



City of Eustis, Florida

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

Meeting Minutes - Final City Commission

Thursday, February 18, 2016

6:00 PM

City Hall

INVOCATION: Father Cassian Dunlop, St. Andrews Antiochian Orthodox Christian Church

PLEDGE OF ALLEGIANCE: Vice Mayor LeHeup-Smith

CALL TO ORDER: Mayor Holland - 6:06 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: 5 - Vice-Mayor Karen LeHeup-Smith; Commissioner Linda Bob; Commissioner Bill Brett; Commissioner Carla Gnann-Thompson; and Mayor Michael Holland

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

[16038](#)

February 4, 2016 - City Commission Workshop
February 4, 2016 - Regular City Commission Meeting

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Bob, to Approve the Minutes. The motion carried by the following vote:

Aye: 5 - Vice-Mayor LeHeup-Smith; Commissioner Bob; Commissioner Brett; Commissioner Gnann-Thompson; and Mayor Holland

III. PRESENTATIONS

[16007](#)

Proclamation declaring February as Black History Month and recognizing the 23rd Annual African-American Heritage Celebration

Mayor Holland presented a proclamation declaring February as Black History Month within the City of Eustis and recognizing the 23rd annual African-American Heritage Celebration. Kimberly Garry and other members of the Eustis African-American Heritage Celebration Committee were present to receive the proclamation.

Ms. Garry addressed the Commission and thanked them and the City staff for their assistance with the festival. She invited everyone to attend and noted a play at the high school on February 28th honoring the life of Coretta Scott King.

16031

Water and Sewer Utility Rate Study

Colleen Scott, Finance Director, explained City ordinances require they perform a water rate study every five years and introduced Henry Thomas and Bryan Mantz from Public Resources Management Group (PRMG) to review the study.

Mr. Thomas explained the City's last utility rate study was in 2009 and the last time the City adjusted its water and reclaimed water rates was June 2014 and wastewater rates in June 2013. He commented on the City's capital needs and the uncertainty of some of the funding for those. He indicated the City Manager asked them to prepare a study which addressed the cost for maintaining the system. He stated the recommendation to be presented would maintain the system based on current operations and some assumptions based on inflation. He added that would give the Commission a good benchmark to assess the impact of the capital plans.

Bryan Mantz, PRMG, provided an overview of the City's utility enterprise, the oversight agencies and how it is funded. He stated they have prepared an updated financial forecast to reflect current conditions. He indicated funding for capital improvements would be addressed at a future meeting. He reviewed the City's current utility operations and financial projections through fiscal year 2020. He commented on projected increases in operating and maintenance expenses and the effect of the national CPI projections. He stated the historical maintenance cost increase for water and sewer is 5 to 6% per year. He reviewed the revenue requirements for current operations through 2020 and cited the need for an annual increase of 1.7% to meet those requirements. He provided a residential water bill comparison utilizing the 1.7% rate increase as well as the wastewater and reclaimed water bills and the variance based on usage. He provided a comparison with utility rates of other cities and discussed why user rates differ among cities. He reviewed the PRMG recommendations to adopt the proposed rates effective May 1, 2016, with additional 1.7% increases to be adopted October 1st of each year through 2020.

Mr. Mantz then commented on the need for additional rate adjustments for the City's capital program. He cited the estimated \$19 million in major projects over the next five years and various funding possibilities for those projects. He indicated that the City also has a significant amount of infrastructure that is reaching the end of its useful life.

The Commission discussed moving forward with the proposed rate increases.

CONSENSUS: It was a consensus of the Commission for staff to bring back an ordinance for adoption of the recommended rate adjustments.

IV. AUDIENCE TO BE HEARD

Gail Isaac-Thomas addressed the Commission regarding Black History Month. She noted that the African American Heritage Committee honored her in 2008 for being the first black school secretary at Eustis High School for 23 years. She reminded everyone about the Christian Comedy Night on Saturday following the festival. She then asked about the installation of additional street lights.

Ron Neibert, City Manager, reported the City previously conducted a street light study and has \$25,000 budgeted for lights. He stated they are working to review recent requests as well as address lights removed by Duke Energy along Bates Avenue during their pole replacement project. He indicated they are trying to get as many installed as possible with the available funding.

Christie Bobbitt, Eustis Area Chamber of Commerce, thanked the Commission and staff for their support and assistance with the 2016 GeorgeFest. She noted over 100 local businesses also supporting the event. She announced the dates would be February 26 - 28 and reviewed some of the activities.

Lori Barnes, Development Services Director, introduced the City's new Senior Planner - Roland Magyar.

Kress Muenzmay addressed the Commission regarding the water/sewer rate study presentation. He cited transfers from utilities into the general fund in 2012, 2013 and 2014. He expressed concern regarding the use of utility funds for other uses.

V. CONSENT AGENDA

16029

Reappointment to Code Enforcement Board - Ilmars Arsts

16036

Resolution No. 16-18: Award for Design Engineering Services for the Eastern Wastewater Treatment Facility Expansion Project

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

Aye: 5 - Vice-Mayor LeHeup-Smith; Commissioner Bob; Commissioner Brett; Commissioner Gnann-Thompson; and Mayor Holland

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

16020

Resolution No. 16-15: Site Plan (with Waivers) for Trout Lake Wetland Hybrid Treatment Technology Facility

Derek Schroth, City Attorney, announced Resolution No. 16-15: A Resolution of the City Commission of the City of Eustis, Florida, approving a site plan with waivers for a hybrid wetland treatment technology facility that proposes to improve water quality in Trout Lake and reduce pollutant loading to Lake Eustis, on approximately 26.92 acres located on the southwest corner of CR44 and Hicks Ditch Road and the southwest corner of Hicks Ditch Road and Getford Road.

Lori Barnes, Development Services Director, reviewed the proposed site plan and history of the project to implement a treatment plant to improve the water quality of Trout Lake. She explained the requested waivers as follows: 1) waiver of the landscape buffer requirement along CR44; and 2) waiver of buffer requirement along Getford Road. She explained the equipment shed would be fenced with landscaping around it as mitigation for the waiver. She stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:45 p.m.

Kevin Jenness expressed support for any structures being landscaped or painted to blend in with the environment.

There being no further public comment, the hearing was closed at 6:46 p.m.

A motion was made by Commissioner Bob, seconded by Commissioner Brett, to Approve Resolution No. 16-15. The motion carried by the following vote:

Aye: 5 - Vice-Mayor LeHeup-Smith; Commissioner Bob; Commissioner Brett; Commissioner Gnann-Thompson; and Mayor Holland

SECOND READING

16019

Ordinance No. 16-03: Design District Map Amendment - 76.2 Acres of City-owned property located on County Road 44 and Hicks Ditch Rd.

Mr. Schroth read Ordinance No. 16-03 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending the Design District Map in the Land Development Regulations; changing the map designation of approximately 76.2 acres of City-owned real property located south of County Road 44 and west of Hicks Ditch Road from Rural District and "conservation" to Suburban Corridor and Suburban Neighborhood, as more particularly described herein.

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 Vice-Mayor LeHeup-Smith, seconded by Commissioner Brett, to Adopt Ordinance No. 16-03 on second reading. The motion carried by the following vote:

Aye: 5 - Vice-Mayor LeHeup-Smith; Commissioner Bob; Commissioner Brett; Commissioner Gnann-Thompson; and Mayor Holland

VII. OTHER BUSINESS**16034****Request by Commissioned Beyond Borders Inc. to Utilize City Property for Neighborhood Empowerment Center**

Pastor Buddy Walker noted previous presentations regarding their proposed use of the City's building on Clifford Street. He reviewed their planned timetable for opening the facility and hours of operation. He commented on their efforts to work with other organizations.

Mr. Neibert noted previous concern regarding not having an existing 501(c)(3) and stated Pastor Walker's organization does have that. He stated they are also asking for assistance with the electric, water and sewer fees and estimated the cost would be \$1500 annually.

The Commission discussed the request for the City to cover the utilities, whether or not to cover the electricity, and the need to keep the building occupied until it is torn down to continue with the park development.

Commissioner Bob announced she would be recusing herself from the actual vote due to her personal involvement with the church. She left the room during the final discussion and vote.

CONSENSUS: It was a consensus of the Commission to have staff work on an agreement for use of the building with a maximum utility donation from the City of \$1500.

16030**City-owned Residential Property at 528 E. Citrus Avenue**

Ms. Barnes presented to the Commission a proposal from Tom Zahn to purchase City-owned property located at 528 E. Citrus Avenue. She explained the property was foreclosed due to a code enforcement lien and has been slated for demolition. She stated that Mr. Zahn has offered \$500 for the property and agreed to cover closing costs and demolish the existing structure on site within 90 days of closing. She noted Mr. Zahn does plan to redevelop the property.

The Commission discussed the benefits to the neighborhood of cleaning up the property.

CONSENSUS: It was a consensus of the Commission for staff to proceed with the sale of the property to Mr. Zahn as proposed.

16035**Permission for Outside Consumption of Alcohol in the Entertainment District for GeorgeFest**

Mr. Neibert explained the request to allow alcohol sales and outdoor consumption in the downtown entertainment district on Sunday during Georgefest. He noted that the ordinance allows the extension of time with the Commission's approval. He stated the hours would be from 10 a.m. to 5 p.m.

CONSENSUS: It was a consensus of the Commission to allow the outdoor consumption of alcohol in the entertainment district on the Sunday during Georgefest.

16037**Consideration of request to amend Special Events Ordinance to**

allow the extension of the permitted time limitation from 3 to 5 days

Mr. Neibert explained the request from Xcel Media to amend the special event ordinance to extend the time limit from three days to five days as long as it does not require any street closures.

CONSENSUS: It was a consensus of the Commission to have staff bring back an ordinance to extend the special event permit time limit from three to five days.

VIII. FUTURE AGENDA ITEMS

Commissioner Brett reported that he is in the process of building a new house which is located outside City limits. He explained that he had owned the property prior to being elected to the Commission. He stated there are things they want to do with the house that cannot be done if it is in the City. He further explained that, prior to breaking ground, he contacted the City Attorney about the issue as the City Charter states a candidate must reside in the City in order to qualify for the election but does not address if he should move out of the City after being elected. He then stated that they subsequently found an ordinance that states a Commissioner cannot move after being elected. He indicated it is not his desire to have to resign but the ordinances indicate that if you move you are noncompliant.

Mr. Schroth explained that the Charter sets criteria for candidates qualifying to run; however, it does not address remaining in the City limits during the term in office. He reviewed the prior Commission discussion regarding qualifications and the requirement to reside for two years prior to qualifying. He reported Sec. 30-5 of the ordinances stipulates what constitutes a vacancy including failure of a Commissioner to maintain their residence when elected. He stated a strict interpretation would be that a Commissioner couldn't move at all after being elected even if they stayed inside City limits. He explained that the Commission can declare the seat vacant; however, they do not actually have the ability to remove another Commissioner from office, only the governor, a judge or the people through a recall election can do that. He noted that Mr. Brett would still own a business within City limits.

The Commission questioned why Commissioner Brett didn't want to annex with him explaining there are things they want to do with the house that are not permitted within the City and one of which was previously denied by the Commission. He then further explained the timing of the construction.

Mr. Schroth further explained that if the Commission has a split vote, the vote could be contested based on Commissioner Brett's residency.

The Commission discussed Section 30-5 of the ordinances, whether or not it requires commissioners to not move and whether or not the City could pass an ordinance allowing commissioners to not reside within the City limits.

Mr. Schroth explained that he and the City Manager need direction from the Commission on whether or not the ordinance should be changed and, if changed, should it be changed to state a vacancy shall occur if you fail to maintain residency within the City. He stated the Commission would also need to determine if they wanted to declare a vacancy and what would occur in that instance. He added that, if Commissioner Brett were to resign, the timing of the resignation would determine whether or not the Commission would have to call for a special election.

Mr. Neibert identified the two issues as follows: 1) Changing the word "residence" to "residency"; and 2) Whether or not to define "residency" as not necessarily someone

who lives within the City limits but within a proscribed distance of City limits.

CONSENSUS: It was a consensus of the Commission to hold a workshop at 5:30 p.m. on March 3, 2016, prior to the Commission meeting.

The Commission discussed whether or not any other municipalities allow candidates to qualify based on business ownership with Mr. Neibert indicating he would check with the Florida League of Cities to see if any cities allow nonresidents to qualify as candidates.

IX. COMMENTS

City Commission

Commissioner Gnann-Thompson commented on her work with City staff on the City's float for GeorgeFest.

Vice Mayor LeHeup-Smith announced the upcoming Downtown Cruise-In on February 20th and the Golden Triangle Relay for Life on May 6th in Ferran Park. She noted a challenge to have the Commission form a team.

Commissioner Bob noted the black history display in City Hall and thanked the Eustis Historical Museum and Louise Carter for the display. She reminded everyone about the African-American Heritage Festival on Saturday and cited the different activities.

Mayor Holland reviewed a number of the 114th Annual GeorgeFest events and cited the Christian Comedy Night.

City Manager - None

City Attorney - None

X. ADJOURNMENT - 7:23 p.m.

**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.*