

**MINUTES OF THE
REGULAR CITY COMMISSION MEETING
CITY OF EUSTIS, FLORIDA
January 8, 2008 at 8:20 p.m.**

**THIS MEETING OF THE EUSTIS CITY COMMISSION WAS HELD AT 10 NORTH GROVE STREET, EUSTIS,
WITH MAYOR EVELYN H. SMITH PRESIDING.**

Mayor Smith acknowledged a quorum was present with all Commissioners seated and confirmed proper notice had been given.

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

MOTION by Commissioner Rotella / SECONDED by Commissioner Hale to approve the minutes of the November 15, 2007 – Regular City Commission Meeting and the December 6, 2007 – Regular City Commission Meeting.
Motions approved unanimously

III. PRESENTATION

Jackie Houlk, Director of Education & Events, Lake Eustis Museum of Art, read the Eustis City Hall Gallery Mission Statement and Vision Statement. The grand opening is scheduled for January 18, 2008 from 6-8 p.m. with the ribbon cutting ceremony at 6:30 p.m. The first exhibit is by James O'Connor, "Passions Primitive." During the same time, The Lake Eustis Museum of Art is opening Donte' K. Hayes, "Cookie Cutter Conundrum." She questioned the procedure for getting permission to serve wine and hors d'oeuvres in City Hall during the opening.

MOTION by Commissioner Hale / SECONDED by Commissioner Rotella to add to the agenda the Lake Eustis Museum of Art's request to serve wine and hors d'oeuvre during the gallery opening.
Motion approved unanimously

MOTION by Commissioner Hale / SECONDED by Commissioner Rotella to allow the serving of wine and hors d'oeuvre by the museum during each gallery opening at City Hall.
Motion approved unanimously

Mr. Hoon identified improvements being made to the City Hall lobby and outlined activities during the grand opening.

IV. AUDIENCE TO BE HEARD - None

V. REPORTS

LAKE EUSTIS CHAMBER OF COMMERCE – Sharron Semento

- January 10 - Chamber breakfast with guest speaker Allan Boress discussing 12 Mistakes Made on Income Tax Returns.
- January 1 - Toast to Eustis was very successful. Many people requested more orchestra events in the bandshell. The fireworks could not be shot due to the wind, and are rescheduled for the first Friday in May.
- January 19 - Antique Boat and Car Show in Ferran Park.
- GeorgeFest activities kickoff with the February Chamber breakfast and February 8 is the President's Ball at Lake Receptions.

EUSTIS MAIN STREET – Wayne Carter

- He thanked the Commission for their contribution for the Florida Lakes Symphony Orchestra. It was a great way to start the year.
- January 4 - First Friday Street Party turned out to be a pretty crowded event for this time of the year.
- January 26 – Classic Car Cruise-In

VI. CONSENT AGENDA

Mayor Smith read each of the items.

1. Schedule Audit Workshop on March 20, 2008 at 6:00 p.m. for the Comprehensive Annual Financial Report (CAFR).
2. Appointment to the Historic Preservation Board – Monte Stamper.
3. Investment Authorization 2008-01. – Moved to VIII. Departmental Business 3.
4. Investment Authorization 2008-02. – Moved to VIII. Departmental Business 4.

Mr. Berg noted that the two (2) Investment Authorizations need to be moved to Departmental Business.

MOTION by Commissioner Hale / SECONDED by Vice-Mayor Ales to accept the first two (2) items on the Consent Agenda.
Motion approved unanimously

VII. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS:

Mayor Smith opened each of the quasi-judicial hearings.

1. **Quasi-Judicial Hearing on Resolution #07-59: Preliminary Site Plan – Harden-Pauli Funeral Home – Improvements on parking (continued from the December 20, 2007 – Regular City Commission Meeting).**

- (1) Staff shall announce the case.
Mr. Roane announced the case and identified that this approval was continued from the December 20, 2007 – Regular City Commission Meeting.
- (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) Alton Roane; 2) Tim Green, 4070 United Avenue, Mount Dora; and 3) Lawrence Pauli, 19931 Wiygul Rd., Umatilla.
- (4) Staff shall present its case.
Mr. Roane explained that changes to the conditions within the resolution had been made. He advised that the request is consistent with the City of Eustis Comprehensive Plan and Land Development Regulations.

Commissioner Ales asked if there is resolution to the application of the new commercial standards as they apply to just new construction or any aspect of new construction.

Mr. Roane stated that this is still under discussion and that the new standards are being applied whenever there is an opportunity. The question still needs to be answered to what extent a renovation constitutes new construction.

Attorney Stone noted that the new standards remained in this document and the applicant is willing to comply with the new standards.

- (5) Applicant shall present its case.
Mr. Green stated that all issues have been cleared, the Resolution has been signed by Mr. Pauli, and they are in agreement with everything in the document.
- (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 Rotella / SECONDED by Vice-Mayor Ales to find the facts in the Staff Report on Resolution #07-59 to be consistent with the City of Eustis Comprehensive Plan and Land Development Regulations
Motion approved unanimously

Reading of Resolution #07-59

#07-59 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING THE PRELIMINARY SITE PLAN FOR A 320 SQ. FT. COVERED PORCH EXTENSION, 6,459 SQ. FT. REDEVELOPED PARKING AREA, 1,087 SQ. FT. STORMWATER RETENTION AREA, AND A 1,443 SQ. FT. COURTYARD IMPROVEMENTS TO AN EXISTING FUNERAL HOME ACTIVITY ON 0.68 +/- ACRES LOCATED ON THE EAST SIDE OF SOUTH BAY STREET (SR 19) BETWEEN QUAYLE AND TAYLOR AVENUES; PROVIDING FOR CONDITIONS; PROVIDING FOR FILING OF THIS RESOLUTION; PROVIDING FOR COMPLIANCE; PROVIDING FOR RECORDING.

MOTION by Commissioner Rotella / SECONDED by Commissioner Hale to adopt Resolution #07-59.

Roll Call:

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

Motion approved 5-0

2. Quasi-Judicial Hearing on Ordinance #07-16: Land Use Assignment – Smith Properties, Ltd.

Mr. Roane noted that the hearing was previously advertised in accordance with the law and that nothing has changed.

Findings of Fact:

MOTION by Commissioner Rotella / SECONDED by Commissioner LeHeup-Smith to find the facts in the Staff Report on Ordinance #07-16 to be consistent with the City of Eustis Comprehensive Plan and Land Development Regulations.
Motion approved unanimously

Final Reading of Ordinance #07-16

#07-16 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; ASSIGNING A LAND USE DESIGNATION TO PROPERTY ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF EUSTIS (ORDINANCE #07-15) CONSISTING OF APPROXIMATELY 0.39 +/- ACRES LOCATED ON THE SOUTHWEST CORNER OF SUANEE AVENUE AND COOLIDGE STREET (UNIMPROVED); PROVIDING FOR A LAND USE DESIGNATION, FOLLOWING REVIEW BY THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, OF "SR – SUBURBAN RESIDENTIAL"; PROVIDING FOR FILING OF THIS ORDINANCE; PROVIDING FOR NOTICE TO BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION BY POSTING ACCORDING TO LAW.

MOTION by Commissioner Hale / SECONDED by Commissioner LeHeup-Smith to adopt Ordinance #07-16 on its second and final reading.

Roll Call:

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

Motion approved 5-0

B. OTHER HEARINGS:

- 1. Resolution #08-01: Tax Referendum Issue.**
There was no public comment and the public hearing closed at 8:48 p.m.
- 2. Ordinance #07-15: Annexation – Smith Properties, Ltd.**
There was no public comment and the public hearing closed at 8:48 p.m.
- 3. Appraisal of properties owned by Lake Eustis Properties, LLC.**

Mr. Myers referred to the map of the Lake Eustis Properties LLC that had been provided showing each of the 16 parcels. The City has received three (3) additional appraisal proposals from Members of the Appraisal Institute (MAI) certified appraisers outside the County. As requested at the December 20, 2007 – Regular City Commission Meeting, this public hearing is to get citizen input. It is Staff's recommendation to consider the two (2) lowest proposals.

The public hearing closed at 9:02 p.m.

RESOLUTIONS:

City Attorney Lewis Stone read the resolution by title.

#08-01 A RESOLUTION OF THE CITY OF EUSTIS, FLORIDA FINDING THAT COMMUNICATING THE FLORIDA LEAGUE OF CITIES' REASONS FOR OPPOSITION TO THE PROPOSED CONSTITUTIONAL AMENDMENT SERVES A PUBLIC PURPOSE; THAT THE DISSEMINATION OF INFORMATION CONCERNING THE IMPACTS OF THIS AMENDMENT ON THE CITY OF EUSTIS IS ESSENTIAL TO THE HEALTH, SAFETY, PROTECTION AND WELFARE OF ITS CITIZENS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

MOTION by Vice-Mayor Ales to not approve Resolution #08-01.

Motion died due to lack of a second.

Commissioner Rotella stated that there is confusion about this issue. He opposed any tax increases and would like to support tax reductions for all the citizens but the evidence he had heard, it does raise the issue of inequities in the taxes of adjacent houses. The League of Cities has studied this so it is worthy of consideration and support to inform the public.

Vice-Mayor Ales fully supported the attempt to educate the City's taxpayers on the liabilities or benefits of any referendum, but he questioned if the City had ever chosen a side on a referendum issue in the past.

Commissioner Hale noted that when the City wanted to reinstate the Sales Tax, the City spent time educating the public so they could see what the money was being used for. She had no problem letting the citizens know what they might lose if the Property Tax Referendum passes.

MOTION by Commissioner Rotella / SECONDED by Commissioner LeHeup-Smith to adopt Resolution #08-01.

Roll Call:

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

Motion approved 3-2

ORDINANCE, SECOND READING:

City Attorney Lewis Stone read the ordinance by title.

#07-15 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; ANNEXING APPROXIMATELY 0.39 ± ACRES LOCATED ON THE SOUTHWEST CORNER OF SUANEE AVENUE AND COOLIDGE STREET (UNIMPROVED); SUBJECT TO THE CURRENT LAKE COUNTY LAND USE MAP DESIGNATION PURSUANT TO FLORIDA STATUTE 171.062; PROVIDING FOR REDEFINITION OF THE LAND BOUNDARIES OF THE CITY OF EUSTIS; PROVIDING FOR FILING OF THIS ORDINANCE; PROVIDING FOR NOTICE TO BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION BY POSTING ACCORDING TO LAW.

MOTION by Commissioner Hale / SECONDED by Vice-Mayor Ales to adopt Ordinance #07-15 on its second and final reading.

Roll Call:

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

Motion approved 5-0

VIII. DEPARTMENTAL BUSINESS

1. Appraisal of properties owned by Lake Eustis Properties, LLC.

Commissioner Rotella requested that the Commission consider the City Manager's recommendation regarding appraising the key strategic sites versus appraising all the sites and would like to obtain a sub-appraisal on the former hospital site. He also felt that the water front properties may be more desirable for the City to acquire.

Commissioner Hale agreed that the City should not be purchasing all 16 available sites and should only obtain appraisals for the sites the City is interested in. The hospital site should be excluded so it can be put back on the tax rolls. The sites across Grove Street could eliminate the parking issue for downtown and be a better buy for the taxpayer's dollar. The City already owns one half of the block next to the library. If these parcels are purchased, the City has control of the whole block.

Vice-Mayor Ales identified two (2) major issues for consideration: 1) the appraisal results should not be public information until negotiations are complete. This protects both the City and the Foundation's interests; and 2) agrees that the City needs to identify the sites in a priority order, and consider appraising only the top 2-4 sites. The four (4) sites near the water front appear to be key sites. He felt that the Lake Community Foundation will be more willing to negotiate with the first sale due to the \$2 million loan liability.

CONSENSUS: The consensus of the Commission was to direct the City Manger to bring to the February 21, 2008 – Regular City Commission Meeting a prioritization of the properties based on the best interest to the City.

Mr. Berg identified that the north property may be important for the City's stormwater needs. Also, the Lake Community Foundation is planning to send a letter requesting a public hearing for the Commission to consider extending their site plan approval. The City has received a lease from the Foundation to use the hospital site and it should be executed within the next several days.

2. City Attorney recruitment suggestions.

Commissioner Rotella referred to the scheduled in the memorandum from Mr. Berg dated December 28, 2007 RE: City Attorney Recruitment Suggestions. The main issues are: 1) set up a selection process for the Commission; 2) set an application deadline; and 3) set up meetings for the Commission to meet prospective attorneys on January 24 and January 31.

CONSENSUS: The consensus of the Commission was to schedule the workshops for January 24 and January 31 at 4:15 p.m. in the Commission Room.

3. Investment Authorization 2008-01 and Investment Authorization 2008-02.

Mr. Myers identified that the market has dropped .25 percent to 4.5 percent since the reports were completed. Even with this change, he recommended pursuing this alternative.

MOTION by Commissioner Hale / SECONDED by Commissioner Rotella to accept the recommendation of the Finance Director regarding Investment Authorization 2008-1 and Investment Authorization 2008-2.
Motion approved unanimously

Commissioner Rotella suggested that at a future time the City consider using safe and secure investment options in gold.

IX. REPORTS

Commissioner LeHeup-Smith

- The League of Cities report, which each Commissioner received tonight on disk, is on Chanel 22.

Commissioner Rotella

- The City will be receiving some issues from the Metropolitan Planning Organization (MPO) regarding transportation. He requested that the Commission bring their transportation priorities input to the next commission meeting as these issues effect the MPO's legislative agenda and transportation guidelines.
- He thanked City Staff for their assistance this past year during his tenure as Mayor.

Commissioner Hale

- She thanked the City Staff for their volunteer efforts during the holiday season.

Vice-Mayor Ales – No Report

- For the record, he voted incorrectly at the December 20, 2007 – Regular City Commission Meeting on Consent Agenda Item 3 regarding the Revenue Enhancement Workshop for January 10, 2008 at 5:00 p.m. This program has taken on increased importance with the recent revisions by the State of Florida limitations on property taxation. The program provides for the review of various local fee ordinances to identify alternatives in generating alternative sustainable revenue sources. He feels that this workshop is designed to displace the tax relief the Florida legislature afforded the State's constituents so he will not be attending the workshop.

Commissioner Hale agreed that the program is designed to have fees put in place of the legislative tax relief and also will not be attending the workshop. It is the City's responsibility to figure out how to deal with the loss of revenue internally without making the taxpayers pay for the loss of income to the City.

Commissioner Rotella stated that the City does not need to play a "shell game" and just shift fees around. If the revenues drop, the City must tighten its belt. He does not plan to attend the workshop on Thursday. If the meeting were designed to generate funds from outside sources he would support that, but not to just add more fees.

Mr. Berg noted that he will cancel the Commission portion of the workshop.

Mayor Smith

- The Mayor's message served as her report.

City Manager

- He referred to a letter to Marilyn Crotty dated January 3, 2008 RE: Eustis Contract/Visioning. He had directed Mr. Roane to discontinue the visioning process with the Institute of Government.
- He requested authority to leave the lights on downtown until the end of the 125th Anniversary Celebration. The cost is estimated to be \$2,000.

Commissioner LeHeup-Smith asked about using landscape lights during the year when the string lights are removed. She also noted that the base connections of several of the flood lights in Ferran Park were swinging back and forth during the Toast to Eustis event.

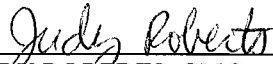
Commissioner Rotella asked about the possibility of getting a flood light on the heron in Ferran Park.

City Attorney - No report.

Finance Director

- The laptop computers given to the Commissioners last meeting are one portion of the audio-visual program. The next step is Audio-Visual (AV) enhancements to the Commission Room to assist in presentations. He is serving as Chairman of a committee appointed by Mr. Berg. The committee has met several times to view presentations regarding the AV enhancements, live-streaming, and software to aid in the paperless agenda. The committee members include: Judy Roberts, City Clerk; Tracy Jeanes, Purchasing Director; Wayne Robinette, IT Director; Steve Moulden, IT Support Specialist; and Richard Hoon, Executive Assistant to the City Manager. In February, the Commission will see a presentation for the audio-visual enhancements.

ADJOURNMENT: 9:40 p.m.



JUDY ROBERTS, CMC
City Clerk



EVELYN H. SMITH
Mayor/Commissioner