

MINUTES OF THE
REGULAR CITY COMMISSION MEETING
CITY OF EUSTIS, FLORIDA
January 17, 2008 at 7:00 p.m.

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

INVOCATION: Pastor Ron Holder, First Church of God

PLEDGE OF ALLEGIANCE: Commissioner Hale

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

OTHERS PRESENT:

Steve Benetz, Senior Director Leisure Services/Library

Paul Berg, City Manager

Fred Cobb, Senior Director of Public Safety/Police Chief

John Futch, Director of Public Works

Rich Hoon, Executive Assistant to the City Manager

Ann Isaacs, Director of Human Resources

Larry Konieczko, Acting Director of Public Utilities

Jim R. Myers, Jr., Finance Director

Frances Nipe, Acting Planning and Code Enforcement Manager

Alton Roane, Senior Director of Development Services

Judy Roberts, City Clerk

Lewis Stone, City Attorney

Roy Tremain, Fire Chief

Susan Trewyn, Acting Recording Secretary

I. AGENDA UPDATE

Mr. Berg notified the Commission that Departmental Business Item 1 - Easement vacation requested by Leslie Campione, P.A., for Lot 6, Block G, Lake Joanna Heights Subdivision has been removed from the agenda and was taken care of administratively.

II. MINUTES APPROVAL

MOTION by Commissioner Rotella / SECONDED by Commissioner LeHeup-Smith to approve the minutes of the December 20, 2007 – Regular City Commission Meeting.
Motion approved unanimously

III. PRESENTATIONS

Mr. Futch invited the Commission to the Florida Arbor Day Ceremony to be held January 18, 2008 at 9:00 a.m. in Carver Park to plant three (3) Cyprus trees. Thirty-four (34) trees will also be planted in the tornado area in the right-of-ways to replace the majority of trees lost in the storm. He thanked the Commission for their support and Jim Thorsen, Forrester, for his help as a consultant.

IV. AUDIENCE TO BE HEARD – None

V. REPORTS

LAKE EUSTIS CHAMBER OF COMMERCE – Wayne Carter for Sharron Semento

- January 8 - Retreat for new Board of Directors. Each Director was challenged to bring in three (3) new members in 2008.
- January 10 – Chamber Breakfast - officially installed the new Directors.
- January 24 - Multi-Chamber Business After Hours & Ribbon Cutting ceremony - Crescent Moon Properties located at 2130 A, Prevatt Street, 5-7 p.m.
- January 31 - Multi-Chamber Business After Hours at Florida Hospital Waterman, 5-7 p.m.
- February 8 - GeorgeFest Presidents Ball.
- February 14 - GeorgeFest 2008 Kick-Off Breakfast
- February 18 - Annual Spaghetti Dinner & Scholarship Program, 5-7 p.m. at the Community Center.
- February 21 – GeorgeFest 2008 Business After Hours sponsored by Ultimate Connection Leads Group at GeorgeFest Test in Ferran Park, 5:30-7:30 p.m.
- February 22 - GeorgeFest 2008 - carnival, fireworks, and The Navy Band.
- February 23 - GeorgeFest 2008 - annual activities including bed race, dog jog and parade.

- February 24 - GeorgeFest 2008 - Fiesta Day at Ferran Park from 11- 5.
- Chamber added fourth Leads Group to meet every Friday at Soups to Nuts Dinner.

EUSTIS MAIN STREET – Wayne Carter

- December 22 - Cruise-In featured “The Rhythmatics” in the bandshell and 325 Classic Cars participated.
- January 19 - Antique Boat and Car Show at Ferran Park from 8-4.
- January 22 - Board Meeting
- January 26 – Classic Car Cruise-In
- February 1 - Street Fest theme is “Mardi Gras”.
- February 10 - Public Arts and Music to host annual Valentine’s Day Dinner at A Third Place Pub and Café.
- March 8 & 15 - Historical Cemetery Tour
- April 5 - Eustis Main Street will be assisting with the Fire Muster in the Park hosted by the Eustis Fire Department.
- Eustis Main Street Audit Review was good and a copy was given to Mr. Myers.
- Building exterior improvements to begin in the next couple of weeks on Main Street building to include painting trim, sign placements, and decorative exterior plants.
- A Third Place Pub and Café is planning to close the end of February.

Commissioner Rotella asked about the status of Main Street/Eustis Chamber kiosk.

Mr. Carter stated that the Executive Committee met today and no decision has been made yet.

VI. CONSENT AGENDA – None

VII. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS:

Mayor Smith opened each of the quasi-judicial hearings.

1. Quasi-Judicial Hearing on Resolution 08-02: Preliminary Site Plan – CenterState Bank.

- (1) Staff shall announce the case.
Mr. Roane 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) Alton Roane; 2) Keith Riddle, Riddle-Newman Engineering, 115 North Canal Street, Leesburg; 3) Lee Ann Gilson, CenterState Bank; 4) Ronnie Purdy, CenterState Bank.
- (4) Staff shall present its case.
Mr. Roane noted that the current land use is commercial and that the applicant designed the site according to the new commercial standards. The applicant included the open space and landscape requirements. The only inconsistency was the location of the dumpster but the applicant would have to reconfigure the entire site in order to meet this standard so the location was approved by Staff. Traffic will have cross access from the west side service road. He advised that the request is consistent with the City of Eustis Comprehensive Plan and Land Development Regulations and that Staff recommends that the plan be approved.
- (5) Applicant shall present its case.
Keith Riddle stated that he would be willing to answer any questions.
- (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 #08-02 to be consistent with the City of Eustis Comprehensive Plan and Land Development Regulations.

Roll Call:

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

Motion approved 5-0

Reading of Resolution #08-02

#08-02 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING THE PRELIMINARY SITE PLAN FOR CONSTRUCTION OF A 4,158 SQUARE FOOT STRUCTURE FOR FINANCIAL INSTITUTION ACTIVITY ON A 1.25 +/- ACRE SITE WHICH IS PART OF A LARGER 2.48 ACRE PARCEL LOCATED ON THE SOUTH SIDE OF US HIGHWAY 441; 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 #08-02.

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. Ordinance #08-01: Amending the City of Eustis Comprehensive Plan, amending the Future Land Use element and maps; changing the Future Land Use designation of certain real properties. There was no public comment and the public hearing closed at 7:23 p.m.

ORDINANCES, FIRST READING:

#08-01 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 FUTURE LAND USE DESIGNATION OF CERTAIN REAL PROPERTIES; SAID PROPERTIES BEING GENERALLY LOCATED AND DESCRIBED BY EXHIBITS A, B AND C; AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES TO AMEND THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR FORWARDING TO STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

MOTION by Commissioner Hale / SECONDED by Commissioner LeHeup-Smith to approve Ordinance #08-01 on the first 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. Outside water and/or sewer connections: John DiMercurio (deferred from the April 19, 2007 – Regular City Commission Meeting).

Mr. Roane identified that the property is not contiguous to the City of Eustis, however, the applicant has completed an Agreement to Annex. The development is undergoing review in the County and in collaboration with the County; City staff has also been reviewing the project. The applicant is requesting City water, sewer and reclaimed water.

Mr. Konieczko stated that there is an existing potable water line about one quarter mile east, and a gravity sewer line about one half mile north of the property. The existing easements are not wide enough so getting to the property is very difficult. The potable (drinking water) line will require obtaining a 15-foot easement to get to the closest water line on the east side of CR 44. Access to the closest gravity sewer line, on the CR 44 By-Pass, will require a lift station and a force main. The site has good access to the reclaimed water lines on the south.

Commissioner Rotella noted that the City has an obligation to provide sewer through the 180 Utility District but questioned whether the sewer lines are near enough to provide sewer immediately.

Mr. Stone stated that the 180 District considers sewer, and the next issue “is it reasonably available?” These issues can be technical issues, or they can be worked out in an agreement with the developer.

Damon Chase, Attorney for the applicant, stated that Mr. DiMercurio is withdrawing his offer to annex into the City, and very respectfully submitting and requesting from the Commission that the development not be required to conform to City Code since it is not contiguous, and that the City provide a letter to Lake County stating that water is available for the project since the City of Eustis is the only service that has the ability to provide water to the project. Under the Public Service Commission and the laws of the State of Florida, the City is required to provide water. Mr. DiMercurio has already made arrangements for the needed easements to access the water line that is across the street. The size of the lots will not support both a well and septic system, so the project will not use the City’s sewer due to the cost of the lift station and force main.

Mr. Stone explained that the City is in the process of hiring another City Attorney, however, he would like to review the law that Mr. Chase is referring to that justifies his position that the City must supply water to the project. The City does not have a territory for water that a private water utility would have.

MOTION by Vice-Mayor Ales / SECONDED by Commissioner Rotella to defer the request for outside water until the City Attorney and Donald E. Hemke, the City’s Special Land Planning Attorney, have reviewed the City’s obligations on providing water to properties not contiguous to the City.

Roll Call:

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

Motion approved 5-0

Mr. Berg clarified that this will be deferred until the February 7, 2008 – Regular City Commission Meeting.

IX. REPORTS

Commissioner LeHeup-Smith

- 125th Anniversary buttons and coffee mugs are available for sale.
- January 19 - Invited everyone to the Antique Boat and Car Show.

Commissioner Rotella

- January 9 - Attended "Our Community, Our Future" meeting sponsored by Lake County Board of County Commissioners (LCBCC) and Lake-Sumter Metropolitan Planning Organization (MPO) regarding regional cooperation for water, schools, transportation and economic development.
- January 11 - Attended Martin Luther King, Jr. Breakfast in Leesburg regarding racial issues.
- January 14 - Attended MPO Executive Board Meeting. He handed out copies of the 2008 Lake-Sumter Metropolitan Planning Organization Legislative Positions – Final Approval – November 28, 2007.
- January 23 - MPO is hosting an Inaugural Dinner that all Commissioners are invited to attend. They will be discussing transportation issues.

Commissioner Hale

- She handed out copies of Central Florida Sports Commission Monthly Activities Report dated November 2007.
- She referred to a letter received from Welton G. Cadwell, Chairman, LCBCC inviting cities to attend a meeting on January 29th where the "Interlocal Service Boundary Agreement Act" will be discussed. The LCBCC is requesting that cities postpone any large annexations until after February 1, 2008.

Vice-Mayor Ales – No Report

Mayor Smith

- January 10 - Attended Chamber Breakfast.

City Manager

- January 16 - A lease was signed between the City and Lake Community Foundation for the former hospital site and the paved parking areas. By the end of the month there will be significant changes to the two (2) block area to be called the Temporary Partnership Park. The Foundation is also authorizing additional parking areas for City events
- January 18 – The first Lake Eustis Museum of Art opening at the City Hall Gallery. He recognized Rich Hoon and the following personnel for their help putting together the Gallery: Ozzie Concado (Public Works), Adam Cosden (Public Works), Joseph Snow (Labor Ready), Gloria Brandenburg (Recreation), Faye Shepherd (Recreation), Rose Williams (Recreation), Kristin Van Dorn (Lake Eustis Museum of Art) and Jackie Houck (Lake Eustis Museum of Art).
- Acknowledged and thanked Mr. Stone and Mr. Roane for their service to the City
- January 25 - Mr. Roane's retirement party to be held in the Commission Room.
- At the next meeting he will present his recommendations for the day and time of a regularly scheduled monthly workshop.

City Attorney

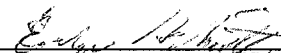
- He stated that it had been his honor to be the City Attorney for Eustis. He recommended that the Commission ensure that they hire a replacement that cares as much about the City, as they care about being the City Attorney

Finance Director – No Report

ADJOURNMENT: 8:03 p.m.



JUDY ROBERTS, CMC
City Clerk



EVELYN H. SMITH
Mayor/Commissioner