closed at 6:47 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Bob, to Approve Resolution No. 13-42. The motion carried by the following vote:

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

SECOND READING

13142 Ordinance No. 13-07: Municipal Service Taxing Unit for Lake EMS Transport

Mr. Schroth read Ordinance No. 13-07 by title on second reading: An Ordinance by the City Commission of the City of Eustis, Lake County, Florida, Adopted Pursuant to Section 125.01 (l) (q), Florida Statute (2007) Consenting to the Inclusion of the City of Eustis, Florida, Within the Countywide Municipal Service Taxing Unit for the Provision of Ambulance and Emergency Medical Services, as Adopted by the Board of County Commissioners of Lake County, Florida; Providing for the City to be Included within Said M.S.T.U., for a Specific Term of Years; Providing for an Effective Date.

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 Adopt Ordinance No. 13-07 on second reading. The motion carried by the following vote:

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

FIRST READING

13130 ## Ordinance No. 13-08: Repeal of Section 34-102, Offensive Noises, Code of Ordinances

Mr. Schroth read Ordinance No. 13-08 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, Repealing in its Entirety Section 34-102, Offensive Noises, of the City of Eustis Code of Ordinances.

Ms. Kramer explained a recent ruling by the Florida Supreme Court declared as invalid a portion of the Florida Statutes regarding noise emanating from vehicles. She stated the City's ordinance is similar to the state statute and therefore also is invalid.

The Commission confirmed that the provision only pertains to noise from vehicles with Ms. Kramer confirming there is still a portion of the ordinances that address offensive noises.

The Commission questioned whether or not the offensive noise provision in the Land Development Regulations could be applied to noise coming from a vehicle parked on a street.

Mr. Schroth explained the Florida Supreme Court determined that the phrase "plainly audible" was so broad it was unconstitutional. He noted that some cities have considered using an ordinance based on decibel readings.

Chief Cobb stated the provision in the LDR's could not be used to address a vehicle parked on the street; however, they have the ability under Florida statute to address the complaint. He explained the complainant would be required to go to court to testify that the noise was offensive. He noted that there are currently no ongoing or recurring problems and residents are usually willing to turn down the volume if they are requested to do so.

Mr. Schroth opened the public hearing at 6:52 p.m. There being no public comment, the hearing closed at 6:52 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 13-08 on First Reading. The motion carried by the following vote:

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

13131 ## Ordinance No. 13-09: Conditional Use Permit for Automobile Sales at 25 S. Bay St.

Mr. Schroth read Ordinance No. 13-09 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 Automobile Sales in the Central Business District (CBD) Land Use District on Approximately 0.6 Acres Located at 25 S. Bay Street.

Ms. Kramer explained that the Land Development Regulations allow automobile sales within the Central Business District only under a Conditional Use Permit in order to allow the Commission to limit the scale of those sales. She further explained the requested sales will be small and noted the area on the site plan designated for those sales.

Mr. Schroth opened the public hearing at 6:53 p.m. There being no public comment, the hearing was closed at 6:53 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 13-09 on First Reading. The motion carried by the following vote:

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

VII. OTHER BUSINESS

13145 Florida League of Cities Legislative Policy Committees

Mr. Berg explained that each year the Florida League of Cities drafts their legislative policies in preparation for the next legislative session. He stated they annually ask for City representation on their various committees. He further explained the committees are used to identify issues that are priorities to the cities. He listed the various committees and stated that the City can have one representative on each committee. He cited the City's representation the previous year. He noted that the legislature has moved everything up with committee work to begin in September so the League will probably adjust the schedule next year.

CONSENSUS: It was a consensus of the Commission for Commissioners to serve on the committees as follows: 1) Commissioner Holland on Transportation & Intergovernmental Relations; 2) Commissioner LeHeup-Smith on Energy & Environmental Quality; and 3) Mayor Muenzmay on Growth Management & Economic Development with Mr. Berg to serve on Finance, Taxation & Personnel.

13150 FY 13/14 Insurance Renewals

Ann Isaacs, Human Resources Director, presented the FY2013-14 insurance renewals as follows: 1) Health insurance - $1,992,762 representing a 1.6% increase and a loss ratio of 79%. She noted the experience rating for the pool was 101.2%. 2) Dental insurance from Cigna Dental - $68,935, a 2.3% decrease; 3) Vision insurance through NVA, which is employee only paid, totaled $9,944 for no change; and 4) Life Insurance - $11,869 also for no change. She explained that there is projected to be $60,000 in reserves in the health insurance fund. She commented on the benefits study by Siver and the amount of employee participation in the wellness program and fitness center. She expressed staff's recommendation to renew the health insurance with PRM, dental insurance with Cigna, and vision insurance with NVA and to utilize the $60,000 to offset the increase with the employees to assume the additional premiums next year after possible salary increases.

The Commission confirmed that the $60,000 is actually surplus left over from the current fiscal year due to coverage changes by individual employees and employee turnover.

The Commission discussed the following: 1) the possibility of developing a true insurance reserve that could be utilized to pay for future increases; 2) increasing the cost to the employee with any surplus being reserved for future increases; 3) not increasing the cost to the employee until FY14-15 and the implementation of the salary increases; 4) using the surplus funds to offset the increase to the employees for next year; and 5) the impact of Obama care on the City.

CONSENSUS: It was a consensus of the Commission to utilize the surplus to offset the increase to the employees with the remainder of any surplus to go to the General Fund.

13146 Update on Golden Triangle Fire District

Mr. Berg reported on the status of the creation of a Golden Triangle Fire District noting information provided by the City Attorneys regarding legal steps that would be required for creation of a district. He stated that Lake County indicated they did not want to pursue a district at this time but wanted to pursue a "closest unit response" approach. He added the Committee has asked the County to clarify how that would work and commented on issues with how the County staffs their stations and assigns their equipment and response units that is inconsistent with how the City works. He stated that nothing formal has been received back from the County but a response may be received in July. He indicated that the County has been informed that the three cities are still pursuing some type of cooperative fire response.

Mr. Berg explained there are three ways the cities could address the issue with the first being to ask the legislature to create a special fire district which would become an independent taxing authority with its own elected oversight commission. He explained there would be a comparable reduction in millage rate within each of the three cities and added that the advanced life support and medical *calls could not be supported by the district millage rate. He indicated the district board would have the ability to levy up to 3.75 mills with the board operating much the same as a city commission and would be responsible for hiring all of the personnel and acquiring equipment. The second option would be creation of a district via intergovernmental agreement which would require creation of a separate fee within each city. It would be operated as an independent operation but would not be able to assess a millage rate. Separate funding would still need to be identified for the medical services. The third option would be to not have an official district but just have an interlocal agreement for fire response. He explained the need to have County approval to implement any of the three possibilities. He noted that a Golden Triangle Summit meeting is being planned for some time in the fall to discuss the direction desired by all three cities.*

The Commission expressed concern regarding losing control, the loss of the City's fire department and reduced fire and medical safety with comments on other fire districts that did not turn out well and lack of response by the County's fire department.

The Commission clarified that the interlocal agreement would leave the cities with their own fire departments with coordination regarding equipment and coverage.

The Commission discussed the following issues regarding fire response: 1) considering a different funding mechanism for the fire department including the possibility of implementing a fire assessment that would be charged to everyone that receives an utility bill; 2) the need to proceed with cost estimates for a northern fire station; 3) previous discussions held in 2010 with the County regarding fire response and problems with County response to the enclaves; 4) opposition to creating an additional governmental entity to run a fire district; 5) possible loss of tax deductions for residents if the funding mechanism is changed; 6) how best to cooperate with the other cities without pursuing a formal fire district; and 7) pursuing a retrofit of the mulch plant for use as a north fire station.

Mr. Berg summarized what he would communicate to the other cities as follows: 1) interest in pursuing an interlocal agreement to make best use of existing resources and avoid duplication of equipment; 2) no interest in creating a separate fire district; and 3) not pursuing alternative funding mechanisms without direction from the Commission with the possibility of further discussion during the budget process.

VIII. FUTURE AGENDA ITEMS

Mayor Muenzmay asked for staff to move as quickly as possible with completion of the comprehensive plan review and then proceed with a review of the land development regulations particularly as it pertains to open space.

Mr. Schroth confirmed that consideration of the Motion to Dismiss the Keating litigation would be on the next regular Commission agenda and that it would require only one vote.

IX. COMMENTS

City Commission

Commissioner Holland reported on the NAACP dinner that honored T. H. Poole, a local civil rights leader.

Mayor Muenzmay complimented Rev. Bob on the presentation by the students representing SWAT.

City Manager

Mr. Berg commented on the City's reduction in its loss ratio and commented on the benefits to the employees of the wellness program, the employee fitness center and the tobacco cessation programs. He indicated he would place a resolution on the July agenda regarding the interlocal agreement for fire service.

Rex Winn, Fire Chief, confirmed the City has interlocal agreements with Tavares and Mount Dora with a different type of agreement with Lake County. He explained the contents of the agreements and stated that the Lake County agreement is only for structure fires and fire alarms. He expressed support for addressing more cooperation in an interlocal agreement with the other cities.

Mr. Berg indicated a formal agreement could be used for joint purchase of equipment and similar items.

The Commission complimented Chief Winn, the other fire chiefs and city managers for their work on the fire district and stated the direction by the Commission did not reflect on their work.

City Attorney - None

X. ADJOURNMENT - 8:00 p.m.

Mary C. Montez

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.