City of Eustis, Florida

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

Meeting Minutes – Final*
City Commission

Thursday, March 21, 2013 | **6:00 PM** | **City Hall**

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

INVOCATION: Rev. W. H. Volland, Epiphany Anglican Church

PLEDGE OF ALLEGIANCE: Commissioner Eckian

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

13067 March 7, 2013 - City Commission Workshop - Audit Presentation
March 7, 2013 - Regular City Commission Meeting
March 7, 2013 - City Commission Workshop - Benefits Presentation

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve the Minutes as submitted. The motion carried by the following vote:

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

III. PRESENTATIONS

13069 Proclamation Recognizing the 2012-2013 Eustis High School Cheerleading Squad

Mayor Muenzmay read a proclamation honoring the Eustis High School cheerleading squad for their state championship. He introduced the coaches Joanna Treves and Beth Bonadonna and Principal Nancy Velez. Ms. Treves introduced each cheerleader while Mayor Muenzmay presented them with copies of the proclamation.

IV. AUDIENCE TO BE HEARD

Gail Isaac-Thomas, 1140 Bates Avenue, announced that Win One Ministry will host a "church in the park" in Cardinal Cove at 11:30 a.m. on Sunday, March 24th.

Thelma Herbert, 1502 Russell Ave., thanked the City for the Kensington Plaza project. She expressed concern that the project appears to be incomplete and asked that the project be extended to the end of Kensington.

V. CONSENT AGENDA

13065 Acceptance of Comprehensive Annual Financial Report (CAFR) for the year ended September 30, 2012.

13070 Appointment of Richard Hoon to Lake County Arts and Cultural Alliance

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

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

13063 Resolution No. 13-19: Variance to the Wetland Buffer Requirement for Property on the West Side of Lakeshore Drive

Derek Schroth, City Attorney, announced Resolution No. 13-19: A Resolution of the City Commission of the City of Eustis, Florida; Granting Approval for a Variance to City of Eustis Land Development Regulations Section 121-10(a)(1), by Reducing the Required Buffer from the Jurisdictional Wetland Line from 50 feet to 15 feet for Approximately 0.28 Acres Located on the West Side of Lakeshore Drive, North of Green Lake Drive.

Danielle Kittredge, City Planner, explained the request to reduce the wetlands buffer from 50 feet to 15 feet and stated that the property does substantially comply with estate lot requirements. She stated the request would reduce the setback to the normal rear setback for an estate lot. She noted that the property does have a seawall and expressed staff's recommendation for approval of the request

Mr. Schroth opened the public hearing at 6:25 p.m.

Candi Robb, 277 Sunrise Lane, addressed the Commission on behalf of her mother Vera Keenan and expressed opposition to the project.

Judy Ault, 717 Lakeshore Drive, stated she lives directly across from the property and expressed concern that what is built is compatible with the surrounding homes.

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

The Commission discussed the varying architectural styles on Lakeshore Drive and confirmed that the subject lot is the last lot that can be developed in that area.

A motion was made by Commissioner LeHeup-Smith, seconded by Commissioner Holland, to Approve Resolution No. 13-19. The motion carried by the following vote:

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

13068 Resolution No. 13-20: Interlocal Agreement with Lake County for Intersection Improvements to Ardice Ave. and Kurt St.

Mr. Schroth announced Resolution No. 13-20: A Resolution of the City Commission of the City of Eustis, Florida; Approving the Interlocal Agreement between Lake County, Florida and the City of Eustis for Intersection Improvements to Ardice Avenue and Kurt Street and Authorizing the Use of the Sales Tax Fund Contingency for the City Share of the Cost.

Mr. Schroth explained the agreement was prepared as a result of a proceeding instituted by Mr. Len Wheeler with the United States Department of Transportation in 2010. He stated County staff has provided tentative approval and the agreement will be presented to the County Commission at their next meeting. He further explained it is hoped that the agreement will satisfy the DOT's concern regarding the ADA standards for that intersection.

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.

A motion was made by Commissioner Eckian, seconded by Commissioner Holland, to Approve Resolution No. 13-20. The motion carried by the following vote:

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

13064 Resolution No. 13-21: AmeriCorps Build-a-Thon Agreement with Habitat for Humanity of Lake-Sumter, FL

Mr. Schroth announced Resolution No. 13-21: A Resolution of the City Commission of the City of Eustis, Florida; Approving the Americorps Build-a-thon Agreement between Habitat for Humanity of Lake-Sumter, Florida and the City of Eustis.

Dianne Kramer, Development Services Director, explained the agreement defines what the AmeriCorps volunteers will be doing for the community project on April 25th. She stated there will be at least 100 volunteers helping construct the first phase of the Marketplace at Palmetto Plaza. She explained the volunteers will build five market pavilions and install sod for the multi-purpose field. She stated the landscape architect created some designs to decorate the street and Habitat for Humanity is providing the paint. She noted that later the Commission will also be asked to approve a change order to allow for the construction of the columns prior to the community project day.

The Commission confirmed that AmeriCorps will not be involved with destruction of the house and reviewed how the rainwater will drain from the roofs of the pavilions.

Mr. Schroth opened the public hearing at 6:34 p.m. There being no public comment, the public hearing was closed at 6:34 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Bob, to Approve Resolution No. 13-21. The motion carried by the following vote:

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

13066 Resolution No. 13-22 - Rescinding Resolution 09-99 and Revising Commission Rules of Order

Mr. Schroth announced Resolution No. 13-22: A Resolution of the City Commission of the City of Eustis, Florida; Rescinding and Replacing Resolution No. 09-99 in its Entirety and Adopting Rules of Order for City Commission Meetings; Providing for Repeal of all Other Conflicting Resolutions or Policies; and Providing an Effective Date.

Paul Berg, City Manager, explained the resolution will allow the Commission to move from the twice per month meeting schedule to once per month as the Commission requested. He added that it also provides for the Commission to approve a schedule of meetings at the organizational meeting each year. He commented that it would still allow the Commission to schedule special meetings or workshops as necessary. He stated that two meetings would still be held in

September for the budget hearings and November to allow for any end of year issues. He noted that most of the meetings will be the third Thursday of each month, except for December which will be on the 1st Thursday. He added that the current schedule would continue through April with the new schedule to begin in May.

Mr. Schroth opened the public hearing at 6:36 p.m. There being no public comment, the hearing was closed at 6:36 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Resolution No. 13-22. The motion carried by the following vote:

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

FIRST READING

13061 Ordinance No. 13-02: Small Scale Comprehensive Plan Amendment 2013-CPLUS-1 for Property on the SE Corner of Barnes Avenue and Morin Street

Mr. Schroth announced that Mayor Muenzmay would recuse himself due to a conflict of interest as the request may inure to the gain of his spouse. The gavel was passed to Vice Mayor Bob. Mr. Schroth read Ordinance No. 31-02 on first reading by title: A Resolution 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 0.46 Acres of Real Property Located on the Southeast Corner of Barnes Avenue and Morin Street from Residential/Office Transitional (RT) to General Commercial (GC).

Ms. Kittredge noted the request was transmitted to the Commission by the Local Planning Agency for consideration. She explained the requested land use change would allow redevelopment of the north half of the property for an auto parts retail store. She stated that the request is compatible with the current uses surrounding the property.

Mr. Schroth opened the public hearing at 6:39 p.m. There being no public comment, the hearing was closed at 6:39 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner LeHeup-Smith, to Approve Ordinance No. 13-02 on First Reading. The motion carried by the following vote:

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

Recused: 1 - Mayor Muenzmay

VII. OTHER BUSINESS

13071 Job Incentive Program Draft

Mr. Berg explained the proposed program and incentives and commented on the anticipated return on investment and benefits to the community. He explained the County's job creation program and their evaluation of direct and indirect benefits. He noted the difficulty in assessing the direct benefit to the City and referred to the benefit matrix prepared based on number of positions at various income levels. He stated there is currently $200,000 in the economic incentive account. He recommended that funding would be budgeted annually and awarded on a first come, first serve basis.

The Commission discussed how the payment would be provided with Mr. Berg explaining the County pays the incentive as the jobs are created with a contractual agreement that says they must document the jobs are still there at the end of 12 and 24 months. He stated that if the jobs are not still in existence, there is a "clawback provision" for return of the funding.

The Commission discussed the draft program with the following suggested changes: 1) Under 2(f) - "Priority will be given to businesses in one of the following target areas or as specified in the City's strategic plan"; 2) Approval of all job incentive awards by the Commission; 3) Commission approval for only awards over a certain amount; 4) Not having individual approval by the Commission in order to avoid discrimination of one business over another; 5) lack of return on investment; 6) the need for a cap on the budgeted amount each year; 7) staff will not be picking and choosing but will only confirm that the applicant meets the criteria and that they follow through on the requirements; 8) problems with getting funds back if the jobs are not retained; 8) the need to encourage development of lower wage jobs; and 9) deferring additional discussion to the strategic planning workshop.

CONSENSUS: It was a consensus of the Commission to defer discussion to the strategic planning workshop.

13072 Support for Public Hearing by Lake County on Local Gas Tax

Mr. Berg explained that the County Commission will be discussing on April 9th the proposed renewal of the local option gas tax, whether or not to hold a public hearing on the issue and the possibility of an additional 5 cent gas tax. He expressed support for public hearings to discuss transportation needs and noted the anticipated reduction in gas tax revenues. He added that the same issue will arise pertaining to the renewal of the local option sales tax. He asked for Commission direction to have him send a letter to the County Commission requesting the holding of the public hearings.

CONSENSUS: It was a consensus of the Commission for Mr. Berg to send a letter to the County Commission in support of holding the public hearings.

VIII. FUTURE AGENDA ITEMS

Mr. Berg recommended that the strategic plan workshop be scheduled for April 25th.

CONSENSUS: It was a consensus of the Commission to hold the workshop on April 25th at 4:30 p.m. at a location to be determined and to include discussion on the governance documents.

Mr. Berg then recommended that the pension plan presentation be scheduled for May 9th noting that would provide time for both pension boards to review the report.

CONSENSUS: It was a consensus of the Commission to hold the workshop on May 9th at 6:00 p.m. in the Commission Room.

Mr. Berg announced that a workshop on the Capital Improvement Plan would be held following the May 16th regular Commission meeting. He then asked the Commission to allow staff to bring the formal request for a budget amendment to the April 4th Commission meeting regarding the Palmetto Plaza project but to allow staff to proceed with ordering supplies for the project in the interim due to the short timeframe. He stated that the estimated cost for the materials is $82,000.

CONSENSUS: It was a consensus of the Commission for staff to proceed with the project as necessary and place the budget amendment on the April 4th agenda.

Mr. Berg reported he had received a letter from Wayne Carter, Eustis Main Street (EMS) Executive Director, informing the City they would not be able to put on the April First Friday event. He reviewed his letter in response which stated EMS is now in default of their contract and, therefore, no further payments would be made to them. He stated that he has directed Richard Hoon to proceed with conducting the April First Friday event and to work on the future events and car shows. He stated that a budget amendment would be brought to the next meeting to re-allocate the funding. He cited staff's intent to put on events similar to what was held for the 2012 Light Up.

IX. COMMENTS

City Commission

Vice Mayor Bob announced that the Lake Community Action Agency has reported that their weatherization program has ended. She noted that the next week would be the school system's spring break.

Commissioner LeHeup-Smith announced that the Kiwanis Club will be hosting the Spring Hop at the Clifford House on March 30th with an Easter Egg hunt and featuring Peter Cottontail. She noted the Easter Sunrise Service with Pastor Theo Bob and reminded everyone about the Lake Eustis Museum of Art (LEMA) exhibit, the Jazz Review at Eustis High School and the Relay for Life Team's spaghetti dinner on April 19th.

Commissioner Eckian commented on how well City staff responded to a resident complaint. He thanked the Finance Department on their work on the audit. He reported on the Chamber meeting and the upcoming Bluezberry Festival. He congratulated LEMA on the Wine Affair. He noted the Eustis High and Middle School jazz band concert on Friday at the First Baptist Church.

Mayor Muenzmay noted One Dane Place is moving to the Central Business District. He thanked Mr. Berg for his work on all of the projects.

City Manager

Mr. Berg introduced Library Director Marlene Blye who provided a report on recent library capital projects and operations. She reported the Library would be closed from April 8th through April 17th to facilitate the parking lot improvements.

The Commission complimented Ms. Blye on the library operations noting the excellent comments received from the public.

Mayor Muenzmay informed the Commission there would be a meeting on Friday, March 22nd at 10:00 a.m. in the City of Apopka Commission Chambers. He stated that elected officials from North Orange County and East Lake County have been invited to attend. He confirmed that the meeting has been properly noticed.

Vice Mayor Bob reported she would be attending a Lake Community Action Agency workshop on Friday at Lake Receptions.

City Attorney

Mr. Schroth reported that staff will place on a future agenda a discussion on open space requirements.

X. ADJOURNMENT - 7:37 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.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Muenzmay, Kress Thomas		Eustis City Commission
MAILING ADDRESS		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
3312 Indian Trail		☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY	COUNTY	NAME OF POLITICAL SUBDIVISION:
Eustis	Lake	
DATE ON WHICH VOTE OCCURRED		MY POSITION IS:
3/21/2013		☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Kress T. Muenzmay, hereby disclose that on March 21, 20 13:

(a) A measure came or will come before my agency which (check one)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, ______;

X inured to the special gain or loss of my relative, Nancy Muenzmay;

___ inured to the special gain or loss of ______, by whom I am retained; or

___ inured to the special gain or loss of ______, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Ordinance No. 13-02: Small scale comprehensive plan amendment changing the future land use designation for 0.46 acres located on SE corner of Barnes Avenue and Morin St. from RT to GC. Property is owned by spouse's employer – Lake Eustis Area Chamber of Commerce.

4/4/2013

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.