

MINUTES OF THE
SPECIAL CITY COMMISSION MEETING
CITY OF EUSTIS, FLORIDA
JANUARY 31, 2008 at 4:19 p.m.

THIS SPECIAL 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 except Commissioner Rotella (arrived at 4:21 p.m.) and confirmed proper notice had been given.

OTHERS PRESENT:

Paul Berg, City Manager

Fred Cobb, 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

Jim R. Myers, Jr., Finance Director

Judy Roberts, City Clerk

John Schneiger, Acting Director, Development Services

Order of Business
CITY ATTORNEY RECRUITMENT

I. Opening Remarks – Paul Berg

Mr. Berg explained the process that will be used to interview each of the candidates. Each candidate will be allowed an introductory statement, then questions will be asked by each Commissioner (with the same questions asked of each candidate and by the same person), and then a closing statement.

Commissioner Rotella arrived at 4:21 p.m.

II. Formal Presentation

Mayor Smith drew names to determine the order of the presentations.

A. Bowen Radson Schroth, P.A. – Derek Schroth

Mr. Schroth introduced members of his firm and reviewed the types of cases that he and the firm are responsible for. His firm is located in Eustis and he is the Town Attorney for Lady Lake.

B. Fowler & O'Quinn, P.A. – James A. Fowler

Mr. Fowler reviewed the experience of his firm, explained that he likes to work closely with City Managers and Commissioners, and prefers a teamwork atmosphere.

C. Shuffield, Lowman & Wilson, P.A. – Jason Merritt

Mr. Merritt stated that he has worked with and represented the City of Eustis in the past and is aware of the issues that are facing Eustis. His firm has the experience and knowledge necessary to represent the City.

III. Results of Reference Calls

Mr. Berg stated that he had contacted at least two (2) of the references listed for each candidate. The references spoke highly of each of the candidates. Comments received for each candidate included that they are proactive, dependable and produced quality work. No potential problems were noted.

IV. Interviews

Discussion ensued regarding the questions that the Commissioners wanted to ask the candidates. The questions that were decided upon were:

Question 1 (asked by Commissioner Rotella): In your opinion, what are the greatest challenges facing Eustis, and how would you approach those challenges?

Question 2 (asked by Mayor Smith): What have been your greatest successes and disappointments, and why?

Question 3: removed

Question 4 (asked by Mayor Smith): What kind of person do you most like to work with, and what kind are most vexing to you, and why?

Question 5 (asked by Commissioner LeHeup-Smith): Do you have experience with other agencies with regard to water issues?

Question 6 (asked by Commissioner Hale): Do you personally have experience with land use issues and vested rights issues?

Question 7 (asked by Commissioner LeHeup-Smith): Do you have any experience with the Department of Community Affairs (DCA)?

Question 8 (asked by Commissioner Hale): Do you have any experience with litigation of City issues?

Question 9 (asked by Vice-Mayor Ales): Who would be the representative to the meetings, and who would be the backup?

Question 10 (asked by Commissioner Rotella): What situations would compel you to interject your opinions to a Commissioner and or correct or guide a Commissioner at a public hearing?

Question 11 (asked by Commissioner LeHeup-Smith): Can you give an example of a success that you have had dealing with Code Enforcement.

Question 12 (asked by Vice-Mayor Ales): Describe your firm's capacity to represent the City of Eustis.

Question 13 (asked by Vice-Mayor Ales): What are your expectations for compensation?

Derek Schroth (answers are summarized)

1. The greatest challenges facing Eustis are: land use; development, particularly downtown; water, especially developers' agreements; and the Wekiva Act.
2. His greatest disappointment was a jury trial in appeals that was worked on for years. His great successes were winning cases in Federal Court.
4. He most liked to work with someone respectful, who listens and thinks before they decide. People who are most vexing to him are those who are rude or self-centered.
5. He has worked with both the DCA and St. Johns River Water Management District (SJRWMD) regarding water issues.
6. He has experience with land use issues and vested rights issues, including riparian rights. He cited examples of his experience.
7. He has experience with the DCA.
8. He has experience with litigation of City issues. He cited examples of his experience.
9. He will be the representative to the meetings with Mr. Radson or Ms. Dempsey as his backups.
10. He cited examples of situations where he would be compelled to interject his opinion to a Commissioner and or correct or guide a Commissioner at a public hearing.
11. A success he had dealing with Code Enforcement was to re-vamp the process in Lady Lake including development of an abatement process and converting to a Special Master format.
12. In describing his firm's capacity to represent the City of Eustis, he explained his firm's organization. He is confident that everything can be handled.
13. His expectations for compensation are up for discussion, but with Lady Lake he is currently making \$150 per hour with a \$3,000 per month retainer.

Skip Fowler (answers are summarized)

1. The greatest challenges facing Eustis are: revenue issues regarding legislation on property taxes and growth management.
2. His greatest success is his long-term representation to the City of Altamonte Springs.
4. He most liked to work with someone professional, honest, and goal-oriented.
5. He has experience working with other agencies with regard to water issues. He cited experience with reclaimed water systems.
6. He has experience with land use issues and vested rights issues. He has spent a large percentage of time on land use issues.
7. He has experience with the DCA. He cited examples of work with the City of Dunnellon and its interaction with DCA.
8. He has experience with litigation of City issues. 80% of his firm's work is for cities.
9. The representative for Commission meetings will be Carol Barice and himself. For other meetings, either he, Mary Sneed or Lynn Vouis will be the representative.
10. In regard to situations where he would be compelled to interject his opinion to a Commissioner and or correct or guide a Commissioner at a public hearing, he would call a recess or whisper to the Commissioner so as not to embarrass anyone. He preferred to educate Commissioners in advance about possible problems so as not to have to interject during meetings.
11. A success he had dealing with Code Enforcement was to have members of staff who are Certified Special Masters and Code Enforcement Certification instructors.
12. In describing his firm's capacity to represent the City of Eustis, he would probably hire a new associate, but felt that it would be no problem.
13. His expectation for compensation is that he charges by the hour. He has different rates for each lawyer in the firm. His hourly rate is \$235-\$245.

5:25 p.m. - BREAK

5:35 p.m. - RECONVENE

Jason Merritt (answers are summarized)

1. The greatest challenges facing Eustis are: Comprehensive Plan Amendments; Land Development Regulations; downtown redevelopment; school concurrency; and water supply.
2. His greatest success is being a good father and husband, and the ability to handle complex situations. He viewed disappointments as only temporary setbacks.
4. He most liked to work with people who are open, personable, and worked as a team. People who are most vexing to him are those who undermine and have their own "agendas."
5. He has experience working with other agencies with regard to water issues. In the past, he dealt with municipal water supplies and SJRWMD.
6. He has experience with land use issues and vested rights issues. He cited examples, including annexations.
7. He cited examples of his experience dealing with the DCA.
8. His firm has experience with litigation of City issues. The firm has a dedicated litigation section.
9. He would be the representative to the meetings with Jan Carpenter and Nicole Little as backups.
10. Tact is necessary for situations where he would be compelled to interject his opinion to a Commissioner and or correct or guide a Commissioner at a public hearing. He listed the guidelines he goes by.
11. He has extensive experience with Code Enforcement and cited example of when he represented the City of Eustis.
12. In describing his firm's capacity to represent the City of Eustis, he commented that dealing with litigation of City issues will not be a problem. His firm has approximately 45 attorneys plus support staff.
13. His expectations for compensation are negotiable. He would like to possibly raise the retainer to \$2000 per month and increase the rate for shareholders to \$170 per hour. His firm's policy is to bill in 1/10 increments oppose to 1/25 increments.

V. Selection of Firm

The Commissioners discussed the pros and cons of each candidate.

CONSENSUS: It was the consensus of the Commission that Mr. Schroth will be the top choice and in the event that negotiations cannot be completed, Mr. Merritt will be the second choice.

VI. Selection of Commissioner to work with City Manager to negotiate contract.

CONSENSUS: It was the consensus of the Commission that Vice-Mayor Ales sit in with the City Manager during the contract negotiations.

Mayor Smith requested that the candidates be brought in and she informed them of the Commission's decision.

ADJOURNMENT: 7:36 pm



JUDY ROBERTS, CMC
City Clerk



EVELYN H. SMITH
Mayor/Commissioner