



# City of Eustis, Florida

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

## Meeting Minutes - Final City Commission

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Thursday, March 17, 2016

6:00 PM

City Hall

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**INVOCATION:** Rev. Rudolph Rolle

**PLEDGE OF ALLEGIANCE:** Commissioner Brett

**CALL TO ORDER:** Mayor Holland - 6:02 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**

[16056](#)

March 3, 2016 - City Commission Workshop

March 3, 2016 - Regular City Commission Meeting

**A motion was made by Commissioner Bob, seconded by Vice-Mayor LeHeup-Smith, 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**

[16054](#)

Presentation of 2015 FDEP Plant Operations Excellence Award

*Rick Gierok, Public Works Director/City Engineer, explained that the Florida Department of Environmental Protection presents awards each year to domestic wastewater treatment plants for demonstrating a commitment to excellence and management through professionalism. He explained that every aspect of each plant's operations are reviewed with one plant per district receiving an award. He stated that this year the Bates Avenue plant was awarded the District I award. He presented the award to Rick Houban and his staff.*

*The Commission thanked the wastewater treatment crew for their excellent work.*

#### **IV. AUDIENCE TO BE HEARD**

*Kress Muenzmay addressed the Commission regarding the budget amendment under Resolution No. 16-21. He also commented on Ordinance No. 16-09 and the residency requirement. He expressed opposition to the length of time allowed in the proposed ordinance for a commissioner to annex a new home.*

*Geraldine Rivers commented on the recent news regarding water quality in Flint, Michigan, and expressed concern about the quality of the City's water and the proposed water rate increase.*

*Mr. Gierok explained the City's water quality and testing that is required regularly. He noted a recent taste test done at the high school with samples from area cities and the City won. He assured Ms. Rivers about the City's water quality.*

*Ron Neibert, City Manager, explained the proposed water rate increase is due to increased costs to provide the water as well as the need to replace old water lines. He added that staff will be presenting a capital plan to the Commission in the next few weeks.*

*Ms. Rivers asked about replacement of the equipment with Mr. Neibert explaining the City budgets for regular maintenance and replacement.*

*Ms. Rivers asked about the extension of sewer lines with Mr. Neibert asking for her address and stating he would check on when that may occur.*

*John Massimino expressed concern regarding a sign erected by a developer (D.R. Horton) which is blocking the view for residents pulling out of the Summer Glen subdivision onto the highway. He asked if the developer could be made to move the sign to the other side of the entrance road to improve the view of the highway.*

*Mayor Holland responded that the Police Chief and Development Services would review the situation.*

*Tina and Brian Nagy expressed concern regarding a number of break ins that have occurred in their neighborhood and issues with traffic cutting through private property. She presented to the Commission a petition signed by their neighbors regarding the problems. Mr. Nagy cited issues with residents of a group home in the area and threats from youth living in the home.*

*Nichole Rolle stated she operates the group home and noted issues with people stealing from and breaking into the home as well. She explained the issues with the youth living in the home. She cited an incident the previous week with several men who approached her home who had been chasing some young people they thought lived at the home but who did not live there.*

*Rudolph Rolle apologized for not speaking to the surrounding neighbors before opening the group home. He commented on break-ins at the home. He stated it is not fair to single out the group home and commented on issues the young people have already had to deal with. He cited problems that existed in the community prior to the group home being opened.*

*The Commission commented on issues in the neighborhood that have existed for a number of years. They recommended that the residents and the Rolles discuss the issue with Police Lt. Winnheim.*

*Gail Isaac-Thomas asked the Commission to provide some recognition for Barbara Martin Pope who is retiring from the Golden Seniors. She then asked about the*

*Valencia Grove project and if street lights will be put in there.*

*Lori Barnes stated that the developer will be installing lights on the property but not at City cost.*

## V. CONSENT AGENDA

[16044](#)

Resolution No. 16-20: Dedication of easement to the State of Florida Department of Agriculture and Consumer Services for the Trout Lake Hybrid Wetland Treatment Technology (HWTT) Facility

**A motion was made by Commissioner Bob, seconded by Commissioner Brett, 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

[16041](#)

Resolution No. 16-21: Budget Amendment for the Approved Property Purchase at 17 E. Magnolia Avenue and an Adjacent Lot

*Derek Schroth, City Attorney, announced Resolution No. 16-21: A Resolution of the City Commission of the City of Eustis, Lake County, Florida, amending the FY2015-2016 General Fund budget in support of the approved property purchase at 17 East Magnolia Avenue and an adjacent lot for a total amount not to exceed \$250,000.*

*Colleen Scott, Finance Director, explained the property purchase has already been completed as previously approved by the Commission. She further explained the budget amendment is to accommodate the expenditure and is required under both state statute 166 and City ordinance.*

*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 Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 16-21. The motion carried by the following vote:**

**Aye:** 3 - Vice-Mayor LeHeup-Smith; Commissioner Gnann-Thompson; and Mayor Holland

**Nay:** 2 - Commissioner Bob; and Commissioner Brett

[16052](#)

Resolution No. 16-27: Interlocal Service Boundary Agreement (ISBA) Process Initiation

*Mr. Schroth announced Resolution No. 16-27: A Resolution of the City Commission of the City of Eustis, Florida, initiating the process, pursuant to 171.203, Florida Statutes, for negotiating an interlocal service boundary agreement; inviting Lake County, and the Cities of Mount Dora, Leesburg, Tavares and Umatilla to participate; identifying an unincorporated area of land to be discussed; identifying issues to be*

*negotiated; providing for directions to the City Clerk, and providing for an effective date.*

*Ms. Barnes cited the previous presentation made by the City Manager regarding the interlocal service boundary agreement (ISBA) at which time the Commission gave direction for staff to proceed. She stated that Resolution No. 16-27 is the first step of the ISBA process. She reviewed the rest of the process and explained that the next step would be for the County to adopt a responding resolution.*

*Mr. Schroth opened the public hearing at 6:41p.m. There being no public comment, the hearing was closed at 6:41 p.m.*

**A motion was made by Commissioner Bob, seconded by Commissioner Brett, to Approve Resolution No. 16-27. 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**

### **16045**

**Ordinance No. 16-04: Amendment to Section 86-233, Code of Ordinances, Business Tax Receipts**

*Mr. Schroth read Ordinance No. 16-04 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida; amending Section 86-233 Business Tax Receipts, of the City of Eustis Code of Ordinances to clarify the Business Tax Schedule; providing for conflict with existing ordinances; providing for inclusion in the Code of Ordinances; providing for severability; providing for an effective date.*

*Mr. Schroth opened the public hearing at 6:42 p.m. There being no public comment, the hearing was closed at 6:42 p.m.*

**A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Brett, to Adopt Ordinance No. 16-04 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

### **16039**

**Ordinance No. 16-05: Amending Chapter 18 Article IV, Section 18-106 pertaining to special event permit time limitations**

*Mr. Schroth read Ordinance No. 16-05 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending Chapter 18 "Businesses" of the City's Code of Ordinances to revise Section 18-106 to extend the maximum allowed number of days for an event permit from three to five days; providing for codification; and providing for an effective date.*

*Mr. Schroth opened the public hearing at 6:43 p.m. There being no public comment, the hearing was closed at 6:43 p.m.*

**A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Adopt Ordinance No.16-05 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

**FIRST READING****16051****Ordinance No. 16-06: Conditional Use Permit for the Learning Curve Academy at 480 W. CR. 44**

*Mr. Schroth read Ordinance No. 16-06 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 a private school (pre-K through 12) in the Urban Residential Land Use District on approximately 7.8 acres on the southwest corner of CR44 and CR19A.*

*Roland Magyar, Staff Planner, explained the proposed conditional use permit for a private school. He reviewed the surrounding land uses and roadways, the future land use and design districts, and the allowed uses under a conditional use permit as well as permitted uses. He provided an overview of the site and interior plans with photographs of the CR 44 and 19A entrances to the site. He stated there was only one public comment received which questioned the anticipated traffic impact. He explained that the peak traffic times would be in the morning and during afternoon pickup. He reviewed the staff recommendation for approval and the conditions as follows: 1) All licenses and permits will be obtained prior to operation; 2) The applicant will apply for and receive approval of an administrative site plan review where student capacity, traffic circulation and parking, noise mitigation and other site plan issues will be addressed; 3) Outside speakers, if any, shall be directed away from the residential uses and volume lowered as necessary; 4) Hours of operation will be Monday through Friday from 7:30 a.m. to 5:30 p.m. Special events after hours will be permitted; and 5) If the school use is discontinued for six months, the Conditional Use Permit shall become null and void.*

*The Commission discussed the probable traffic impact and the routing of traffic with Mr. Magyar explaining how the anticipated traffic counts were determined. He stated a full review would be done during the administrative site plan review and recommended that traffic come in to the school from CR44 and out onto SR19A. He then suggested that a traffic study could be done to see if a traffic light is warranted for the intersection.*

*Ms. Barnes explained that the Lake Sumter MPO reviews the City's traffic impact statements. She stated that if the traffic count data triggers a requirement for anything more than an exempt traffic study, then staff would have the MPO review it. She indicated staff would talk to the MPO regarding traffic volumes in that area to see if a traffic study would be warranted.*

*The Commission commented on the closeness of a subdivision with Mr. Magyar noting that is where the one public comment came from.*

*Mr. Schroth opened the public hearing at 6:52 p.m.*

*Jacquelyn Raines commented on problems with traffic in the area and expressed opposition to the school. She stated the residents previously requested a traffic light but were told it is too close to the light at SR19.*

*Cynthia Berry, Principal of the Learning Curve Academy, explained they are currently located in Tavares with 65 students. She explained they have two passenger vans that run in the morning and afternoon.*

*There being no further public comment, the hearing was closed at 6:56 p.m.*

*The Commission questioned the number of juniors at the school with Ms. Berry*

*indicating there are six students in the 11th grade.*

*The Commission commented on the property and use of the building and emphasized the need to have a traffic study conducted.*

*Mr. Neibert clarified if the Commission was asking that second reading be postponed to allow time for a traffic study.*

*Ms. Barnes stated she would contact the MPO and ask for any statistics they already have. She stated it would not be possible to have a new traffic study completed prior to second reading.*

*The Commission asked for staff to question the MPO about the feasibility of installing a light at the 19A and 44 intersection with the suggestion that staff inform the MPO that a school is being considered for the area.*

*Ms. Barnes indicated that might make a difference and suggested they may also consider other options such as expanded turning lanes.*

**A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Brett, to Approve Ordinance No. 16-06 on First Reading. The motion carried by the following vote:**

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

#### 16053

### Ordinance No. 16-07: Amendments to Chapter 74 and Chapter 82, City of Eustis Code of Ordinances

*Mr. Schroth read Ordinance No. 16-07 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; eliminating Section 74-55 (Signs) of Chapter 74, Article II (Garage Sales) and amending Article VI (Sidewalk Seating and Caricature/Logo Display Signs) of Chapter 82, City of Eustis Code of Ordinances, to eliminate content-based sign restrictions and revise the procedures for approval for sidewalk seating areas; providing for conflict with existing ordinances; providing codification; providing for severability; providing for an effective date.*

*Ms. Barnes explained the need for the proposed changes due to the Reed vs. Town of Gilbert Supreme Court decision regarding content-based regulations. She reviewed the proposed changes to Chapters 74 and 82.*

*Mr. Schroth opened the public hearing at 7:05 p.m. There being no public comment, the hearing was closed at 7:05 p.m.*

**A motion was made by Commissioner Bob, seconded by Commissioner Brett, to Approve Ordinance No. 16-07 on First Reading. The motion carried by the following vote:**

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

#### 16061

### Ordinance No. 16-08: Amendments to Chapter 109 (Standards for Special Accessory Uses) and Chapter 115 (General Development Standards) of the City of Eustis Land Development Regulations

*Mr. Schroth read Ordinance No. 16-08 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; amending Chapter 109, Section*

*109-4.2 Standards for Special Accessory Uses (G) Home Occupations and Chapter 115, General Development Standards, Section 115-10 Signage, of the City of Eustis Land Development Regulations, to eliminate content-based sign restrictions and provide standards that regulate signage without respect to content; providing for conflict with existing ordinances; providing for codification; providing for severability; providing for an effective date.*

*Ms. Barnes explained the proposed changes to Chapter 109 and 115 based on the Supreme Court decision regarding content-based regulations. She noted additional areas in the regulations needing improvement. She added that the City can no longer require a \$100 deposit for election signs but those signs will have to be removed within 14 days after the election.*

*The Commission questioned whether or not the portable message center sign prohibition would eliminate the Police Department message signs with Ms. Barnes indicating those are public service signs and would be allowed.*

*Mr. Schroth opened the public hearing at 7:16 p.m. There being no public comment, the hearing was closed at 7:16 p.m.*

**A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Approve Ordinance No. 16-08 on First Reading. The motion carried by the following vote:**

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

#### 16057

#### **Ordinance No. 16-09: Amending Section 30-5 of the Code of Ordinances - "Vacancy or Forfeiture of Office of Commissioner"**

*Mr. Schroth read Ordinance No. 16 09 by title on first reading: An Ordinance by the City Commission of the City of Eustis, Lake County, Florida, amending Section 30 5 "Vacancy or Forfeiture of Office of Commissioner" of the City's Code of Ordinances to expressly require City residency to maintain office; providing legislative findings; intent and purpose; severability; an effective date; and publication according to law. He explained the proposed changes as previously discussed with the Commission to clarify the residency requirement for Commissioners.*

*The Commission discussed the length of time allowed for application and finalization of the annexation.*

*Mr. Schroth opened the public hearing at 7:18 p.m. There being no public comment, the hearing was closed at 7:18 p.m.*

*Commissioner Brett commented on his belief that the Charter does not require him to remain in the City and cited the Attorney General's Opinion which indicates the City could allow a commissioner to reside outside the City. He asked if he could be grandfathered in.*

*A motion was made by Commissioner Bob, seconded by Vice Mayor LeHeup Smith, to approve Ordinance No. 16 09 on first reading.*

*The Commission further discussed the amount of time to allow for the application and finalization for annexation with Ms. Barnes indicating staff would need 45 to 60 days to process the annexation due to advertising and first and second readings.*

*Mr. Schroth indicated the Commission could amend the ordinance to change the timeframe for annexation without additional advertising.*

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Approve Ordinance No. 16-09 on First Reading with the time allowed for application for annexation changed to 30 days and the time allowed for finalization changed to 60 days. The motion carried by the following vote:

**Aye:** 4 - Vice-Mayor LeHeup-Smith; Commissioner Bob; Commissioner Gnann-Thompson; and Mayor Holland

**Nay:** 1 - Commissioner Brett

## **VII. FUTURE AGENDA ITEMS - None**

## **VIII. COMMENTS**

### **City Commission**

*Commissioner Gnann-Thompson announced the April First Friday event and the Eustis High School ESE class' magic show fundraiser to be held at the Community Building on April 21st.*

*Commissioner Bob announced she had begun attending the Police Department's Citizen's Academy classes and encouraged others to attend. She commented on how Abe Lincoln, after winning the presidency, had to be sneaked into the White House and how we have been having some of the same issues.*

*Vice Mayor LeHeup-Smith cited the Lake Eustis Museum of Art opening regarding print making, the animal shelter fostering class to also be held on Friday, a ribbon cutting for the new cat room at the animal shelter to be held on Saturday and the Downtown Cruise-in to be held March 26th.*

*Mayor Holland reported on his attendance at the Friendship Baptist Church welcoming their new pastor. He also announced the upcoming Eustis High and Middle School Jazz Review and the Amazing Race for Charity event.*

### **City Manager**

*Mr. Neibert reported on the Lake Gracie study. He stated that the core sampling showed there is 10 to 20 feet of organic sediment which could be removed. He explained that staff will apply to the Lake County Water Authority for funding to have further testing done and remove the sediment. He indicated he would send the report to the Lake Gracie residents. He then reported that the City has been awarded \$100,000 for the skate park and \$50,000 for the basketball court and other upgrades at Carver Park.*

### **City Attorney - None**

### **Mayor**

*Mayor Holland noted that Lake Tech would be receiving \$2.4 million for the expansion of their engineering wing. He commented on the need for residents, their families and neighbors to care for one another. He wished everyone a Happy St. Patrick's Day and Happy Easter.*



**IX. ADJOURNMENT - 7:38 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](http://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.