

**MINUTES OF THE
REGULAR CITY COMMISSION MEETING
CITY OF EUSTIS, FLORIDA
February 1, 2007 at 7:04 p.m.**

**THIS MEETING OF THE EUSTIS CITY COMMISSION WAS HELD AT
10 NORTH GROVE STREET, EUSTIS,
WITH MAYOR JAMES T. ROTELLA PRESIDING.**

INVOCATION: Reverend John Brackman

PLEDGE OF ALLEGIANCE: Commissioner Scott Ales

Mayor Rotella confirmed that the meeting had been properly noticed.

ROLL CALL:

Mayor James T. Rotella
Vice-Mayor Evelyn H. Smith
Commissioner Scott M. Ales
Commissioner Jonnie C. Hale
Commissioner Karen LeHeup-Smith

OTHERS PRESENT:

Steve Benetz, Director of Leisure Services/Library	Jim R. Myers, Jr., Finance Director/City Clerk
Mike Brisson, Engineering Department	Frances Nipe, Planner II
Sgt. Adam Donaldson, Police Department	Alton Roane, Director of Development Services
John Futch, Director of Public Works	Judy Roberts, Deputy City Clerk
Steve Greene, Planning & Code Enforcement Manager	Mike Sheppard, Deputy Finance Director
Richard Hoon, Executive Assistant to the City Manager	Michael G. Stearman, City Manager
Tracy Jeanes, Purchasing Director	Lewis Stone, City Attorney
Eric Martin, Code Enforcement Officer	Roy Tremain, Fire Chief

PROCLAMATION:

- Mayor Rotella proclaimed February as Black History Month. Carla Miller-Mitchell, Eustis African-American Heritage Committee accepted the proclamation. Ms. Mitchell noted that Eustis is the only City in Lake County that recognizes Black History Month. She reminded everyone about the Eustis African-American Heritage Celebration beginning February 11, 2007.

AUDIENCE TO BE HEARD: None

Reports

Chamber of Commerce - Sharron Semento

- February 2 - Business After Hours would be held at the Club at Eustis Apartments.
- February 8 - Kick off breakfast for the Washington's Birthday Festival.
- February 19- Spaghetti Dinner
- February 22 - Business After Hours will be held at The Third Place
- February 23-25 - Laser light show, Leonard Brothers, decades dance, etc.

Eustis Main Street - Charles Rudd

- January Cruise- In was down in attendance.
- March Street Fest theme is Mardi Gras
- February - Valentine Dinner for Public Arts and Music to be held at The Third Place. Reservation deadline is February 7, 2007.

QUASI-JUDICIAL HEARINGS:

Mayor Rotella opened each of the quasi-judicial hearings.

QUASI-JUDICIAL HEARINGS:

1. **Quasi-Judicial Hearing on Resolution #07-04: Variance Request – Campione/Coe (Duplexes – Edgewater Drive).**
 - (1) Staff shall announce the case.
Steve Greene, Planning and Code Enforcement Manager, announced the case and provided the Mayor and City Clerk with a list of legal notices published and property owners notified. He advised the number of notices that were returned.
 - (2) Those persons with the right to speak or present evidence were determined.
 - (3) Those persons with standing were sworn by the City Clerk: 1) Steve Greene
 - (4) Staff shall present its case.
Mr. Greene explained that the variance request is for setbacks. The variance would accommodate re-platting the property to facilitate converting the duplexes into condominiums. The applicant had provided a justification statement.
 - (5) Applicant shall present its case.
Leslie Campione, attorney for the property owner, stated that the residents had requested to own their units. The owner desires to convert the duplexes into condominiums to accommodate their wishes. Single dwellings are in the area of the duplexes so the change would compliment what is already there. The best justification for this request was that it would reduce the non-conformity by seeking a variance and allow re-platting by removing existing lot lines and putting in new lot lines for each unit. It would be no different than a condominium that shared an adjoining wall. If the variance is granted, the property owner will come back with a new plat indicating the new lot lines of each individual unit.
 - (6) Sworn parties to have standing shall present their cases - None.
 - (7) Applicant shall have an opportunity for rebuttal - None.

Findings of Fact:

MOTION by Commissioner Hale/ SECONDED by Commissioner Ales to find the facts in the Staff Report on Resolution #07-04 to be consistent with the City of Eustis Comprehensive Plan and Land Development Regulations.

Roll Call:

Commissioner LeHeup-Smith	AYE
Commissioner Hale	AYE
Commissioner Ales	AYE
Vice-Mayor Smith	AYE
Mayor Rotella	AYE

Motion approved 5-0

Reading of Resolution #07-04

#07-04 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; GRANTING APPROVAL FOR A VARIANCE TO CITY OF EUSTIS CODE OF ORDINANCES SECTION 109-5, TABLE 1, SETBACK STANDARD, ON A 1.12 +/- ACRE PARCEL LOCATED ON THE NORTH SIDE OF CR 452, SOUTH OF EDGEWATER DRIVE; SAID PROPERTY HAVING A LAND USE DESIGNATION OF "SR" – SUBURBAN RESIDENTIAL; CERTIFYING COMPLIANCE WITH THE CITY OF EUSTIS COMPREHENSIVE PLAN, THE LAND DEVELOPMENT REGULATIONS AND CITY CODE OF ORDINANCES; PROVIDING FOR CONDITIONS; PROVIDING FOR FILING OF THIS RESOLUTION; PROVIDING FOR COMPLIANCE.

MOTION by Vice-Mayor Smith / SECONDED by Commissioner Hale to adopt Resolution #07-04 to grant approval for the variance.

Roll Call:

Commissioner LeHeup-Smith	AYE
Commissioner Hale	AYE
Commissioner Ales	AYE
Vice-Mayor Smith	AYE
Mayor Rotella	AYE

Motion approved 5-0

2. Quasi-Judicial Hearing on Resolution #07-05: PD Concept Plan – Clutts/Hobus

- (1) Staff shall announce the case.
Steve Greene, Planning and Code Enforcement Manager, announced the case and provided the Mayor and City Clerk with a list of legal notices published and property owners notified. He advised the number of notices that were returned.
- (2) Those persons with the right to speak or present evidence were determined.
- (3) Those persons with standing were sworn by the City Clerk: 1) Charles Hobus and 2) David Clutts. Steve Greene had previously been sworn in.
- (4) Staff shall present its case.
Mr. Greene handed out a map showing the existing configuration of the lots. He explained that the applicant is requesting a PD overlay to be established for this vacant pre-platted property consisting of sub-standard lots. The development would contain 60% open space. The land use of the property and the surrounding properties is Suburban Residential (SR) except for the mobile home park on the north (MH/RV). The emergency exit would be located on CR 452, but the access road is five (5) feet less than required. The property is not located in the Wekiva Protection Area. He advised that the request was consistent with the City's PD provisions, Comprehensive Plan and Land Development Regulations (LDRs).

Commissioner Ales requested an explanation on how the open space percentage was calculated and how it is in compliance with the Comprehensive Plan and LDRs.

Mr. Greene referred to Sheet No.: C2 entitled Tyler's Cove, Conceptual Site Plan - Open Space Analysis. The bottom showed how the open space was calculated.

Mayor Rotella questioned how the PD Overlay would benefit the community.

Commissioner Ales noted that the PD Overlay recommended six (6) lots rather than 11 and the lots would be facing the interior of the parcel. Under the current plat the property owner would have the ability to request entrance for each lot onto CR 452.

Commissioner Hale commented on the two (2) retention areas on CR 452 rather than yards. She also liked the access off of Foot Street instead of CR 452.

Commissioner LeHeup-Smith questioned the width of the emergency access.

- (5) Applicant shall present its case.
Mr. Clutts stated that the applicant would be willing to provide an additional five (5) feet to the emergency access.
- (6) Sworn parties to have standing shall present their cases - None.
- (7) Applicant shall have an opportunity for rebuttal - None.

Findings of Fact:

MOTION by Commissioner Hale / SECONDED by Vice-Mayor Smith to find the facts in the Staff Report on Ordinance #07-05 to be consistent with the City of Eustis Comprehensive Plan and Land Development Regulations with the addition of five (5) feet to the emergency entrance/exit.

Roll Call:

Commissioner LeHeup-Smith	AYE
Commissioner Hale	AYE
Commissioner Ales	AYE
Vice-Mayor Smith	AYE
Mayor Rotella	AYE

Motion approved 5-0

Reading of Resolution #07-05

#07-05 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A PLANNED DEVELOPMENT (PD) OVERLAY WITH A CONCEPT PLAN FOR A 1.75 +/- ACRE PARCEL LOCATED ALONG THE NORTH SIDE OF CR 452, WEST OF FOOTE STREET; PROVIDING FOR CONDITIONS; PROVIDING FOR FILING OF THIS RESOLUTION; PROVIDING FOR COMPLIANCE.

MOTION by Vice-Mayor Smith / SECONDED by Commissioner LeHeup-Smith to adopt Resolution #07-05 to approve the Planned Development with the addition of five (5) feet to the emergency entrance/exit.

Roll Call:

Commissioner LeHeup-Smith	AYE
Commissioner Hale	AYE
Commissioner Ales	AYE
Vice-Mayor Smith	AYE
Mayor Rotella	AYE

Motion approved 5-0

PUBLIC HEARINGS:

Mayor Rotella opened each of the public hearings.

- Resolution #07-03: Lake County Transit Operations Plan (TOP)
There was no public comment and the public hearing closed at 7:50 p.m.
- Resolution #07-06: Amend 2006-07 General Fund Budget for improvements to Elizabeth Circle tennis courts.
There was no public comment and the public hearing closed at 7:50 p.m.
- Resolution #07-07: Utility Work Agreement with Florida Department of Transportation (FDOT) from Bay Street to CR 452 (northbound lanes only)
There was no public comment and the public hearing closed at 7:50 p.m.
- Ordinance #07-01: Adoption of Future Land Use Amendment 2007-1-CPLU (Cases 1-2) including 2006-2-CPLU-6.
There was no public comment and the public hearing closed at 7:51 p.m.

RESOLUTIONS:

City Attorney Lewis Stone read the resolutions by title.

#07-03 RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS ENDORSING THE LAKE COUNTY TRANSIT OPERATIONS PLAN (TOP) AND PROVIDING A POSITIVE RECOMMENDATION TO THE LAKE COUNTY COMMUNITY TRANSPORTATION COORDINATOR (CTC) FOR THE IMPLEMENTATION OF THE FIXED ROUTE BUS SERVICE (HEREBY CALLED THE "LAKEXPRESS") FOR THE SIX CITIES ADJOINING THE U.S. HWY 441 CORRIDOR

MOTION by Commissioner Hale / SECONDED by Commissioner Ales to approve Resolution #07-03 to provide a positive recommendation for "Lakexpress".

Mayor Rotella stated that he attended the Lake-Sumter Metropolitan Planning Organization (MPO) meeting. Fixed bus routes opened in Clermont on January 29, 2007. This was a big step in the right direction for Lake County. Marketing and funding would be needed and a Eustis connector should be opening in February. The City will need to provide shelters at the bus stops.

Roll Call:

Commissioner LeHeup-Smith	AYE
Commissioner Hale	AYE
Commissioner Ales	AYE
Vice-Mayor Smith	AYE
Mayor Rotella	AYE

Motion approved 5-0

#07-06 A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE 2006/2007 BUDGET; ESTABLISHING AN AMENDED BUDGET FOR THE LIBRARY CONTRIBUTION FUND OF THE CITY OF EUSTIS, FLORIDA, BY ESTABLISHING A BUDGET FOR THE LAKE COUNTY CAPITAL IMPROVEMENT PROJECTS GRANT, UNDER THE INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY AND THE CITY OF EUSTIS FOR CAPITAL IMPROVEMENT PROJECTS GRANT PROGRAM, AND AUTHORIZING THE FINANCE DIRECTOR OF THE CITY OF EUSTIS, FLORIDA, TO MAKE THE NECESSARY ADJUSTMENTS.

Mr. Myers noted an error in the title of the resolution. The General Fund was being amended and not the Library Contribution Fund. The grant money was part of the County's Parks and Recreation Capital Grant Program and the City had been fortunate to participate in the past. The tennis courts were damaged in the 2004 hurricanes and were also being enlarged to regulation size.

MOTION by Commissioner Hale / SECONDED by Vice-Mayor Smith to adopt Resolution #07-06 to amend the 2006/2007 budget, establishing an amendment to the General Fund not the Library Contribution Fund, for improvements to Elizabeth Circle Tennis Courts.

Roll Call:

Commissioner LeHeup-Smith	AYE
Commissioner Hale	AYE
Commissioner Ales	AYE
Vice-Mayor Smith	AYE
Mayor Rotella	AYE

Motion approved 5-0

#07-07 RESOLUTION: STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION UTILITY WORK AGREEMENT FOR FINANCIAL PROJECT ID: 411612-1-52-01, FEDERAL PROJECT ID: 3811-009-P, STATE ROAD 19.

MOTION by Commissioner Ales / SECONDED by Vice-Mayor Smith to adopt Resolution #07-07 for utility work on State Road 19.

Roll Call:

Commissioner LeHeup-Smith	AYE
Commissioner Hale	AYE
Commissioner Ales	AYE
Vice-Mayor Smith	AYE
Mayor Rotella	AYE

Motion approved 5-0

ORDINANCES, FIRST READING:

City Attorney Lewis Stone read the ordinance by title.

#07-01 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(1)(c) F.S.; AMENDING THE FUTURE LAND USE ELEMENT AND MAPS; CHANGING THE LAND USE CLASSIFICATION OF SEVERAL REAL PROPERTIES DESCRIBED AND DEPICTED ON EXHIBITS A, B, & C; AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES TO AMEND THE FUTURE LAND USE MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR FORWARDING TO STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

MOTION by Commissioner Hale / SECONDED by Vice-Mayor Smith to adopt Ordinance #07-01 on the first reading.

Roll Call:

Commissioner LeHeup-Smith	AYE
Commissioner Hale	AYE
Commissioner Ales	AYE
Vice-Mayor Smith	AYE
Mayor Rotella	AYE

Motion approved 5-0

CONSIDERATIONS:

Mayor Rotella read each of the considerations.

1. Authorization to fund Parent-Oriented requests.

Mayor Rotella noted that a workshop was held previous to this meeting where presentations were made by each of the groups requesting funds.

Commissioner Hale noted that in the past some money was left in reserve for teams traveling to State tournaments, etc.

Mr. Myers clarified that within this particular departmental budget, there is an additional contingency (\$10,000) in addition to the \$40,000.

Discussion followed over the amount to be given to each group and which groups would receive funds.

MOTION by Commissioner Ales / SECONDED by Commissioner LeHeup-Smith to approve awarding \$93.00 per Eustis resident participant excluding Children of Destiny, Inc. up to the requested amount for a budgeted amount of \$39,760.

Roll Call:

Commissioner LeHeup-Smith	AYE
Commissioner Hale	AYE
Commissioner Ales	AYE
Vice-Mayor Smith	AYE
Mayor Rotella	AYE

2. Request for Outside City Water from Nicolas and Sherry Ratsma at 4112 Lake Saunders Drive.

MOTION by Commissioner Hale / SECONDED by Commissioner Ales to approve outside City water service.

Motion approved unanimously

3. Authorization for City Attorney to prepare an ordinance to implement new Business License requirements.

MOTION by Commissioner Ales / SECONDED by Commissioner Hale to approve preparation of an ordinance to implement the new Business License requirements.

Motion approved unanimously

4. Approve the submittal of the Safe Routes to School Grant Application.

Mayor Rotella explained the application should read Eustis Elementary instead of Eustis Heights.

MOTION by Commissioner Ales / SECONDED by Vice-Mayor Smith to approve the submittal of the grant application.
Motion approved unanimously

5. Extension request of temporary Office Use at 1003 South Center Street.

MOTION by Commissioner Hale / SECONDED by Commissioner Ales to approve the extension.
Motion approved unanimously

6. Reduction of Lien – Case #05-116, Ennis Harvey, Et Al (801 Smith Street).

Eric Martin explained that repairs to the house had been completed. The Code Enforcement Board (CEB) recommended reducing the fine from \$250 per day to \$5 per day which made a total of \$440 owed.

MOTION by Commissioner Hale / SECONDED by Commissioner Ales to approve the reduction of lien to \$440.

Mr. Torey Harvey, current property owner, stated at the time the fines were assessed, his father was the owner. The work on the house had been completed and he had hoped all fines would be dismissed. He asked why the lien had been placed on his property when the property was jointly owned.

Mr. Martin explained that Code Enforcement liens attach to the property in violation and all other property of the owner. The tax rolls listed the property owner as Ennis Harvey, et al. Torey Harvey's name was listed first so he was the one served.

Mayor Rotella stated time and effort had been expended in enforcing the Code and thought the reduction was a modest amount to pay.

Motion approved unanimously

7. Authorize the City Attorney to begin foreclosure proceedings on Case #05-316 (Vacant lot at the end of Rose Lane).

Mr. Martin stated the violation was still outstanding and everything had been done to have the owner comply. Surrounding property owners had called his office asking what the City was doing about cleaning up the property. The owner had been contacted several times and was aware of the violation. Every correspondence had the disclaimer that if the property remained out of compliance, the City Commission could direct the City Attorney to begin foreclosure on the lien. If the City Commission approved the foreclosure, the CEB would direct Public Works to clean up the property.

Mr. Stone noted that the lot is vacant with no homestead issue.

MOTION by Commissioner Ales/ SECONDED by Commissioner Hale to authorize the City Attorney to begin foreclosure proceedings.
Motion approved unanimously

8. Authorize the City Attorney to begin foreclosure proceedings on Case #06-005 (218 Danvers Street).

Mr. Martin stated that the property contained an unsafe structure. The owners had been notified about the City's Demolition Program and were given the opportunity to participate. They denied the opportunity so the CEB proceeded with the Code violations giving them time to obtain a permit to either demolish or repair the structure. Someone had been living there until last year and had gutted the interior, but no one was living there now. All windows were gone and doors were standing open. The Building Department would require an extensive structural engineer's report before allowing rehabilitation of the structure.

MOTION by Vice-Mayor Smith/ SECONDED by Commissioner Ales to authorize the City Attorney to begin foreclosure proceedings.
Motion approved unanimously

9. Short-term lease with Lake Community Foundation for public use of parking lots.

Mr. Myers noted that there are a total of 262 parking spaces on the four (4) lots. He had not obtained figures on the electrical cost of operating the 22 interior decorative lights and the five (5) street lights. The estimated total cost would be around \$2,000 a month.

Commissioner Ales stated that he thought the City should take advantage of using the parking lots even if it was only for a short time. Comments were often heard about the lack of parking in the downtown area. He appreciated Lake Community Foundation for working with the City.

Commissioner Hale commented that the Commission should consider additional parking for the downtown area. She suggested an additional floor could be added to the existing parking garage.

Mr. Stone stated that the lease was for one (1) year but it could be cancelled at any time. Improvements made to the parking lots by the City would make the lease more cost effective the longer the City stayed there. Any maintenance done would be elective.

MOTION by Commissioner Ales / SECONDED by Commissioner Hale to approve the short-term lease with Lake Community Foundation.
Motion approved unanimously

10. Clarification of Scope in Request For Proposal (RFP) for Planning Consultant.

Mayor Rotella noted that Mr. Myers had put together a proposal. He suggested that the first item of importance should be the revision of the Comprehensive Plan Amendment for the Wekiva Protection Area.

Mr. Myers suggested having three (3) separate alternates within the RFP to get the price on each phase. While the LDRs are being revised, Municode would be valuable in editing before final adoption.

Mayor Rotella suggested including in the RFP that the City's legal counsel with expertise in land use could be consulted.

MOTION by Commissioner Ales / SECONDED by Commissioner LeHeup-Smith to approve Consideration #10.
Motion approved unanimously

11. Request for Special Event -- Eustis Church of the Nazarene annual fund-raising carnival scheduled for February 15-27, 2007.

MOTION by Commissioner Hale / SECONDED by Commissioner Ales to approve the request for special event.
Motion approved unanimously

REPORTS:

Commissioner LeHeup-Smith

- Attended the Institute for Elected Municipal Officials (EMOS).

Vice-Mayor Smith

- Attended Eustis Fine Arts Festival.
- Attended the Upper Ocklawaha Basin Working Group meeting.

Commissioner Ales

- Attended the Institute for Elected Municipal Officials (EMOS).
- First time in history one of the largest moving companies registered a higher percentage of moves going out of Florida than coming in
- Attended Police Pension Board meeting.
- Attended Main Street Board meeting - they will be requesting more money than in the previous years. They have some good ideas for spending Community Redevelopment Area (CRA) monies.

Commissioner Hale

- Attended the Eustis Fine Arts Festival. Requested that the Mayor send a letter of appreciation to Eliza Terry, President of the Lake Eustis Museum of Art.

Mayor Rotella

- January 19 - He took a tour of the City with the Tree Advisory Board (TAB). He appreciated the work of John Futch, Director of Public Works and Jim Thorsen, Chairman, TAB.
- January 20 - Attended ceremony for Florida Arbor Day. Boy Scouts helped plant 12 trees and a plaque was given to Jim Thorsen in recognition of Arbor Day.
- January 25 - Attended Orlando Economic Development Council meeting. Dottie Keedy is in charge of Economic Development at Lake County. He had talked with her about attracting high wage jobs and high value added jobs to the City.
- January 28 - Attended Eustis Fine Arts Festival.
- He needed to meet with Mr. Myers to discuss the Agenda Preparation items.
- February 16 - He will be attending the Black Achievers Banquet.
- January 24 - Attended Lake-Sumter MPO meeting. Issues mentioned: 1) impact of new developments on transportation and burden it puts on concurrency; 2) Legislature not willing to fund transportation or raise taxes which puts the burden back on local governments; 3) densities will follow transportation corridors so mass transit becoming a necessity; 4) bicycle-pedestrian trails interfaced with County - Eustis, Mount Dora, Tavares and maybe Umatilla need to have an agreement to be submitted to Lake County to be included in their plan; and 5) Lakexpress opened in Clermont and should be opening in Eustis in February. Lake County approved \$275,000 for a trail study (PD & E study). Each city to provide benches and shelters. It was suggested that all the cities contribute \$5,000 toward marketing for the transit system.

Acting City Manager

- He had talked with Marilyn Crotty, University of Central Florida (UCF) and she had suggested having two (2) visioning sessions scheduled in April and two (2) in May. The approval of the dates would be presented at the February 15, 2007 Regular City Commission Meeting.
- The City Attorney should have the occupational license ordinance ready for the first reading at the February 15, 2007 - Regular City Commission Meeting.
- He referred to a memorandum from Steve Greene dated February 1, 2007 RE: Upcoming Development Applications for City Commission Consideration: Lakeview Cove Preliminary Subdivision Plan and Oak Tree Place Planned Development.
- He was advised that the City has received the final staff report from St. Johns River Water Management District (SJRWMD) on our Consumptive Use Permit (CUP). They gave the City less than two (2) weeks to prepare a response before it would be submitted to their Board to be awarded. Staff would be meeting with Andreyev Engineering and the consultant hired to help with the response.
- An agreement would be coming to the Commission for a cost sharing grant with SJRWMD for Clifford Avenue stormwater project of \$209,000 in addition to the \$300,000 from Lake County Water Authority (LCWA).
- At the request of Commissioner Ales, the ordinance for the Lake County Comprehensive Plan Amendment on the Wekiva was provided to each Commissioner for review.
- A consideration would be on the February 15 agenda regarding the Police Pension. The report from the Actuary had been received.
- He would be out of town February 3-6, 2007. Chief Cobb will be Acting City Manager.
- Mike Sheppard will be Acting Finance Director while he is Acting City Manager to avoid any appearance of impropriety.
- Sustainable Growth Symposium deadline is next week..

- March 9 - Lake-Sumter MPO Transportation Concurrency Forum.
- The Community Redevelopment Agency (CRA) plan needed to be updated to include the projects the Lake Community Foundation has projected and improvements done by the City. The parking situation needs to be addressed.

Commissioner Ales suggested that the Commission consider creating a new position to manage the CRA fund.

- The County had sent back the revised Future Land Use Map (FLUM) but some of the changes were left out. The Commissioners will get a copy of the corrected map.

City Attorney

- He had an addendum signed by William and Rhea Kennedy to change the closing date for the Gator Lube property to March 1, 2007. It will need to be signed by the Mayor if the Commission agrees to the change of date. He had talked with Mr. Khor and it would not be a problem.
- The Commission had discussed that it would be more appropriate to handle PD Overlays by an ordinance instead of a resolution. The LDRs are silent as to how to approve PDs.

MOTION by Vice-Mayor Smith / SECONDED by Commissioner Ales to put on the agenda for consideration for PD Overlays to be presented by ordinance rather than resolution.
Motion approved unanimously

MOTION by Commissioner LeHeup-Smith / SECONDED by Commissioner Ales that hereafter under the LDRs a PD Overlay will be presented by ordinance as opposed to resolution.
Motion approved unanimously

- He had been charged with finding counsel specializing in land planning and use. He had found three (3) law firms and was impressed with all three (3). The rates he was quoted were very fair. He had prepared a resolution with blanks for the Commission to complete. The firm chosen will send someone to meet individually with each Commissioner to talk about their expectations.

Mayor Rotella stated that he was in favor of hiring Siemon & Larsen, P.A. because of their direct experience dealing with LDRs, integration of Comp Plans, and litigation. They have experience with DCA and their hourly rate is reasonable.

Commissioner Ales stated that he was in favor of Carlton Fields because they deal with DCA on a daily basis.

MOTION by Commissioner Ales / SECONDED by Commissioner Hale to place on the agenda the consideration to hire Carlton Fields as the attorneys for land use.
Motion approved 4-1 (Mayor Rotella dissenting)

Mr. Stone read the resolution.

Resolution #07-__ (08)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPOINTING SPECIAL ATTORNEYS; DEFINING THE DUTIES OF THE APPOINTED SPECIAL ATTORNEYS; SETTING THE COMPENSATION FOR THE SPECIAL ATTORNEYS.

Mr. Stone questioned if it was the Commission's motion to adopt the resolution with Donald Henke being the lead counsel for Carlton Fields and his proposal being inserted in the body of the resolution.

Mayor Rotella reiterated his strong feeling about Siemon & Larsen, P.A. He felt they were better qualified to deal with all of the City's issues, especially the Comprehensive Plan and LDRs. The decision should not be based on the issue of the DCA since that was only one (1) component that the City was dealing with. He knew a planner who had dealt with them directly and said they were the best.

MOTION by Commissioner Ales / SECONDED by Commissioner LeHeup-Smith to adopt the resolution to appoint, define duties of and compensation for the special attorney.
Motion approved 4-1 (Mayor Rotella dissenting)

Mr. Stone stated that he will coordinate the meetings with each Commissioner.

ADJOURNMENT: 9:53 p.m.



JIM R. MYERS, CMC, CGFM
 Finance Director/City Clerk



JAMES T. ROTELLA
 Mayor/Commissioner