APPROVED 7/6/2023



MINUTES City Commission Meeting

6:00 PM - Thursday, June 15, 2023 - City Hall

INVOCATION: MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: VICE MAYOR EMILY LEE

CALL TO ORDER: 6:01 P.M.

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

PRESENT: Vice Mayor Emily Lee, Commissioner Gary Ashcraft, Commissioner Nan Cobb, Commissioner Willie Hawkins and Mayor Michael Holland

1. AGENDA UPDATE

Tom Carrino, City Manager, noted the addition after Item 3.1 of a presentation by the Eustis Police Department to the Eustis Community Alliance.

2. APPROVAL OF MINUTES

May 4, 2023 City Commission Workshop: Grants May 4, 2023 City Commission Meeting

Motion made by Commissioner Hawkins, Seconded by Vice Mayor Lee to approve the Minutes as submitted. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

3. PRESENTATIONS

3.1 Eustis Police Department Badge Pinning Ceremony

Police Chief Craig Capri introduced the following new officers after which each officer was pinned by their family member: Brandon Robert, Froy Hideroa, David Hoover, Jose Lopez-Diaz, David Keninger and Cameron Bennett. He announced that the department is at full staff and they now have a waiting list of applicants.

Chief Capri administered the Oath of Office to the new officers.

Presentation of donation to Eustis Community Alliance

Chief Capri presented a check for \$1,000 to the Eustis Community Alliance (ECA) for helping youth in the City of Eustis by providing education, training and meals. Chief Capri announced that Joe Ziler and George Asbate would each match the gift to the ECA.

3.2 Presentation of America in Bloom 2023 Recognition Awards

Vice Mayor Emily Lee presented an America in Bloom 2023 Recognition Award to the Eustis Memorial Library.

Commissioner Cobb presented an America in Bloom 2023 Recognition Award to Joe Ziler, Kevco Builders. Both awards recognized the property owners for the exceptional quality, beauty and care of their property.

3.3 Presentation Regarding Downtown Cruise-In Classic Car Show

Calvin Gentry addressed the City Commission regarding the Downtown Cruise-In Classic Car Show. He noted the show's existence for over 20 years with 130-150 cars from all over Central Florida. He acknowledged an issue with cars arriving early to set-up for the show stating that the show runs from 4 p.m. to 7 p.m. He stated they block off the streets about 3:30 p.m. He indicated that as long as the cars are parked legally there is nothing they can do about people arriving early. He commented on possible reasons why people arrive earlier than requested.

Mr. Gentry detailed their advertisements in local area news media and national magazines which help to publicize downtown Eustis. He cited the many areas that people come from to participate. He commented on the number of their sponsors and giveaways. He expressed their interest in continuing the car show and resolving any issues with parking and the early arrivals of exhibiters.

Mr. Gentry commented on their attempt to work with the local businesses and owners. He noted they have changed their monthly flyer to highlight a Business of the Month each month. He indicated they announce all of the local sponsors during the event and stated they also get announced at other shows.

Mayor Holland stated his interest in continuing the car show. He expressed concern regarding the impact on the local businesses due to the downtown parking being taken over early in the afternoon and people can't get to the local businesses. He stated they need to work with the car show to resolve the issues.

Commissioner Hawkins asked if there could be a staging area for prior to the car show with Mr. Gentry responding that there are car shows that do that. He explained some of the problems with doing that noting the number of paid personnel those shows utilize. He said they do not have the manpower to do that.

Sandy Johnson explained the EBA (Eustis Business Alliance) took over the show when Eustis Main Street was dissolved. At that time, the City stated that if a local nonprofit would pick it up then the City would continue to support the show. She indicated they would not close the streets until 3:30 p.m. and they can tell the participants to not come early. She stated that the local businesses are OK with closing the streets at 3:30 p.m. She noted that the City's website shows the car show opening at 2 p.m.

The Commission questioned whether or not parking is the only issue with Ms. Johnson indicating there are some rude participants and stating they will ask those that cause problems to leave.

Commissioner Ashcraft stated he has been told that participants are bringing in their own alcohol.

Chief Capri announced that he will assign a downtown officer and facilitate with staging in the open field. He stated they can spread the word that they cannot bring their own alcohol.

The Commission asked if there were any downtown business owners present to comment.

Various local business owners spoke about the parking issues and how the car show affects local businesses, including benefits and negatives. One owner noted that these types of community events were designed to showcase the Eustis community and asked for proper sanitation and services during the car show.

Vice Mayor Lee commented on the issue brought up with car show participants being rude to the local business owners and them bringing their own food and alcohol.

Mr. Gentry stated he was working on putting together a list so then can email information out to participants but at that time they can only hand out the flyers at the show.

3.4 Cemetery Update

Rick Gierok, Public Works Director, reported there is 35% of the gravesites available for purchase and the older mausoleum is completely full. He explained the difference between the niches, crypts, columbarium and mausoleum. He stated in the new mausoleum the niches are all full and the crypts are 90% available. He reported they are working to get some of the external doors removed and they could then get four niches within one crypt. He stated that in 2021 they had 48 full burials and 23 cremains with 44 full burials and 24 cremains in 22. He commented on the shift from full burials more to cremains.

Mr. Gierok then reported the GIS Database program is completed and is linked to the City's website. He explained you can search for the name of anyone buried there and can see where they are buried. He added they can search for what's been sold but they cannot see who purchased the lots but staff may. He reported the City has 13,263 gravesites with 6,053 occupied and an additional 2300 have been purchased. He stated there are just over 4,800 gravesites available.

Mr. Gierok announced they have issued an RFQ to obtain a third party to do openings and closings. He indicated they only received one submittal from Atlas Vault, who has done work with the City previously. Staff made the determination to award to them and Purchasing Coordinator Tracey Jeanes is doing the negotiations with them. He indicated the number they are now providing so far is higher than what was used previously for the fee schedule. He stated they are continuing to negotiate and will have to bring back the contract to the Commission for consideration.

The Commission questioned why they only received one submittal with Mayor Holland explaining the issues with the two other companies closest to the City. He also explained what would be included in the cost for the opening and closings.

Discussion was held regarding the costs currently being charged versus what the new prices would be and how much the fees went up the last time the fees were increased. Mr. Gierok also stated that he is working to make sure the City has all of the necessary equipment to do the openings and closings if necessary.

Mr. Gierok reported on the mowing and maintenance which is currently being done by Helping Hand Contractor with assistance provided by Public Works personnel. He noted that a request for additional work is included in the budget request for the next year.

The Commission asked Mr. Gierok to make sure that the edging is included in the budget.

Mr. Gierok commented on the Armed Forces Memorial and stated staff is obtaining quotes for a stone monument with installation including relocation of the existing plaque and new flag poles and service flags. He indicated he would be requesting assistance to make sure they follow protocol and insure it looks nicer but remains in the same current area.

Mr. Gierok explained issues they are having with the irrigation system and reviewed improvements that are currently underway. He stated that, as soon as that is completed, they will begin working on the resurfacing. He confirmed the necessity of including the speed bumps but added they could look at switching them to speed tables.

Mr. Gierok discussed the Tranquil Gardens and Estate Plots and noted he was submitting a request in the next budget cycle for engineering and construction of the "tranquil gardens" and estate burial sites. He explained that the request includes \$40,000 for engineering in FY 23/24 and \$400,000 for construction in FY 24/25 with an additional \$10,000 for the installation of border delineation hedges in the operating budget for FY 23/24. He provided a variety of suggestions for features to be included. He noted that once the budget is approved, staff can start on the engineering and installation of the delineation hedges to establish growth.

Mr. Gierok then stated the need to decide where to place the facilities and identify available areas. He presented a pictorial of the footprints of several tranquil gardens. He noted that based on size references, a 1 1/2 to 2 acre parcel should be sufficient. He identified several possible areas based on available size and features: Area 1 (West of Haselton), Area 2 (near the old columbarium), Area 3 (adjacent to the mausoleum), and Area 4 (east of Area 3). He recommended a portion of Parcel #4 be used with approximately 2.3 acres. He provided pictorial examples of other tranquil gardens for review and consideration specifically citing the pavers. Mr. Gierok estimated a construction cost of \$400,000 to include landscaping, an ornamental fountain, free standing columbariums, etc. He provided a pictorial example of "estate plots."

Mr. Gierok commented that the improvements and additions are not intended to increase revenue, but instead to provide a service. He showed two short videos of columbariums and estate plots in Lake Mary. He acknowledged the project would reduce the number of available plots but would provide a service that the City does not currently have.

The Commission asked what could be done with the cremains area east of the building with Mr. Gierok noting how close the spaces are and Mayor Holland explaining that is the way the cremain spaces were done at that time.

Discussion was held regarding how to make the area more attractive. Mr. Gierok noted that flowers are not allowed in military cemeteries due to them dying and not looking good. He indicated that staff tries to keep the cemetery cleared of stuff that is not allowed.

The Commission asked about plans for the future with Mr. Gierok responding they will also plan for future expansion and will request input as they go along.

Mayor Holland commented that area funeral directors are watching what the City is doing and are excited about the possibilities. He explained to the audience how much the City is currently losing each year on the cemetery.

4. APPOINTMENTS

4.1 Reappointment to Code Enforcement Board - Alan R. Paczkowski

Alan Paczkowski stated it is an honor to serve on the Code Enforcement Board and thanked the Commission and staff for their support and gratitude to the other board members and alternates. He emphasized that all of the board's decisions are based on a thorough review of the evidence and facts presented.

Motion made by Vice Mayor Lee, Seconded by Commissioner Cobb, to approve the reappointment of Alan Paczkowski to the Code Enforcement Board. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

5. AUDIENCE TO BE HEARD

Joanna Watson addressed the Commission regarding issues with ingress and egress to their home on Green Lake Drive. She indicated that their deed does not indicate that it is a privately owned road. She reported on a meeting with the City Manager and noted that their area was platted in 1925 as Lake Eustis Place. She stated all of the roads in Lake Eustis Place are paved except hers. She indicated that the road does not have a Parcel ID number. She asked the Commission to do a title search on the area to determine why their road was not paved. She commented on the number of people visiting their home that have gotten stuck that have attempted to access their home from the opposite end rather than from Lakeshore Drive.

Mayor Holland asked Tom Carrino, City Manager, and Sasha Garcia, City Attorney, to meet with the homeowners.

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

6.1 SECOND READING

Ordinance Number 23-08: SECOND READING Amending Tree Protection in Land Development Regulations

Sasha Garcia, City Attorney, read Ordinance Number 23-08 by title on second reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending the Land Development Regulations, Chapter 115, Section 115-10.5 Tree Replacement, to increase the fee for unapproved tree removal from a \$50 fine per tree to a \$2,500 fine per tree, providing for codification, severability and an effective date.

Attorney Garcia opened the public hearing at 7:33 p.m. There being no public comment, the hearing was closed at 7:33 p.m.

Motion made by Commissioner Hawkins, Seconded by Vice Mayor Lee, to adopt Ordinance Number 23-08 on final reading. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

6.2 FIRST READING

Ordinance Number 23-10: FIRST READING Conditional Use Permit for an Accessory Dwelling Unit at 527 Hill Street

Attorney Garcia read Ordinance Number 23-10 by title only on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a conditional use permit for an accessory dwelling unit to an existing single-family resident in the Suburban Residential (SR) future land use district on approximately 0.2 acres located at 527 Hill Street.

Jeff Richardson, Development Services Deputy Director, reviewed Ordinance 23-10 for a Conditional Use Permit for an Accessory Dwelling Unit at 527 Hill Street. He explained the large concrete pad was installed in 2020 to provide additional parking. He indicated that based on the last permit issued for the paved area they are slightly over the allowed impervious surface. He reviewed the criteria for a conditional use permit and stated the request is generally compatible. He stated staff's recommendation for approval with the condition that they bring down the impervious surface to no more than what is currently there.

The Commission asked about providing the applicant a waiver for the garage which would reduce the impervious surface.

Mr. Carrino noted that the next item does have the option to not have the garage due to being in the historic district.

Attorney Garcia opened the public hearing at 7:40 p.m. There being no public comment, the hearing was closed at 7:40 p.m.

Mr. Carrino asked Attorney Garcia if the Commission can amend the ordinance at that time with Ms. Garcia indicating the Commission can include the additional condition as an option to the applicant.

Motion made by Commissioner Cobb, Seconded by Commissioner Hawkins, to approve Ordinance Number 23-10 on first reading to include the option to reduce the size of the garage to address the impervious surface issue. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

6.3 FIRST READING

Ordinance Number 23-11: FIRST READING Conditional Use Permit for an Accessory Dwelling Unit at 708 East Lemon Avenue

Attorney Garcia read Ordinance Number 23-11 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a Conditional Use Permit for an accessory dwelling unit to an existing single-family residence in the Suburban Residential (SR) future land use district on approximately 0.21 acres located at 708 East Lemon Avenue.

Heather Croney, Senior Planner, reviewed the Conditional Use Permit application for an accessory dwelling unit at 708 East Lemon Avenue. She explained the request is to convert the 364 square foot detached garage to an accessory dwelling unit, including modification of the windows, doors, roof and paint. Ms. Croney presented information related to a code violation and stop work order issued for work which was done without a permit and other approvals required. She reviewed the applicable code and regulations for the Historic District. Ms. Croney reviewed staff's analysis of the request including major review criteria, location, design, intensity, configuration, and public facility impact.

The Commission asked about the Historic Preservation Board and Ms. Croney confirmed they approved the certificate of appropriateness. She explained the approval of the Conditional Use Permit is the next step and then they can apply for the building permit.

Commissioner Cobb reported she had met with Police Chief Capri and Eric Martin regarding the application. She noted the history of the property and indicated it is listed for sale on Zillow. She indicated she is not interested in approving an item with code violations. She cited the ramp at the front of the property was erected without permits.

Ms. Croney indicated that the CUP is the next step in resolving their code violation.

Commissioner Hawkins asked who the stop work order was issued to with Commissioner Cobb stating she did not believe a permit was ever obtained for the ramp.

The Commission discussed the stop work order with Ms. Croney indicating the order was posted on the garage. Further discussion was held regarding the process for stop work orders.

Mayor Holland asked if there have been any previous issues with the contractor with Ms. Croney citing a previous issue with the contractor's work on other properties. Attorney Garcia asked the contractor to speak and answer questions from the City Commission.

James Svenson, Svenson Construction, commented on 2005 Bates Avenue and explained what occurred in that instance. He stated the building permit was pulled and, when he requested an inspection, he was then told by the City they couldn't do what they were doing. He commented on all the problems it has created for him and the owner.

Mr. Carrino explained that the initial permit was for the renovation of an existing dwelling unit with existing electrical, plumbing, walls and framing but when the City went out for the first inspection it was found that none of that existed but was instead the creation of an entirely new residential unit. He acknowledged there were emails from the year prior with the real estate representative stating they would have to go to the City Commission for a Conditional Use to add an accessory dwelling unit. He noted that the property already has two residential units at 2005 and 2007 and there is no process to create a third dwelling unit on a single lot. He stated that staff felt the permit did not accurately reflect what was being done with the building.

Mr. Svenson responded that he did exactly what the drawings and his engineer indicated.

Commissioner Hawkins and Mr. Carrino stated that the permit was for renovation to an existing dwelling unit.

Mr. Svenson stated it is an existing building with Commissioner Hawkins asking if the application was for new electric and Mr. Carrino indicated the text of the permit states "renovation of existing electrical, existing plumbing".

Mr. Svenson reported on his discussion with the building official who instructed him to put it down as "convert a single family residence into a ADU". He offered to provide a copy of the permit.

Further discussion was held regarding the permit issues with the Commission confirming he was the contractor of record and whether or not he had applied for a building permit.

Mr. Svenson indicated he applied for the permit but in the interim his crew had replaced three of the windows. He explained that the permit was for replacement of the windows and doors and to convert the interior to an apartment. He explained his previous experience in 2007 which did not require a conditional use permit. He added that, a year and half previous, he replaced 43 windows in the large house and did some renovations and it was not brought up then that it was in the historic district.

The Commission asked how many homes within the City of Eustis he has worked on with Mr. Svenson responding he has been in business for 20 years and has probably built 15 new homes and renovated another 75. He noted he has done work through Lake Community Action Agency and the Lake County Housing Department.

The Commission questioned how many has he started without a permit with Mr. Svenson explaining that in this case, he thought the permit would be issued the next day so his crew went ahead with the windows. He added that he stopped work as soon as he was informed there was a problem. He then confirmed that he did not do the ramp.

The Commission commented that there is a history at the home of work being done without a permit.

Attorney Garcia opened the public hearing at 8:07 p.m. There being no public comment, the hearing was closed at 8:07 p.m.

The Commission discussed tabling the ordinance until the property owner could be present.

Motion made by Commissioner Hawkins, Seconded by Vice Mayor Lee, to table Ordinance Number 23-11 until the property owner could be present. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Hawkins, Mayor Holland Voting Nay: Commissioner Cobb

7. OTHER BUSINESS

7.1 Resolution Number 23-18: Discussion on Reconsideration of Resolution Number 23-18: Preliminary Subdivision Plat Approval for the Estes Reserve Subdivision

Mr. Carrino explained the purpose of the discussion regarding Estes Reserve Subdivision Reconsideration and provided a history of the Estes Reserve Subdivision applications. He noted preliminary plat approval with lot-width waivers for 23 lots tabled until March 16, 2023 due to issues with notifications to surrounding property owners. He stated on March 10, 2023 the application was withdrawn by the applicant. He stated staff then reviewed a revised preliminary plat for 18 lots without lot-width waivers. Resolution 23-18 approving a preliminary plat for an 18-lot subdivision then came before the Commission for consideration on June 1st; however, questions were raised by members of the public, and the Commission had questions regarding recreation and open space. The resolution was denied on a vote of 3 to 2.

Mr. Carrino stated that since then staff prepared a response to the questions previously raised which was included in the agenda packet and was sent to the applicant and members of the public. He indicated that staff is recommending approval based on its analysis of the project relating to City codes and regulations. He added that since June 1st the applicant has been in contact with staff and they remain committed to the project. Staff and the applicant have discussed their path forward including the request for reconsideration. He read from the Commission Rules of Order regarding reconsideration of an agenda item. He stated that if the Commission wants to reconsider the item, it will need to be fully advertised prior to reconsideration. He confirmed this is a discussion and, possibly a vote, regarding whether or not to reconsider the item on a future agenda. He stated it would be possible to advertise and send out the notifications in time for consideration on July 6th. He cited the possibility of holding a workshop to discuss the larger issues pertaining to the Commission.

Attorney Garcia stated it would require a vote of the Commission to bring the item back and explained it would involve a full presentation and public hearing.

McGregor Love addressed the Commission on behalf of the applicant. He acknowledged the questions and concerns from the previous discussion. He introduced Bill Ray.

William "Bill" Ray of Ray and Associates provided a brief review of his background and explained his analysis and overview of the environmental issues. He stated none of the habitats listed are on site and there are no critical or endangered species other than those listed in the reports which will be addressed when its timely throughout the process.

Mayor Holland explained his reasons for previously voting "no" and stated his willingness to bring the application back for reconsideration.

Motion made by Mayor Holland, Seconded by Vice Mayor Lee, to bring Resolution Number 23-18 back to the July 6th meeting for consideration if staff is able to get the advertisements done in time. The motion passed on the following vote: Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

8. FUTURE AGENDA ITEMS

Future Agenda Items were included with City Commission Comments.

9. COMMENTS

9.1 City Commission

Commissioner Ashcraft asked about discussing recreation and playgrounds in a workshop to be included in the land development regulations.

Mr. Carrino noted that the City code does require recreation and open space; however, the City has not actively dictated to developers that they want active tot lot recreation. He stated, as part of the staff level Development Review Committee, they are now doing that. He agreed they could look at amending the code.

Commissioner Cobb asked Rick Gierok for an update on the islands with Mr. Gierok indicating the bids should be in the following Monday.

Commissioner Cobb reported on her tour of the property out east with Ben Snyder. She noted her concerns regarding the artesian well onsite. She stated she met with two of the owners and a neighbor and they discussed the spring. She added that she encouraged them to also talk to Griffin Ranch which abuts the property and to Lighter Source who will be across from the entrance to the development. She stated she received an email that indicated she told people to contact Ben Snyder or the City Manager due to misinformation being distributed. She said what she said was to contact the decision makers at the City and County. She commented on the history of the project and further expressed concern regarding comments by others that the Commission does not care about the people in that area. She provided her cell phone number for people to call her with any questions. She encouraged people to call the decision makers to get the complete story. She expressed concern regarding comments on social media without confirming information.

Commissioner Cobb announced that the Cassia Community Center would be doing their backto-school giveaway and stated they need \$2,000 to do the program. Craig Capri, Police Chief, offered to donate \$500 with Commissioner Hawkins stating he would match the \$500 donation.

Commissioner Hawkins noted the Special Needs Prom held by the Parks and Recreation Department. He asked Director Craig Dolan to report on the event.

Mr. Dolan reported on the Sparkle and Shine Prom which was held on May 20th at the Community Center. He indicated they had 75 participants including their caregivers. He reported on everyone that assisted with the event and expressed hope they could make it an annual event.

Commissioner Hawkins commented on the previously held special needs community event which was done in 2021 and noted the Police Department wants to repeat the event to help them get to know those in the community with special needs of all ages. He announced the event would be held August 4th, 10 am -1 pm, at the Community Center and would include food and vendors.

Commissioner Hawkins announced he had been contacted by a Commissioner from another City asking how Eustis gets so much done. He thanked City staff for all their work and stated he was scheduling a meeting.

Vice Mayor Lee reported she attended the America in Bloom meeting in Mount Dora including a tour of their butterfly garden. She expressed concern about the "push" signs coming back and the need to have that addressed especially on Orange Avenue. She noted there were also a number of trucks parked near the old Lowe's.

9.2 City Manager

Mr. Carrino announced the City received a grant from Duke Energy for marketing and which will help with the design and materials for some marketing items. He stated the grant is for \$20,000 with the City providing \$10,000.

He acknowledged the number of budget workshops scheduled for July and stated they also need to schedule workshops for the Comprehensive Plan and Map #19 as well as strategic planning. He noted they have identified a consultant to lead the City through the strategic planning process and they have requested a two-hour introductory meeting. He suggested doing that prior to one of the budget workshops with the strategic planning to begin at 3:00 p.m. followed by dinner and then the budget workshop at 5:30 p.m.

Discussion was held regarding possible dates with Mr. Carrino indicating he would discuss availability with the consultant and get back with the Commission and look primarily at Mondays and Wednesdays.

9.3 City Attorney - NONE

9.4 Mayor

Mayor Holland reported he has been contacted by a number of people regarding purchasing the City building on Ward. He stated the Property Appraiser's website shows an assessment of \$90,000. He asked the Commission for approval to have the property assessed.

CONSENSUS: It was a consensus to have an appraisal done on the building.

Mayor Holland then announced July 1st would be the City's Hometown Celebration for the 4th of July and would also be celebrating the City's 140th birthday. He complimented the Events and Tourism Department for their work on the event and cited a number of activities.

10. ADJOURNMENT: 8:44 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 of the meeting can be obtained from the office of the City Clerk for a fee.

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CHRISTINE HALLORAN City Clerk

MICHAEL L. HOLLAND Mayor/Commissioner