APPROVED: 6/27/2013

City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, May 16, 2013 **6:00 PM** **City Hall**

CALL TO ORDER: Mayor Muenzmay

INVOCATION: Mayor Muenzmay requested a moment of silence.

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

13105 April 18, 2013 - Regular City Commission Meeting
April 25, 2013 - City Commission Workshop

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

III. PRESENTATIONS

13120 Presentation by Boys and Girls Clubs of Lake & Sumter Counties

Freddie Williams, CFO for the Boys & Girls Clubs of Lake & Sumter Counties, introduced Robb Elmatti, Operations Director, and Sarah Jones, Youth of the Year.

Mr. Elmatti explained the history of the organization which opened in 2006 and provided an overview of their programs.

Ms. Jones gave a brief biography of her life explaining how the Boys & Girls Club had helped her and how she became Youth of the Year.

Mr. Elmatti noted that Ms. Jones volunteers at the Club and thanked the Commission for their support.

13121 Presentation of Donation by Eustis Woman's Club

Dianne Kramer, representing Barbara Coats the Eustis Woman's Club President, explained the Club was dissolving and wished to make a donation to the City as one of their final acts. She reviewed the history of the Woman's Club and read a statement on behalf of Ms. Coates. She assisted in presenting a facsimile check to the City in the amount of $500 to be used for the purchase of a curtain for the stage to improve the acoustics within the Woman's Club building.

Mayor Muenzmay received the check and thanked Ms. Coats for everything the Club has done for the City.

Ms. Kramer noted the Club's appreciation for the City's renovations to the Woman's Club Building.

13124 Presentation of Bay Street Players Midyear Report for FY2012-13

Michael Scaringella, Treasurer for the Bay Street Players, provided a review of the theater's productions and a financial report as required by their City-provided grant. He noted the replacement of the theater's roof and various equipment additions. He commented on recent staff changes and the resulting reduction in salary costs.

IV. AUDIENCE TO BE HEARD

Mayor Muenzmay opened "Audience to be Heard" at 6:21 p.m.

Sam Chapin addressed the Commission regarding the First Friday programs. He expressed concern regarding the change in fees and place assignment not being provided until the night of the program. He stated that the Sailing Club would not be attending future programs, nor would the Trout Lake Nature Center.

Tim Totten, thanked Marlene Blye, Library Director, and the library staff for hosting his presentation on American architect Frank Lloyd Wright. He noted that, due to the number of calls regarding the program, the presentation would continue over the next three weeks.

V. CONSENT AGENDA

13104 Resolution No. 13-32: One-Year Renewal of Revocable Non-Exclusive Agreement with Lake County - Use of 70 Acres on Frankie's Road

13116 Appointment to the Police Officers' Pension Board of Trustees - John P. Sommer

13118 Reappointment of Member to the Historic Preservation Board - Coats

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

13107 Resolution 13-31: Extending the Current Contract for Auditing Services

Derek Schroth, City Attorney, announced Resolution No. 13-31: A Resolution by the City Commission of the City of Eustis, Lake County, Florida; Extending the Contract for Auditing Services with Purvis Gray and Company for the Fiscal Years Ended September 30, 2013 through September 30, 2016, with an Additional Two Year Option to Renew; Authorizing the City Manager to Execute the Said Contract.

Jim Myers, Finance Director, explained the request to extend the current independent auditing contract with Purvis Gray and Company for another three years with an option for an additional two years.

Mr. Schroth opened the public hearing at 6:27 p.m. There being no public comment, the hearing closed at 6:27 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Resolution No. 13-31. The motion carried by the following vote:

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

SECOND READING

13086 Ordinance No. 13-03: Annexation of 3.65 Acres Located on the North Side of E. Orange Ave., West of CR 44 (Bypass)

Mr. Schroth read Ordinance No. 13-03 by title on second reading: An Ordinance of the City Commission of the City of Eustis, Florida; Voluntarily Annexing Approximately 3.65 Acres of Real Property Located on the North Side of East Orange Avenue West of CR 44 (Bypass).

Mr. Schroth opened the public hearing at 6:28 p.m. There being no public comment, the hearing was closed at 6:28 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Adopt Ordinance No. 13-03 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

13087 Ordinance No. 13-04: Small Scale Comprehensive Plan Amendment for property located on the north side of E. Orange Ave., west of CR 44 (Bypass)

Mr. Schroth read Ordinance No. 13-04 by title on second 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(l) F.S.; Changing the Future Land Use Designation of Approximately 3.65 Acres of Real Property Located on the North Side of E. Orange Avenue, West of CR 44 (Bypass) from Urban Low in Lake County to Mixed Commercial/Residential (MCR) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:29 p.m. There being no public comment, the hearing was closed at 6:29 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Bob, to Adopt Ordinance No. 13-04 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

13088 Ordinance No. 13-05: Design District Assignment for property located on the north side of E. Orange Ave., west of CR 44 (Bypass)

Mr. Schroth read Ordinance No. 13-05 by title on second reading: An Ordinance of the City Commission of the City of Eustis, Lake County Florida; Assigning the Design District Designation of Suburban Corridor to Approximately 3.65 Acres of Real Property Located on the North Side of E. Orange Avenue, West of CR 44 (Bypass).

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

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Adopt Ordinance No. 13-05 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

13089 Ordinance No. 13-06: Municipal Service Taxing Unit for Lake EMS Transport

Mr. Schroth read Ordinance No. 13-06 by title on first reading: An Ordinance by the City Commission of the City of Eustis, Lake County, Florida, Adopted Pursuant to Section 125.01 (1) (q), Florida Statutes (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.

Paul Berg, City Manager, explained this would extend the City's ability to tax the residents for the MSTU.

Mr. Schroth opened the public hearing at 6:31 p.m. There being no public comment, the hearing was closed at 6:31 p.m.

Commissioner Holland moved to approve Ordinance No. 13-06 on first reading. Commissioner LeHeup-Smith seconded the motion.

The Commission discussed concerns about extending the EMS MSTU for five years due to the possibility of the County outsourcing the EMS transport services.

Mr. Schroth noted that the ordinance would have to be re-noticed for two readings if the Commission changed the ordinance.

Rex Winn, Fire Chief, stated that previously there were two year contracts and expressed agreement with changing the term. He stated it is a standard contract with Lake EMS and would require a change to their contract. He indicated the County had wanted it back by July 14th.

Commissioner Holland rescinded his motion.

The Commission discussed including a provision for cancellation if there was a change in ownership.

CONSENSUS: It was a consensus of the Commission for the ordinance to be brought back with a one-year term.

A motion was made by Commissioner Eckian, seconded by Commissioner Holland, to Deny Ordinance No. 13-06. 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

13109 Review of Section 115-8 of the Land Development Regulations -- Tree Protection

Dianne Kramer, Development Services Director, explained that the Commission has directed staff to bring forward any issues with which they have observed problems. She noted previous workshops regarding the City's tree ordinance and stated there have been ongoing problems with the tree ordinance particularly regarding single family homes. She reviewed some proposed revisions to the tree ordinance as follows: 1) excluding palm, citrus and pine trees; 2) excluding single family lots with a structure from the tree permitting process, and 3) permitting all property owners to remove or replace trees if they provide a revised landscape plan.

The Commission discussed the tree ordinance, possible revisions, the situations that prompted the recommendation by staff and the lack of flexibility available to the Code Enforcement Board.

Ms. Kramer explained how the Code Enforcement Board has to base its decisions and cited individual homeowner concerns regarding safety issues from trees.

The Commission discussed the following: 1) not allowing people to clear cut; and 2) allowing owners to remove trees from within a certain distance from the home.

CONSENSUS: It was a consensus of the Commission to schedule a workshop for further review of the tree ordinance.

13110 Final Draft Documents for City Commission Governance and Strategic Plan

Mr. Berg presented the re-drafted governance documents and strategic plan as previously reviewed by the Commission. He asked for any further comments so they can be placed on a future agenda for adoption.

The Commission discussed the possibility of reviewing any of the interlocal boundary agreements if the opportunity arises in the future.

CONSENSUS: It was the consensus of the Commission for the documents and strategic plan to be brought back for adoption.

13112 Reschedule the Police and Fire Pension Report Presentation Workshop Originally Scheduled for May 9, 2013.

Mr. Myers reviewed those dates that the pension actuary would not be available.

CONSENSUS: It was a consensus of the Commission to re-schedule the workshop for 4:30 p.m. with a tentative date of Thursday, June 6th in the Commission Room.

13114 Keating Settlement Agreement Discussion Schedule

Mr. Schroth stated that at the last meeting the Commission voted 3 to 2 to schedule a workshop to discuss a possible settlement with John Keating. He advised the Commission to go ahead and allow public comment. He noted the discussion is about scheduling the workshop.

The Commission discussed possible dates including June 13th and 26th. It was a consensus of the Commission to hear public comment before finalizing the date.

Mayor Muenzmay opened the floor to public comment at 7:04 p.m.

Fred Morrison, representing McLin Burnsed, commented on previous meetings held regarding the Keating litigation and expressed opposition to the City holding the workshop.

Mr. Schroth asked Mr. Morrison if he has an objection to the dates discussed for the workshop and stated he would have the opportunity to discuss the merits of a settlement at the workshop.

Mr. Morrison responded he was opposed to the City holding a workshop at all. He stated he has been authorized by his clients to inform the Commission that a number of residents and business owners have set aside a litigation fund and that if the City enters into the negotiations and the end result is either approval of a settlement similar to the one from November 1st which approves the development noncompliant with the City's codes or leads to a watering down of the City's codes in order to conform them with Mr. Keating's wishes so he can obtain approval, the citizens will have no alternative but take the City to court. He added that he has been informed that the Fishback Dominic firm in Orlando will join in that effort and the City should expect to receive a communication from them shortly. He urged the Commission to go through with the court hearing.

Mr. Schroth informed the Commission that they can reverse their decision; however, it would require a positive vote by the majority from last time. Otherwise, they have to vote on the issue before them which is the scheduling of the workshop.

The Commission discussed the procedure that would be required to reverse the decision. It was a consensus to proceed with the scheduling of the workshop.

The following additional individuals addressed the Commission and expressed opposition to the scheduling of a workshop to consider a settlement with Mr. Keating: 1) Hugh Kent, 19714 CR 44A; 2) Scott Taylor, 26243 SR 46, Sorrento; 3) Johnny Smith, 812 Jefferies Court; 4) Egor Emery, 35544 Estes Road; 5) Ken LaRoe, 22449 Lake Seneca Road; and 6) Jim Rotella, 217 E. Badger Avenue.

Mayor Muenzmay closed the public comment at 7:26 p.m.

Mr. Schroth explained how the decision to hold the workshop occurred noting that the Commission had been meeting in closed session to discuss the settlement negotiation and decided they wanted any future discussions to be in the open. He then asked the Commission if they still wanted to proceed with scheduling the workshop.

The Commission discussed the number of waivers routinely requested to the Land Development Regulations and the probability that a summary judgment or dismissal would be appealed.

CONSENSUS: It was the consensus of the Commission to proceed with the workshop with a tentative date of June 26th at 4:30 p.m.

13115 Proposed Downtown Waterfront Entertainment District

Richard Hoon, Assistant to the City Manager for Community Relations, explained the proposal to establish a Downtown Waterfront Entertainment District and noted the previous discussion brought up by Eustis Main Street, Inc. He asked for the Commission's interest in the idea and reviewed several options for a schedule to hold a workshop and ordinance adoption hearings. He stated that part of the discussion is to only allow street closures for City-sponsored events. He noted a recent request to allow a food truck event that would also be requesting street closures.

The Commission discussed the following: 1) the amount of City involvement in activities since the dissolution of Eustis Main Street, Inc.; 2) the proposed food truck event; 3) the amount of emphasis placed on the downtown business district versus the other business areas in the City; 4) the benefits from creation of an entertainment district; 5) number of events that are a cost to the City; 6) the inclusion in the Strategic Plan of extending the City's economic development beyond the Central Business District; 7) the proximity of the downtown district to a residential neighborhood; 8) the possibility of increased underage drinking; 9) the possibility of wrongful death lawsuits due to people drinking in the district and then leaving under the influence; and 10) possible parameters for an entertainment district.

Fred Cobb, Police Chief, explained that the special license that a not-for-profit can get allows them to serve alcohol on the street; however, the license held by the restaurants does not allow them to have a beer booth on the sidewalk or allow their customers to leave with an open container. He explained the previous City decision to restrict the serving of alcohol from across Hwy. 19 to Ferran Park.

The Commission discussed the issues pertaining to street closures including cost to the City and impact on the businesses with Mr. Berg explaining that small neighborhood closures are handled administratively and the question pertains to large scale street closures particularly in the downtown area.

CONSENSUS: It was a consensus of the Commission to hold a workshop to discuss the creation of an entertainment district and for the Agenda Planning Committee to determine a date for the workshop.

13122 Discussion of Ferran Park Master Plan Priorities

Joe LaPolla, Parks and Recreation Director, reviewed a list of Ferran Park projects that the staff identified as standalone projects and the estimated cost for each project. He recommended proceeding first with the children's playground and the renovation of the restrooms. He stated that there is approximately $260,000 available from the Capital Improvement Fund.

Mr. Berg suggested, if any funds were available after, that the next items could be the band shell shade or the relocating of the veterans' memorial to a more secluded location.

The Commission discussed staff's recommendation, funding sources, the need to make the playground as good as possible, and possible uses of Sharp's Park and Sunset Island and connecting those to Ferran Park, and possibly relocating the pool when it is renovated.

CONSENSUS: It was a consensus of the Commission for staff to proceed with the children's playground and renovation of the restrooms.

TWO-HOUR LIMIT: Consensus to proceed

13123 Community Garden Proposal

Mr. LaPolla explained the proposal from the Bates Avenue Improvement Council to establish a community garden in the Cardinal Cove section of Carver Park. He stated the Council would assume responsibility for maintaining the garden and has agreed to provide insurance through Devereaux Kids for the gardening activities. The Council has also developed a site plan for the garden, along with a manual outlining the operating procedures for the garden. He stated they have met with the DRC Committee several times to discuss the project details. He further explained that the Americans With Disabilities Act would require a compliant parking space and a walkway from the parking area to the garden. He stated the cost for all of the improvements could cost as much as $25,000. He reviewed the benefits of a community garden and noted the community meetings held by the Council to obtain public input and support.

CONSENSUS: It was a consensus of the Commission for staff to pursue the community garden and bring back a policy with funding sources.

VIII. FUTURE AGENDA ITEMS

Commissioner Holland asked for a report on the Fire District at the next meeting.

Vice Mayor Bob asked for an accident report in the area of Orange Avenue where it narrows to two lanes near Haselton.

Chief Cobb agreed that is a problem intersection and stated he would provide a report to all of the Commission. It was noted those figures were included as part of the Orange Avenue improvement project report.

IX. COMMENTS

City Commission

Commissioner Holland complimented the high school band on its spring concert.

Vice Mayor Bob commented on the Sunshine Law training seminar sponsored by the County. She wished all of the men a happy Father's Day on June 16th.

Commissioner Eckian reported on the Chamber's Bluezberry Festival scheduled for May 18th. He complimented the Library and Tim Totten on the Frank Lloyd Wright presentations. He thanked John Futch, Public Utilities Director, for inviting him to his Thursday meetings and the City Attorney for his information at the Sunshine Law seminar.

Mayor Muenzmay cited various activities and performances that would be part of the Bluezberry Festival. He reported on his attendance at the FEMA flood seminar. He noted that all of the flood districts have been redrawn which could impact someone's homeowner's insurance.

Vice Mayor Bob announced high school graduation would be on Friday, May 31st.

City Manager - None

City Attorney - None

X. ADJOURNMENT - 8:23 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.