



City of Eustis, Florida

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

Meeting Minutes - Final City Commission

Thursday, April 7, 2016

6:00 PM

City Hall

INVOCATION: Rev. Moses Robbins, Revolution Church

PLEDGE OF ALLEGIANCE: Commissioner Gnann-Thompson

CALL TO ORDER: Mayor Holland - 6:02 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE

II. APPROVAL OF MINUTES

[16076](#)

March 17, 2016 - City Commission CDBG Hearing
March 17, 2016 - Regular City Commission Meeting

A motion was made by Commissioner Bob, seconded by Commissioner Brett, to Approve the Minutes. The motion carried by the following vote:

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

III. PRESENTATIONS

[16072](#)

Recognition of 2016 Miss Eustis Pageant winners

Stephanie Henderson, pageant director, provided a brief history of the pageant and explained its purpose.

Mayor Holland recognized the 2016 Miss Eustis pageant winners - Little Miss Eustis Olivia Thompson, Jr. Miss Eustis Audrey Schultz, Teen Miss Eustis Brinna Barnett and Miss Eustis Lauren Neidenfeuhr and presented each with a certificate. He thanked Ms. Henderson and the girls for their efforts to be good ambassadors for the City.

[16067](#)

Proclamation recognizing Natorie Williams as the 2016 Youth of the Year for the Boys & Girls Club of Lake and Sumter Counties

Mayor Holland reported on his attendance at the Boys & Girls Club Youth of the Year

dinner and complimented Natoria Williams on her presentation. He presented a proclamation to Ms. Williams recognizing her achievement.

Ruthie Haffner spoke on behalf of the Boys & Girls Club and commented on Ms. Williams and the possibility of her being selected as the state and national winner as well.

16073

Proclamation recognizing Gessner Martin Harris for her work to correct historical data regarding the integration of Eustis High School

Mayor Holland recognized Gessner Martin Harris for her efforts to get the local history book "Through Schoolhouse Doors" revised to correct the information regarding the integration of Eustis High School (EHS). He explained that an erratum will be placed in the book. He presented her with a copy of the book including the erratum and read a proclamation recognizing her efforts and on being the first black female to attend EHS.

Gessner Martin Harris thanked the Commission, staff, community, family and friends for their support and encouragement. She noted that the current school year marks the 50th anniversary of the integration of EHS.

16063

Review of Proposed Ordinance No. 16-10 Water, Wastewater, and Reclaimed Water Rate Adjustment

Colleen Scott, Finance Director, provided a review of the water, wastewater and reclaimed water revenue sufficiency study. She stated that the ordinance would be considered on first reading at the next Commission meeting. She explained the need for the rate study and the requirement to have a study done every five years. She cited the reasons for the increased operating costs including inflation and increased regulations. She listed the major capital projects to be completed in the next five years. She explained staff is proposing a one-time increase of 6% and an annual increase of 1.7% over the next five years. She provided a comparison of the City's rates with surrounding cities.

IV. AUDIENCE TO BE HEARD

Adam Bryie, Eustis High School special needs teacher, highlighted projects his class has completed in the community. He asked that the City waive the fees for use of the Community Building for a fundraiser dinner for his class and explained the use of the donated funds.

Mayor Holland explained the Commission cannot typically provide an answer to issues brought up under "Audience to be Heard". He asked the Commissioners to contact the City Manager to provide their comments and then for the City Manager to provide Mr. Bryie with an answer to their request.

Jill Rosolek asked the Commission to consider adopting a resolution to urge the Freshwater Fish and Game Commission to renew the ban on bear hunting and a resolution urging the Lake County Commission to adopt an ordinance for improved solid waste management that would help deter the bears.

Mayor Holland noted that the City had received an email regarding the proposed ban and stated he had already been in contact with the City of Clermont and requested copies of their legislation.

Emily Lee, Lake Sumter State College Trustee, introduced to the Commission Dr. Stanley Sidor, the new president for Lake Sumter State College (LSSC).

Dr. Sidor provided an overview of his background prior to joining LSSC, commented on the need for strong community partnerships and explained their efforts to help students obtain the necessary skills to give back to the community.

Mary Stack and Katrina Shaddox addressed the Commission in opposition to bear hunts and support for use of bear-proof garbage containers.

V. CONSENT AGENDA

[16068](#) Resolution No. 16-28: Release of Code Enforcement Lien, 1600 South Center Street, Case #14-00027

[16069](#) Resolution No. 16-29: Reduction of Code Enforcement Fine/Release of Lien for 201 West Blue Water Edge Drive, Case #14-00200

[16070](#) Resolution No. 16-30: Authorization to Demolish the Structure at 110 West Woodward Avenue, Case #15-00615

[16071](#) Resolution No. 16-31: Release of Code Enforcement Lien, 2705 Knollwood Trail, Case #14-00329

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

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

[16064](#) Resolution No. 16-32: Approving the extension of the cell tower land lease with Verizon Wireless.

Derek Schroth, City Attorney, announced Resolution No. 16-32: A Resolution of the City Commission of the City of Eustis, Lake County, Florida, approving an extension to the Verizon Wireless cell tower lease and authorizing the City Manager to execute the lease extension.

Colleen Scott, Finance Director, explained the requested extension of the Verizon Wireless cell tower land lease which would include six five-year terms to expire in 2022, a \$75,000 signing bonus and 4% per year increase in rental revenue.

The Commission questioned the length of the lease with Ms. Scott explaining that the current length was for 23 years. They then asked what would occur if Verizon went out of business with Ron Neibert, City Manager, explaining they would have to remove their cell tower.

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 Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 16-32. The motion carried by the following vote:

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

16075

Resolution No. 16-36: Approval of an Updated ICMA Retirement Corporation Governmental Money Purchase Plan and Trust Adoption Agreement

Mr. Schroth announced Resolution No. 16-36: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, approving an updated ICMA Retirement Corporation governmental money purchase plan and trust adoption agreement.

Bill Howe, Human Resources Director, explained the resolution would authorize the Mayor to sign an adoption agreement for the ICMA 401 retirement plan for general employees. He explained that the agreement revises the group of eligible employees who are required to participate in the plan by eliminating all part-time employees who are hired into positions that exist for more than six months. He stated that new IRS rules require entities with existing plans sign an adoption agreement prior to April 30, 2016. He explained that during the process of completing the adoption agreement, staff determined that eligible part-time employees have not participated in the plan since October 2004. He stated staff's recommendation that the plan be revised to reflect current City practice.

The Commission asked how many employees would be affected with Mr. Howe stating there are 40 part-time employees with 10 that would have been eligible but none of those employees have participated since 2004.

Mr. Schroth opened the public hearing at 6:58 p.m. There being no public comment, the hearing was closed at 6:58 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Brett, to Approve Resolution No. 16-36. The motion carried by the following vote:

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

SECOND 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 second and final 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.

Mr. Schroth opened the public hearing at 6:59 p.m. There being no public comment, the hearing was closed at 6:59 p.m.

The Commission asked if staff had found any additional information regarding the traffic with Roland Magyar, Senior Planner, reporting that the Lake Sumter MPO conducted a study in 2008 and they are currently doing traffic counts on 44A. He

stated that the preliminary opinion is that the existing traffic does not warrant a traffic signal.

A motion was made by Commissioner Bob, seconded by Vice-Mayor LeHeup-Smith, to Adopt Ordinance No. 16-06 on second reading. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Vice-Mayor LeHeup-Smith; Commissioner Bob; Commissioner Brett; 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 second and final 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.

Mr. Schroth opened the public hearing at 7:01 p.m. There being no public comment, the hearing was closed at 7:01 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Brett, to Adopt Ordinance No. 16-07 on second reading. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Vice-Mayor LeHeup-Smith; Commissioner Bob; Commissioner Brett; 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 second and final 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.

Mr. Schroth opened the public hearing at 7:02 p.m. There being no public comment, the hearing was closed at 7:02 p.m.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Brett, to Adopt Ordinance No. 16-08 on second reading. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Vice-Mayor LeHeup-Smith; Commissioner Bob; Commissioner Brett; 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 second and final 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.

Mr. Schroth opened the public hearing at 7:03 p.m. There being no public comment, the hearing was closed at 7:03 p.m.

Commissioner Bob asked about the procedure for de-annexation and suggested that Commissioner Brett could annex and then later request de-annexation with Mr. Schroth stating it would be up to the Commission at that time whether to allow the de-annexation. He explained there is a statutory process for de-annexation but most cities don't entertain that due to encouraging others to make the request.

The Commission discussed addressing the other issues involving Mr. Brett's property with Commissioner Brett commenting on the amount of increase in taxes on the property if annexed.

A motion was made by Vice-Mayor LeHeup-Smith, seconded by Commissioner Gnann-Thompson, to Adopt Ordinance No. 16-09 on second reading. The motion carried by the following vote:

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

Nay: 1 - Commissioner Brett

VII. OTHER BUSINESS

16074

Direction to Staff on a Draft Partial Industrial Sewer Impact Fee Waiver Program

Tom Carrino, Economic Development Director, explained a proposed program to allow the partial waiver of impact fees for new and existing industrial uses. He explained as proposed the program would offer a 50% waiver of the sewer impact fees generated by either new construction, renovation or a change in operations that generates a new sewer impact fee. He stated applicants would have to meet the following criteria: 1) Qualify as an industrial use per the City's Land Development Regulations; 2) Be located on property that has General Industrial or Mixed Commercial/Industrial Future Land Use designation; 3) Create ten or more net new jobs within one year of the waiver approval; and 4) Make a capital investment of at least the amount of the sewer impact fee to be waived. The capital investment must be made within one year of the waiver approval and the minimum amount of the capital investment to qualify would be \$100,000. He further explained that the impact fee could be financed for ten years per existing City code; however, if the business qualifies for the waiver program, then 20% of the reduced impact fee would be due at the time of financing. He stated that each year the project would be re-evaluated to ensure the ten net new jobs and the required capital investment remain in place. If the jobs and investment are no longer in place, the annual impact fee payment would be for the full impact fee amount. If they are still in place, then 50% of the annual impact fee and interest payment would be waived. He stated that all of the review process would still occur. He explained the difficulty in ascertaining the cost to the City but noted the limited amount of industrial designated property in the City.

CONSENSUS: *It was a consensus of the Commission for staff to bring back an*

ordinance for consideration.

VIII. FUTURE AGENDA ITEMS

Mayor Holland asked staff to look at the bear hunting ban information and stated he would pass on the Clermont information.

IX. COMMENTS

City Commission

Commission Gnann-Thompson announced the Relay for Life spaghetti dinner to be held Friday at the Senior Center. She also noted the opening of the County Fair, the Amazing Race for Charity, and stated her students would be helping the Fire Department paint fire hydrants on April 16th.

Commissioner Bob noted her enrollment in the Police Department's Citizen's Academy and encouraged others to sign up. She commented on her daughter's 20th birthday.

Commissioner Brett reported his new home was not yet completed so he was continuing to serve on the Commission.

Vice Mayor LeHeup-Smith announced the new exhibit at the Lake Eustis Museum of Art - Potter vs. Painter, the Eustis Bike Fest to be held April 22, 23 and 24 in conjunction with the Leesburg Bike Fest, and the Kiwanis Club of Eustis Foundation Touch-A-Truck event for kids to be held April 23rd.

Mayor Holland also cited the Amazing Race for Charity to be held Saturday along with the Heron Hunt in downtown Eustis, and the Bay St. Players presentation of "Once Upon a Mattress".

City Manager

Mr. Neibert presented to Colleen Scott the City's first "Distinguished Budget Presentation Award."

Ms. Scott and Mr. Neibert thanked the following Finance staff members for their assistance: Joy McKenzie, Janice Jones and Rob Visser.

Mr. Neibert reported on an issue with the City's boat docks and their structural integrity. He stated staff would be presenting to the Commission at the next meeting a proposal to address the problem.

City Attorney

Mr. Schroth reported on emails the City has received from Leonard Wheeler regarding a code enforcement case against Mr. Wheeler. He stated the case generated from a resident complaint about Mr. Wheeler's yard. He explained the City has a lien against the property; however, it is not collectable since it is homestead property. He stated the only option for the City to cure the violation is for the City file suit and either force him through an injunction to cure the property or obtain money damages against him. He noted the City may not be able to collection on any damages due to Mr. Wheeler being on social security and claiming Veteran's benefits. He explained the City has sent a letter to Mr. Wheeler regarding the

violation; however, Mr. Wheeler has stated he will countersue if the City sues. He then stated that Mr. Wheeler has submitted via email a settlement offer which would basically require the City to pay for all of the necessary repairs to Mr. Wheeler's property. He added that the complete information is available to the public.

The Commission asked if there are any safety issues with Mr. Schroth responding that most of the violations are probably not dangerous to the public; however, the roof would appear to pose a safety hazard to Mr. Wheeler but not the general public. He reviewed some of the items he has been cited for including trash in the yard, junk vehicles and the damaged roof.

Mr. Neibert confirmed that the City could obtain a court order for removal of the inoperable vehicles.

The Commission discussed the issues and options and past complaints filed by Mr. Wheeler.

Mr. Neibert reported that Mr. Wheeler is scheduled to go before the Code Enforcement Board on Monday.

The Commission asked if the ADA issues regarding Kurt Street are valid with Mr. Schroth indicating that some of them are.

Mr. Neibert stated that if there are legitimate violations then the City needs to cure them regardless of Mr. Wheeler's code enforcement issue.

The Commission discussed that there are community members upset that the City has not moved to get Mr. Wheeler's violations remedied with Mr. Neibert indicating the City is moving on similar violations throughout the City.

CONSENSUS: It was a consensus of the Commission to not proceed with the settlement proposed by Mr. Wheeler.

The Commission discussed whether there were social agencies or civic organizations that could assist Mr. Wheeler and whether or not he would accept the assistance.

Mayor

Mayor Holland thanked the audience for their attendance and encouraged them to get out and be involved in the City.

X. ADJOURNMENT - 7:34 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.*