



MINUTES

City Commission Meeting

APPROVED 8/17/2023

6:00 PM – Thursday, August 03, 2023 – City Hall

INVOCATION: MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: COMMISSIONER WILLIE HAWKINS

CALL TO ORDER: 6:04 P.M.

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

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

1. **AGENDA UPDATE**

Tom Carrino, City Manager, announced that the annexation items (Ordinances 23-15, 23-16 and 23-17) were not considered by the LPA due to the signs not being posted properly. Therefore, they will be considered on the September 7th agenda.

He then announced that Resolution Number 23-54 was being rescheduled to August 17, 2023, due to the applicant failing to mail the required notices to the surrounding property owners within 500 feet. He informed the Commission that staff is moving that requirement back in house due to developers not fulfilling the requirement properly.

Mayor Holland expressed concern regarding issues with Development Services in the past six months. He emphasized the need to make changes to the department and possibly even outsource the functions. He indicated his lack of trust in information coming from the department.

Commissioner Hawkins echoed the Mayor's comments citing the phone calls the Commissioners receive when items get pulled from an agenda. He emphasized that the City is poised for a lot of growth and staff needs to be ready for that.

Commissioner Ashcraft requested that the City review to determine what's working and what's not and work from there. He cited the number of positions added in the draft budget and pay increases. He suggested reviewing all of the departments.

Commissioner Hawkins expressed further concerns and frustrations.

Vice Mayor Lee expressed concern regarding the professionalism and expertise of the department. She noted they just considered adding another position to the department. She stated if everyone was doing their work they might not need another position. She expressed concern regarding lack of trust and number of errors being made.

Commissioner Cobb stated she cannot do her job if the Commission does not receive accurate information. She cited specific issues with information from the department. She cited other issues regarding other City departments. She stated she has no trust in the Development Services department and expressed support for a vote of no confidence.

Motion made by Commissioner Cobb, seconded by Vice Mayor Lee, for a vote of no confidence in the Development Services Department. The motion passed on the following vote:

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

Mayor Holland recommended that a workshop be scheduled prior to the next meeting to discuss the handling of Development Services.

CONSENSUS: It was a consensus of the Commission for the agenda items discussed to be postponed to the stated agendas.

2. APPROVAL OF MINUTES

2.1 Approval of Minutes

July 6, 2023 City Commission Meeting
July 10, 2023 City Commission Workshop

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

3. PRESENTATIONS

3.1 Presentation on the Live Local Act

Tom Carrino explained the issue is about legislation passed by the State legislature which pre-empts the City from limiting densities for projects in mixed use districts that meet certain criteria. If a project meets certain criteria, the City would have to allow them to do the maximum density in any specific district.

Mike Lane, Development Services Director, explained that in March the Live Local Act was signed into law which pertains to affordable housing development. He reviewed the specifics and key considerations of the act stating that, in an area zoned for commercial, industrial or mixed use, a municipality must authorize a multifamily or mixed-use residential development when: 1) at least 40% of the residential units are affordable for a period of 30 years; and 2) if proposed development is mixed use, at least 65% of the total square footage of the project is to be used for residential purposes.

Mr. Lane further explained the various affordability levels and stated that the key consideration is that any project being considered under the act must undergo the usual application process including the typical fees and documentation and must still follow the local ordinances. He indicated that, if a project is authorized under the Live Local Act criteria, the development must be administratively approved and, if it satisfies the City's Land Development Code as related to multifamily developments, the City is required to allow the height of the development to the highest currently allowed for commercial or residential development within one mile or three stories. The City must approve development with density equal to or below the highest residential density that is allowed within any of the residential districts.

Mr. Lane explained that within Eustis the City allows up to 40 dwelling units per acre. He added that other key considerations include putting mechanisms in the development for monitoring that affordability is maintained for 30 years. If the development is located within 1/2 mile of a major transit and the stop is accessible from the development, the City must consider reducing parking requirements.

Mr. Lane then stated that by October 1, 2023, and continuing every three years thereafter, the City must prepare an inventory of all real property owned by the City and which may be used

as affordable housing. The list must be reviewed at a public hearing and, following the hearing, the Commission must adopt a resolution that includes the inventory list. The inventory must be made publicly available on the City's website.

Mr. Lane then stated that the Act also encourages municipalities to adopt best practices for surplus land, establish eligibility criteria for the receipt or purchase of surplus land by developers; make the process of requesting surplus lands publicly available; and ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe. He noted that the act would sunset in July 2033.

Mr. Carrino cited a previous request for development on the "helipad lot" north of the downtown. At that time, the developer requested to have 40 units per acre but was denied by the Commission. He indicated that the Live Local Act would not allow the Commission to deny such a development.

The Commission commented on how the act would now deny the City's ability to control density. They encouraged residents to make their voices heard in Tallahassee.

4. APPOINTMENTS

4.1 Appointment to Eustis Housing Authority (EHA): Nicie Allen Parks

Mayor Holland introduced Nicie Allen Parks and invited her to speak.

Ms. Parks thanked the Commission for the opportunity and stated she was looking forward to working with the Housing Authority.

Motion made by Vice Mayor Lee, seconded by Commissioner Hawkins, to approve the appointment of Nicie Allen Parks to the Eustis Housing Authority. The motion passed on the following vote:

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

5. AUDIENCE TO BE HEARD

Brian Butler, The Recovery Village, thanked the City for allowing them to participate in the Fourth of July celebration and to bring some of their clients to the event. He expressed hope for future partnerships.

Deborah Weinert stated she is representing Triangle Community Alliance and the Dolly Parton Imagination Library. She explained it is a free book giving program for children from birth through age five. She explained the program is to help encourage reading within the home. She expressed the hope to provide a future presentation with information about what it would cost to offer it within the City. She explained that their program provides for the books to be mailed directly to the children so the parent doesn't have to go to the library to obtain books.

The Commission asked if they have services for when the parents aren't able to read to their children.

Ms. Weiner responded affirmatively stating her vision is to develop their website and include videos of various individuals reading to the children including deaf and Spanish presentations.

The Commission asked how they can have the program in Eustis with Ms. Weinert explaining how the program works.

Mayor Holland asked to have her come back and provide a formal presentation and they can look at how to provide some funding.

Kim Reed clarified for the Commission that at the previous Commission meeting her intent was actually to thank each of the Commissioners.

6. CONSENT AGENDA

6.1 Resolution Number 23-55: Award of Bid Number 009-23 and Approving a Purchase in Excess of \$50,000 for the McDonald Avenue Gravity Sewer Main Project

6.2 Resolution Number 23-57: Gravesite Openings and Closings Contractor

6.3 Resolution Number 23-67: Approving Multiple Annual Purchases in Excess of \$50,000 for Sewer Rehabilitation Services

6.4 Resolution Number 23-68: Approval of purchase in excess of \$50,000 to procure (3) 2024 XL Mavericks

6.5 Historic Preservation Board Annual Report

Motion made by Commissioner Cobb, seconded by Vice Mayor Lee, to approve the Consent Agenda. The motion passed on the following vote:

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

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

7.1 Resolution Number 23-54: Preliminary Subdivision Plat for Hidden Cove 43-lot Subdivision on Lakeview Avenue (Alternate Key Number 1216044)

This item was rescheduled for August 17, 2023, due a notification error.

7.2 Resolution Number 23-62: Building Fee Schedule Amended for Permit Fees

Sasha Garcia, City Attorney, announced Resolution Number 23-62: A Resolution of the City Commission of the City of Eustis, Florida; establishing an amended schedule of fees related to building permit fees to account for private engineering inspections firms to provide private services in the City and to remove fees for fences and change of use projects and providing for an effective date.

Mike Lane, Development Services Director, explained the proposed fee revisions. He noted the last time the fee schedule was updated was in 2017. He stated the Pine Meadows developer has informed the Building Official that they will be hiring their own plans reviewer and private inspectors. He explained they are allowed to do that under state statute; however, there would still be items that would be under the City. He explained other recommended changes to the fee schedule including fence permits and change of use for business tax receipts.

Mr. Lane then reviewed what is charged by other communities for utilization of a private inspection firm. He explained that state law requires the City to have a reduced fee when a developer utilizes a private inspection firm. He indicated that what is proposed represents a 13% reduction which is similar to Mount Dora. He confirmed that the City would retain the records and would issue the Certificate of Occupancy.

The Commission discussed what is the reasoning for the 13% reduction and what would be a reasonable reduction. They asked why Pine Meadows wants to have their own firm.

Mr. Carrino indicated that it streamlines the process and does somewhat reduce the workload on the City. He noted Florida Foods also did it for a project but there was no cost reduction for them. He indicated it would probably not be cost effective for a smaller development.

Further discussion was held regarding the amount of reduction with Attorney Garcia explaining that the reduction must be based on a reasonable calculation on the savings for not having to do the work.

Discussion was held regarding oversight of the plans review and inspections with Mr. Lane explaining the private firm would be responsible for the Certificate of Completion.

Attorney Garcia opened the public hearing at 6:45 p.m.

Lee Conger expressed concern regarding how the City's interests would be protected.

Mr. Carrino suggested postponing consideration of the resolution and asking for additional information from the Building Official on how the amount can be justified.

There being no further public comment, the hearing was closed at 6:46 p.m.

The Commission commented on the state's encroachments on home rule.

CONSENSUS: It was a consensus of the Commission to table consideration of the resolution to allow staff to further consider the amount of reduction.

7.3 Resolution Number: 23-66: School Resource Officer 2023-2024

Attorney Garcia announced Resolution Number 23-66: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, approving an agreement with the School Board of Lake County, Florida, pertaining to the provision of School Resource Officers for 2023-2024.

Craig Capri, Police Chief, explained the proposed agreement with the School Board for the provision of School Resource Officers (SRO's). He explained it is the same as the previous year. He expressed support for expanding the City's influence in the schools.

The Commission cited positive comments received from the school principals.

Chief Capri explained that he is hoping to expand to the middle schools in 2024-2025 and obtaining grants to assist in paying for the additional officers. He noted he has three officers waiting to come on board full time.

Discussion was held on why officers want to work in Eustis.

Attorney Garcia opened the public hearing at 6:52 p.m. There being no public comment, the hearing was closed at 6:52 p.m.

Motion made by Commissioner Hawkins, seconded by Vice Mayor Lee, to approve Resolution Number 23-66. The motion passed on the following vote:

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

7.4 SECOND READING

Ordinance Number 23-04: Second Reading Fire Pension Modification

Attorney Garcia read Ordinance Number 23-04 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending Chapter 70, Pensions and Retirement, Article III, Municipal Firefighters' Pension and

Retirement System, Sections 70-62(b), 70-67(a) and 70-71(b)(1), of the Code of Ordinances of the City of Eustis; providing for codification; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

Mike Sheppard, Finance Director, explained the ordinance provides for the employee's contribution to be between 4 and 7.5% with the current rate to be 5.5% and that the disability benefit will begin at 45% and increase by 2% per year up to a maximum of 65%.

Attorney Garcia opened the public hearing at 6:54 p.m. There being no public comment, the hearing was closed at 6:54 p.m.

Motion made by Commissioner Hawkins, seconded by Vice Mayor Lee, to adopt Ordinance Number 23-04 on final reading. The motion passed on the following vote:

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

7.5, 7.6, and 7.7 FIRST READING

Ordinance Numbers 23-15, 23-16, and 23-17: Explanation of Ordinances for Annexation of Parcels with Alternate Key 1213177

Ordinance Number 23-15 – Voluntary Annexation
Ordinance Number 23-16 – Comprehensive Plan Amendment
Ordinance Number 23-17 – Design District Assignment

Ordinance Numbers 23-15, 23-16 and 23-17 were postponed to September 7, 2023, due to a noticing error.

7.8 FIRST READING

Ordinance Numbers 23-18, 23-19, and 23-20: Explanation of Ordinances for Annexation of Parcels with Alternate Key Numbers 2666820, 3384297, 3884298, 3884439, and 3884441

Ordinance Number 23-18 – Voluntary Annexation
Ordinance Number 23-19 – Comprehensive Plan Amendment
Ordinance Number 23-20 – Design District Assignment

Attorney Garcia read Ordinance Number 23-18 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 5.8 acres of real property at Alternate Key Numbers 2666820, 3884297, 3884298, 3884439 and 3884441, generally located east of Coolidge Street, south of the unimproved portion of Pine Avenue and north of the unimproved portion of Hollywood Avenue.

Jeff Richardson, Deputy Development Services Director, reviewed the requested annexation, future land use designation and design district designation for the 5.8 acres located east of Coolidge Street. He indicated the property owner is the First Assembly of God and noted the specific location of the property. He reviewed staff's analysis of the request. He stated the proposal is also to change the future land use from Urban Low in Lake County to Suburban Residential which allows up to five units per acre. He indicated the requested FLU is consistent with the surrounding designations. He confirmed the availability of City utilities.

Mr. Richardson stated the requested design district is Suburban Neighborhood which is generally consistent with the surrounding area. He stated staff's recommendation for approval. He explained there are five separate parcels but they all have the underlying Rosenwald Gardens platted lots.

Attorney Garcia opened the public hearing at 7:02 p.m.

Lee Conger spoke on behalf of Cindy Newton and cited the donation of one of the parcels to the First Assembly of God and questioned whether or not the stipulations would be honored. She cited a resolution by Lake County.

The Commission explained the actions for consideration are the annexation of the property and assignment of FLU and design district so that would be a question for the church.

Fritzner Mondesir explained about a part of the property that has been cleaned up.

There being no further public comments, the hearing was closed at 7:05 p.m.

Motion made by Commissioner Cobb, seconded by Commissioner Ashcraft, to approve Ordinance Number 23-18 on first reading. The motion passed on the following vote:

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

7.9 FIRST READING

Ordinance Number 23-19: Comprehensive Plan Amendment for 5.8 acres of real property generally located east of Coolidge Street

Attorney Garcia read Ordinance Number 23-19 by title on first reading: 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 F.S.; changing the future land use designation of approximately 5.8 acres of recently annexed real property at Alternate Key Numbers 2666820, 3884297, 3884298, 3884439 and 3884441 generally located east of Coolidge Street, south of the unimproved portion of Pine Avenue and north of the unimproved portion of Hollywood Avenue, from Urban Low in Lake County to Suburban Residential in the City of Eustis.

Attorney Garcia opened the public hearing at 7:06 p.m. There being no public comment, the hearing was closed at 7:07 p.m.

Motion made by Commissioner Cobb, seconded by Vice Mayor Lee, to approve Ordinance Number 23-19 on first reading. The motion passed on the following vote:

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

7.10 FIRST READING

Ordinance Number 23-20: Design District designation for 5.8 acres of real property generally located east of Coolidge Street

Attorney Garcia read Ordinance Number 23-20 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood design district designation to approximately 5.8 acres of recently annexed real property at Alternate Key Numbers 2666820, 3884297, 3884298, 3884439, and 3884441 generally located east of Coolidge Street, south of the unimproved portion of Pine Avenue and north of the unimproved portion of Hollywood Avenue.

Attorney Garcia opened the public hearing at 7:08 p.m. There being no public comment, the hearing was closed at 7:08 p.m.

Motion made by Commissioner Cobb, seconded by Commissioner Ashcraft, to approve Ordinance Number 23-20 on first reading. The motion passed on the following vote:

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

Mayor Holland commented on how the project will benefit the surrounding community.

7.11 FIRST READING

Ordinance Number 23-21: Conditional Use Permit for a School in the Central Business District (CBD) Future Land Use District Located at 50 W. Orange Avenue

Attorney Garcia read Ordinance Number 23-21 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 a school in the Central Business District (CBD) future land use district, located at 50 W. Orange Avenue.

Mr. Lane reviewed the requested conditional use permit for a school to be located within the Central Business District at 50 W. Orange Avenue. He noted the previous tenant was also a school; however, it was determined that school never obtained the required conditional use permit.

The Commission asked if there would be any school buses with Mr. Lane confirming the students would be dropped off by the parents.

Attorney Garcia opened the public hearing at 7:12 p.m. There being no public comment, the hearing was closed at 7:12 p.m.

Dr. Sharon Swann, Excelsior Prep School, explained their intent to accommodate approximately 20 children between the ages of three to ten, kindergarten through Grade 5. She stated they would be open Monday through Friday, 7 a.m. to 6 p.m. She explained it is a school, not a day care, so they would be following the Lake County school calendar. She further confirmed that transportation would be provided by the parents.

Motion made by Commissioner Hawkins, seconded by Commissioner Cobb, to approve Ordinance Number 23-21 on first reading. The motion passed on the following vote:

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

8. OTHER BUSINESS: NONE

9. FUTURE AGENDA ITEMS

See Commission Comments.

10. COMMENTS

10.1 City Commission

Commissioner Cobb commented on an issue with City property along Hicks Ditch Road that was separated by the road resulting in property on both sides of the road having the same alternate key number. She asked that the issue be cleared up. She expressed support for the boat races held the previous weekend. She cited the passing of Dixie Royal and noted her attendance at Ms. Dunstan's funeral. She asked for prayers for both families. She asked about the DRC (Development Review Committee) meetings and requested the Commission receive a report prior to each Commission meeting regarding what is occurring at the DRC meetings.

Commissioner Ashcraft also expressed support for the boat races and that they continue from year to year. He asked to have a workshop to discuss the transition of the Chamber of Commerce to the Eustis Historical Museum site.

Commissioner Hawkins commented on his experience with the Stepping Out for Education event. He expressed support for the Panther Pride in the Park event to be held in October. He cited the various entertainers performing at the event. He noted the appointment of Nice Allen Parks to the Housing Authority and that she also was serving on the CRA Review Committee. He asked for an update on the CRA Review Committee and for it to continue.

Vice Mayor Lee asked to have a workshop on the recently re-acquired City property. She expressed support for a workshop on Development Services. She also asked to have a report from the Clifford Resource Center. She expressed support for the cameras to be installed in the school zones.

Commissioner Hawkins announced the Special Needs Community Event would be held the following day at the Community Building beginning at 10 a.m. and invited everyone to attend. He thanked Chief Capri for his latest press conference.

Commissioner Cobb read an email that was sent to her regarding Chief Capri and his assistance in a problem they had on a recent plane trip. She thanked Chief Capri for his excellent leadership.

10.2 City Manager

Mr. Carrino reported that the City, County and State are working together on the school zone camera project. He explained that the State is trying to figure out how to implement what the State Legislature approved. He explained the recent legislation that allows the installation of the cameras and the issuance of tickets for speeding in school zones.

Mayor Holland noted that there will be someone speaking at the League of Cities conference regarding cameras.

Mr. Carrino requested either a workshop or Commission discussion regarding the Clifford Taylor house.

It was a consensus to hold a workshop on Tuesday, August 8th, at 5:00 p.m. on the use of the Clifford Taylor house and Development Services department.

Mr. Carrino apologized for the issues involving Development Services and emphasized he and staff will do better for the Commission and the community.

10.3 City Attorney: NONE

10.4 Mayor

Mayor Holland commented on the Panther Pride in the Park and the need to raise at least \$60,000 at that event for the high school sports program. He noted that Amare Williams is currently competing at the Junior Olympics and doing very well. He complimented Commissioner Hawkins for his participation in the Stepping Out for Education event.

Mayor Holland indicated that each of the Commissioners would be receiving a form for the review of the City Attorney and asked them to complete it and return it as soon as possible to Human Resources.

Mayor Holland commented on the Back to School Bash and backpack giveaway. He noted that Blake Griswold recently lost his mother and thanked him for all his family has done for the

City. He announced that Ethel Ryan recently passed away and cited her contributions to the community. He noted his nephew was in a very serious auto accident on Friday and explained his condition. He thanked everyone for their attendance.

Mayor Holland cited the number of mandates the City has to deal with in making decisions for the City.

11. ADJOURNMENT; 7:38 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.*



CHRISTINE HALLORAN
City Clerk



MICHAEL L. HOLLAND
Mayor/Commissioner