



APPROVED 06/04/2026

# MINUTES

## City Commission Meeting

6:00 PM – Thursday, April 16, 2026 – City Hall

**Invocation:** Mayor Emily A. Lee

**Pledge of Allegiance:** Students from Eustis Elementary, Eustis Heights Elementary and Seminole Springs Elementary Schools

Mayor Lee recognized Oakley Stevens and Silas Greiner for volunteering to lead the Pledge of Allegiance and presented each with a formal recognition certificate acknowledging their civic participation and leadership at the City Commission meeting.

**Call to Order:** 6:32 p.m.

### Acknowledge of Quorum and Proper Notice

**PRESENT:** Commissioner Michael Holland, Commissioner George Asbate, Vice Mayor Gary Ashcraft, Commissioner Willie L. Hawkins, Mayor Emily A. Lee

### 1. Agenda Update

Interim City Manager, Rick Gierok informed the Commission that Items 4.7, 4.8, and 4.9 (Ordinances 2026-14, 2026-15, and 2026-16), as well as Items 4.11, 4.12, and 4.13 (Ordinances 2026-21, 2026-22, and 2026-23), were removed from the agenda because they were not transmitted from the Local Planning Agency (LPA).

### 2. Approval of Minutes

2.1 Approval of Minutes for April 2, 2026, City Commission Meeting

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft to approve the Minutes for April 2, 2026. Motion passed on the following vote:

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

### 3. Audience to be Heard

Daniel DiVenanzo, a local business owner, raised concerns about the City's handling of a proposed purchase of the former Bank of America building. He questioned the transparency of the process presented by the previous City Manager and suggested the information provided to the Commission may have been incomplete or misleading. He alleged the property was in foreclosure and raised potential conflict-of-interest concerns involving the City Attorney's firm.

Martin Honeychuck, from Country Club Manor, spoke about a suspected water leak near a pond along County Road 19A that has persisted since utility work by Duke Energy. Despite dry weather conditions, the area remains saturated and is causing flooding issues around the pond. He expressed concern that it may involve a significant loss of city water. The Interim City Manager asked staff to follow up and contact him directly.

Brian Kirstein, a city resident, addressed the Commission regarding severe damage to his home caused by a sewage backup in October, which he said resulted in over \$67,000 in out-

of-pocket repair costs. He expressed frustration over a lack of communication and clarity from the city and disputed the explanation that the incident was caused solely by extreme rainfall. Commissioners commented on the complications and whether he is legally represented, ultimately indicating a willingness to meet with him and staff if the city is given confirmation that he does not currently have legal representation.

Pamela Rivas highlighted positive developments in the City's economic ecosystem, particularly the success of the Mega Workplace and its partnerships with organizations such as UCF and the Small Business Development Center (SBDC). She announced that the SBDC at UCF was recently named the top center in the nation by the U.S. Small Business Administration, emphasizing the growth in entrepreneurial support and collaboration in Eustis. Commissioners acknowledged the achievement and expressed pride in the recognition.

Lindsay Briones spoke about concerns over ongoing development and the loss of agricultural land in Eustis and the surrounding area. She urged the Commission to consider the long-term impacts of growth on local resources, infrastructure, and food sustainability, emphasizing the importance of preserving farmland and the City's rural character rather than continuing to approve new subdivisions.

#### **4. Ordinances, Public Hearings, & Quasi-Judicial Hearings**

##### **4.1 Resolution Number 2026-22: General Fund Entering into a Loan Agreement with Stormwater Utility Fund for Thousand Year Flood Repairs**

City Attorney, Sasha Garcia, introduced Resolution Number 2026-22. A Resolution by the City Commission of the City of Eustis, Florida, approving a Promissory Note to document interfund financing from the City's General Fund to the City's Stormwater Utility Fund, authorizing execution of said note, and providing for an effective date.

Finance Director, Lori Carr, introduced a series of three resolutions related to the Stormwater Utility Fund, explaining that it operates as a special revenue fund supported by user fees charged to developed properties. Currently, residential properties pay a flat monthly fee of \$6, while non-residential properties pay \$12, and these rates have not been increased since 2014. She noted that a major flood event in October caused significant infrastructure damage, requiring emergency repairs across multiple city funds. While many projects were completed in-house, at least one major repair at 509 Pine Lane required outside contractors due to its complexity.

Finance Director Carr explained that prior emergency spending had depleted the stormwater fund's reserves, leaving no buffer for additional unexpected costs. To address this, the first resolution proposes a loan of \$174,810 from the General Fund to the Stormwater Fund. The loan would carry an interest rate of 2.875% over a ten (10) year term, with monthly payments of approximately \$1,677. This measure is intended to provide immediate financial relief for emergency repairs while contributing to the system's long-term stability. She noted that the broader set of resolutions, including a forthcoming rate study presentation, aims to strengthen the financial sustainability of the stormwater system.

During Commission discussion, Vice Mayor Ashcraft inquired whether the General Fund was the only available source for the loan, to which Finance Director Carr responded that other City funds are also special revenue funds restricted to specific purposes, limiting available options.

City Attorney Garcia opened the public hearing at 6:59 p.m.

Daniel DiVenanzo asked for clarification on the monthly nature of the stormwater fees and how the proposed loan payments would align with projected revenues. Finance Director Carr responded that those details would be addressed in an upcoming rate study presentation.

There being no further public comments, City Attorney Garcia closed the public hearing at 7:00 p.m.

Motion by Commissioner Holland, Seconded by Vice Mayor Ashcraft to approve Resolution Number 2026-22. Motion passed on the following vote:

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

4.2 Resolution Number 2026-23: Budget Amendment to recognize loan between General Fund and the Stormwater Utility Fund and to establish a budget for Debt Service payments through the end of the Fiscal Year

City Attorney Garcia presented Resolution Number 2026-23. A Resolution by the City Commission of the City of Eustis, Lake County, Florida, amending the budget for the fiscal year beginning October 1, 2025, and ending September 30, 2026, for the general fund and the stormwater utility fund and by adjusting expenditures; repealing all resolutions or parts of resolutions in conflict herewith; and providing for an effective date.

Finance Director Carr explained that the second resolution is primarily administrative. It establishes the necessary accounting adjustments to implement the internal loan from the General Fund to the Stormwater Fund, and because the loan represents an unbudgeted expense, a General Fund amendment is required. The adjustment records the Stormwater Fund's obligation to repay the loan, including covering debt service payments for the remainder of the current fiscal year and ensuring funds are available to pay the outstanding repair costs.

City Attorney Garcia opened the public hearing at 7:01 p.m., and with no public comments offered, she closed the public hearing at 7:01 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft to approve Resolution Number 2026-23. The motion passed on the following vote:

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

4.3 Resolution Number 2026-36: City Stormwater Utility Fees Increase Approval

City Attorney Garcia introduced Resolution Number 2026-36. A Resolution of the City Commission of the City of Eustis, Florida, establishing stormwater utility rates pursuant to Chapter 94, Article 3, Division 1 of the City Code of Ordinances; providing for legislative findings; setting monthly stormwater service rates of \$8.00 for residential customers and \$16.00 for nonresidential customers; superseding all prior resolutions establishing stormwater rates; providing for an effective date; and providing for related matters.

Finance Director Carr presented three resolutions related to the Stormwater Utility Fund, explaining that it is a special revenue fund supported by user fees charged to developed properties that directly benefit from stormwater services. She noted that residential properties are currently assessed a flat \$6 monthly fee and non-residential properties a \$12 monthly fee, rates that have remained unchanged since 2014. Finance Director Carr explained that following the significant flooding event in October, the stormwater fund experienced substantial depletion of its reserves due to necessary infrastructure repairs, including emergency and

contracted work such as the Pine Lane project. As a result, the proposed resolutions include an interfund loan from the general fund in the amount of \$174,810 at 2.875% interest over a 10-year term, with monthly payments of \$1,677, to stabilize the fund and provide immediate funding for stormwater repairs.

Tristan Townsend of Raftelis Financial Consultants, Inc. presented the findings of a two-year stormwater rate study covering fiscal years 2026 and 2027. She explained that the utility serves approximately 12,000 customers and that rates have not been adjusted since 2014 despite significant inflation and rising construction costs. She noted that the study was initially intended to coincide with a broader master planning effort, but the urgency created by the recent flooding necessitated a more immediate, short-term financial strategy. The study evaluated operating expenses, debt service, and capital improvement needs, including approximately \$1.1 million in projects over the two-year period.

Ms. Townsend reported that current rates are insufficient to meet funding requirements and recommended increasing residential rates from \$6 to \$8 per month and non-residential rates from \$12 to \$16 per month, effective May 1, 2026. She explained that while the proposed rates would not fully stabilize the current fiscal year without the interfund loan, they would be sufficient in the following year and would help restore cash reserves to approximately 120 to 150 days of operating cash. She noted that even with the proposed increases, Eustis would remain competitive compared to surrounding municipalities.

During Commission discussion, Commissioner Hawkins and Interim City Manager Gierok acknowledged that significant storm-related damage required both in-house repairs and contracted emergency work, and that while in-house efforts reduced overall costs, external contracting was still necessary for major failures such as road washouts and culvert damage.

Finance Director Carr clarified that the fund's starting balance prior to the storm was approximately \$600,000, which had been reduced substantially after emergency expenditures, leaving insufficient reserves for additional incidents. She also noted that a rate study was already underway prior to the flooding due to stormwater rates not being increased in over a decade.

City Attorney Garcia opened the public hearing at 7:16 p.m., and with no public comments offered, she closed the public hearing at 7:16 p.m.

Motion made by Commissioner Hawkins, Seconded by Vice Mayor Ashcraft to approve Resolution Number 2026-36. Motion passed on the following vote

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

#### 4.4 Resolution Number 2026-40: Authorization to Proceed to Closing – 21 North Grove Street

City Attorney Garcia introduced Resolution Number 2026-40. A Resolution of the City Commission of the City of Eustis, Florida, confirming compliance with Section 166.045, Florida Statutes, for the acquisition of real property located at 21 North Grove Street; making detailed legislative findings; approving the purchase price as fair and reasonable; confirming completion of due diligence; appropriating funds; authorizing the Interim City Manager, City Attorney, and Finance Director to finalize all conditions precedent and closing requirements; authorizing the execution and delivery of closing documents and disbursement of funds; approving permitted title exceptions; providing for implementation; and providing for an effective date.

Interim City Manager Gierok reported that since the initial presentation, city staff completed due diligence on the proposed property acquisition, including obtaining a second independent appraisal, which confirmed a valuation of approximately \$1.4 million. He noted no unexpected issues identified during the review, the survey was accepted, and only routine title-related matters remained, which will be resolved prior to closing. He requested authorization to release funds and proceed with finalizing the purchase. City Attorney Garcia confirmed that the city has verified available budgeted funds within the building inspection fund and completed title review, noting that an existing mortgage will be satisfied at closing. She confirmed that both required appraisals were obtained and deemed acceptable for city reliance, including one independent certified appraisal. Vice Mayor Ashcraft confirmed that funding sources extend beyond the general fund, and Interim City Manager Gierok clarified that the purchase will be funded through the building department fund.

Commissioner Hawkins inquired whether renovation work would be completed in-house, and Interim City Manager Gierok responded that design work would be handled internally, while certain remediation and waterproofing work would require outside expertise, likely through a Construction Manager at Risk (CMAR) delivery method. He explained that CMAR would allow the city to negotiate construction services and return for Commission approval of associated fees at a later date. He noted that renovation funding would be shared between the building fund and contributing departments, including fire administration and engineering, which will fund their respective buildouts.

City Attorney Garcia opened the public hearing at 7:21 p.m.

Daniel DiVenzano indicated support for the purchase, stating that the property represents strong value based on its construction quality, location, and parking capacity. He noted that the building's appearance is well-suited for municipal use.

There being no further public comments, City Attorney Garcia closed the public hearing at 7:21 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft to approve Resolution Number 2026-40. The motion passed on the following vote:

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

#### 4.5 Resolution Number 2026-43: Consideration of Fine Reduction/Release of Lien for 209 West Badger Avenue, Code Case 20-01284

City Attorney Garcia presented Resolution Number 2026-43. A Resolution of the City Commission of the City of Eustis, Florida, providing for Commission determination of a Code Enforcement Lien of property located at 209 West Badger Avenue; authorizing implementing actions; and providing for an effective date.

Code Enforcement Supervisor Eric Martin presented Resolution Number 2026-43, which would reduce an outstanding code enforcement lien of \$108,000 to zero for the vacant property at 209 West Badger Avenue. He explained that the lien resulted from two violations, an unsafe structure and ongoing nuisance conditions stemming from a 2021 Code Enforcement Board order that imposed a \$250 per day fine. The city demolished the unsafe structure and completed nuisance abatement in February 2023 at a cost of approximately \$16,500. The property was later sold at a tax deed sale in January 2025, allowing the City to recover nearly all associated costs through surplus funds, with the remaining balance paid by the new owner. Because the City has been fully reimbursed, the code enforcement board reviewed the case in March 2026 and recommended reducing the remaining fines to zero.

Commissioner Hawkins asked for clarification on why fines continued to accrue after the structure was demolished. Code Enforcement Supervisor Martin explained that fines accumulated only until the violation was abated and ceased once demolition was completed. Commissioner Hawkins inquired about delays in the process, and Mr. Martin noted that time was spent attempting to allow a third-party buyer to resolve the issues before the City proceeded with demolition, followed by necessary steps such as asbestos abatement, bidding, and Commission approval. Mayor Lee asked whether any violations continued after demolition, to which Mr. Martin responded that minor issues such as overgrown grass and dumping were quickly addressed by the new property owner. Mr. Martin further explained that lien reduction could not be processed until the city secured reimbursement through the tax deed surplus process.

Commissioner Hawkins confirmed that the city had been made whole financially, which Mr. Martin affirmed.

City Attorney Garcia opened the public hearing at 7:30 p.m., with no public comments offered she closed the public hearing at 7:30 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft to approve Resolution Number 2026-43.

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

#### 4.6 Second Reading of Ordinance Number 2026-20: Amendment to the Land Development Regulations – Prohibition of Medical Marijuana Treatment Center Dispensing Facilities

Prior to discussion of Ordinance Number 2026-20, Commissioner Asbate stated for the record that he had consulted with the Commission on Ethics regarding his ability to vote and confirmed he would be participating in the item.

City Attorney Garcia introduced Ordinance Number 2026-20. An Ordinance of the City Commission of the City of Eustis, Florida, amending the City of Eustis Land Development Regulations; providing for the prohibition of Medical Marijuana Treatment Center Dispensing facilities within the City pursuant to Section 381.986(11)(b), Florida Statutes; providing legislative findings in support thereof; providing for definitions, nonconforming uses, and enforcement; providing for conflicts, severability, codification; and providing for an effective date. She noted the ordinance had been previously presented at the April 2, 2026, City Commission meeting.

Vice Mayor Ashcraft opened by asking for clarification on the difference between a non-conforming use and a conditional use. City Attorney Garcia explained that a legally non-conforming use would allow existing medical marijuana treatment centers to continue operating in their current form even after a zoning change, essentially “grandfathering” them in. However, those uses would not be allowed for future businesses, meaning the use would eventually phase out over time as current operators close or leave, and they generally cannot expand or relocate under the new rules. By contrast, she explained that a conditional use approach would require businesses to seek discretionary approval from the city to operate, including those already in business, which she described as problematic because it would force existing lawful operators to reapply for permission to continue something they are already legally doing. She warned that this approach could raise legal concerns, including potential

equal protection issues and claims under the Bert Harris Act, because it could be seen as treating similarly situated property owners inconsistently.

Mayor Lee asked whether proposed state-level changes restricting locations near certain facilities would affect the city's authority, and City Attorney Garcia responded that while there had been discussion of expanding buffer restrictions beyond schools to places like parks and facilities serving vulnerable populations, the proposal had not fully passed through the legislature at the time of her last update. She clarified that any restrictions imposed on medical marijuana treatment centers would likely also need to apply equally to pharmacies due to statutory requirements. Mayor Lee questioned the meaning of the "grandfathered" status, and City Attorney Garcia explained that legally non-conforming uses allow existing businesses to continue operating under prior rules, but do not allow expansion, relocation, or continued use if the operation is discontinued, though regulations can be revisited in the future. She further noted that if a building were destroyed, such as by fire, the owner would typically be allowed to rebuild only the same use, usually by the same operator, subject to building department timelines.

Commissioner Hawkins asked whether the prohibition on expansion applied only to the same property or also to other properties, and City Attorney Garcia responded that it applied to both, meaning the businesses could continue as they exist today but could not grow or relocate. She reiterated that this approach was intended to avoid impacting existing lawful operations while also preventing expansion or proliferation, and advised that the statutory framework is "binary," limiting the city's flexibility. Vice Mayor Ashcraft asked whether any hybrid approach existed. City Attorney Garcia explained that a hybrid model is not provided for in the statute and would require very specific justification and careful drafting to avoid legal inconsistency or unequal treatment between operators.

Discussions continued with Vice Mayor Ashcraft exploring a hypothetical scenario in which a business location was destroyed, and the owner chose not to rebuild, asking whether another marijuana business could then take its place. City Attorney Garcia responded that it would have to be the same owner and same business to rebuild under the non-conforming use protections. Commission discussed whether alternative approaches could better balance fairness and flexibility. City Attorney Garcia reiterated that deviations from the non-conforming use framework could carry legal risks. Vice Mayor Ashcraft indicated that this was a lot to consider and they need to look at other options that could better satisfy everyone. Commissioner Asbate inquired if they could open this item up for public input. Mayor Lee agreed. City Attorney Garcia wanted clarification on a previously mentioned statement about property interest and that there were no conflicts. Commissioner Asbate responded that he did not have a conflict.

City Attorney Garcia opened the public hearing at 7:41 p.m.

Daniel DiVenanzo spoke in favor of protecting property rights and raised questions regarding how the ordinance would impact business transfers, rebuilding after damage, and compliance with building code requirements such as ADA standards.

Attorney Sherry Sutphen of Roper Townsend and Sutphen representing MEGA 2901, LLC. addressed the Commission, stating at the outset that she was not there to threaten litigation but to explain the legal implications and potential consequences of adopting the ordinance in its current form. She noted that she had reviewed the prior commission meeting of March 19,

2026, discussion, and referenced comments in which the city attorney had indicated she was awaiting developments related to Senate Bill 180 and related relief legislation. Attorney Sutphen stated that, in her view, those legislative proposals had not ultimately passed in a way that resolved the underlying issues, and therefore the ordinance had been advanced without what she considered necessary statutory clarity. She warned that adopting the ordinance without revision could expose the city to legal challenges, and portions of the ordinance would conflict with state law and could therefore be considered void ab initio, meaning void from the outset.

She further advised on her interpretation of state law and vested property rights, noting that the ordinance fails to adequately protect legally established property interests. She asserted that existing pharmacy locations possess vested rights tied to the property itself, not merely the current use or operator, and that these rights arise from the zoning classification that permits pharmacies. Under her interpretation, if pharmacies are permitted under existing definitions, then those properties may retain the ability to expand into medical marijuana dispensing uses unless specifically and lawfully restricted. She clarified that any regulatory change that redefines pharmacy use or limits associated rights must account for those vested rights, or it risks legal inconsistency. She stated that the ordinance appeared internally inconsistent because it referenced vested rights protections in one section but did not establish a clear administrative process for determining or documenting those rights.

Vice Mayor Ashcraft asked whether traditional pharmacies would be required to undergo the same vested rights process and attempting to clarify the distinction between use and location. Attorney Sutphen responded that traditional pharmacies operating under the new pharmacy definition would not need to apply for vested rights for their existing operations, but that properties seeking to preserve the ability to operate as medical marijuana dispensaries under the current definition would need to establish those rights. She indicated that, in her view, vested rights attach to the property location rather than the specific business activity, and she distinguished vested rights from conditional use permits by stating that conditional use approvals are discretionary, can impose conditions, and can be revoked or lost, whereas vested rights are permanent legal entitlements based on existing lawful reliance.

City Attorney Garcia responded to these concerns by reiterating that the ordinance was drafted under the governing statutory framework regulating medical marijuana treatment centers and was intended to ensure consistency with how pharmacies are treated under that law. She explained that the statute effectively creates a “binary” system, meaning municipalities must either permit or prohibit the use in a consistent manner, and cannot selectively apply different standards without creating legal risk. She stated that while vested rights concerns were being raised, the city’s approach was intended to regulate future uses in alignment with state requirements while preserving lawful existing operations. She also cautioned that alternative frameworks, such as conditional use or hybrid approaches, could create legal inconsistencies and potentially bind future commissions in unintended ways.

Attorney Sutphen proposed what she described as a practical legal remedy, recommending that the commission delay adoption of the ordinance to allow time for additional legal review and restructuring. She suggested the creation of a formal vested rights procedure within the

code, under which property owners could apply for and have their rights determined administratively, with those determinations recorded in public records. She advised that this approach would both protect property owners and reduce litigation risk for the city, including potential claims under Chapter 163 and the Bert Harris Act. She suggested that such a system could include application deadlines to ensure finality. Attorney Sutphen concluded by reiterating that, in her view, proceeding without such revisions could result in significant legal exposure and prolonged litigation that could ultimately undermine the ordinance's effectiveness.

City Attorney Garcia responded by clarifying that the ordinance's intent was not to impact existing lawful pharmacy operations, but to regulate medical marijuana treatment centers in accordance with the applicable state statute governing those facilities. She advised that the statutory framework requires consistent treatment between pharmacies and medical marijuana facilities and does not allow municipalities to selectively differentiate in a way that would effectively create a ban or unequal regulation. The ordinance was designed within that statutory constraint and reiterated concerns that certain proposed alternatives could create legal uncertainty or procedural complications for future enforcement. Vice Mayor Ashcraft stated that, based on the testimony, further discussion was needed before moving forward. The public hearing portion was closed at 8:04 p.m.

Following public input, Vice Mayor Ashcraft stated this should be tabled and that additional information and clarification were needed regarding what actions the city could legally take concerning conditional uses, non-conforming uses, and possible alternatives. This issue deserves further discussion because there remained uncertainty about what the city was and was not permitted to do under the applicable legal framework. He commented that the commission needed a better understanding of its legal options before moving forward with the ordinance.

Commissioner Asbate agreed that the item should be tabled. He stated that it would be wise for the city to avoid creating additional exposure under the Bert Harris Act and Senate Bill 180 while still pursuing the commission's broader goal of preventing additional medical marijuana facilities within the city. He acknowledged that the commission had originally been acting in good faith and under a sense of urgency because of concerns about a potential medical marijuana-related property transaction. He stated that he had not fully understood the potential liability concerns when the issue first arose and if he had, he would have been less aggressive in pushing the ordinance forward quickly. He noted that the potential purchase that had triggered concern no longer appeared to involve a medical marijuana company, which he described as reassuring. We need to pump the brakes, and address potential Bert Harris and Senate Bill 180 issues carefully, and avoid creating unnecessary legal exposure, particularly because Bert Harris claims can require payment of legal fees.

Vice Mayor Ashcraft asked whether there might be a possible compromise or middle-ground solution. City Attorney Garcia responded that any approach would involve some level of legal risk, explaining that there is legal risk both in passing the ordinance and in attempting alternative frameworks. She reiterated that she was willing to proceed in whatever direction the commission desired but cautioned that every option carried potential consequences.

Commissioner Holland agreed to table the ordinance. He stated that while being on the commission he had spent several years involved in litigation stemming from previous changes to land-use regulations affecting an approved development. He indicated that he did not want

the city to repeat that experience or place taxpayers in jeopardy through costly legal disputes. He wanted the issue resolved quickly but wanted to proceed carefully to avoid future litigation.

Commissioner Hawkins expressed support for slowing the process down rather than abandoning it altogether. He stated that there had originally been a valid reason for bringing the ordinance forward quickly, but if the concerns raised during public comment and legal discussion were accurate, the commission now has the opportunity to take additional time to think through the matter more carefully and ensure the ordinance was done correctly.

City Attorney Garcia requested authority from the commission to prepare a legal memorandum specifically addressing the vested rights issues that had been raised during the discussion. She explained that prior litigation referenced by the commissioner involved circumstances different from the current matter and that she wanted to provide the commission with a clearer legal analysis so they could fully evaluate the issue before moving forward. Vice Mayor Ashcraft suggested researching what other municipalities had done in similar situations, noting that the city could benefit from reviewing how others structured comparable ordinances. City Attorney Garcia responded that she was willing to conduct that research. She noted that most municipalities she had reviewed appeared to follow the statutory structure closely because of the legal limitations involved.

Mayor Lee stated that the commission had initially been moving quickly because members believed they were under immediate pressure from a potential medical marijuana-related development proposal, but since that concern no longer appeared imminent, the city could afford to slow down and analyze the issue more carefully. Mayor Lee asked that City Attorney Garcia and Attorney Sherry Sutphen work together to further review the legal issues and possible solutions. Both attorneys agreed that they were willing to do so.

Motion made by Vice Mayor Ashcraft, Seconded by Commissioner Holland to table Ordinance 2026-20 pending further review and clarification.

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

Following the vote, City Attorney Garcia explained that because the ordinance had been tabled and not adopted, the city's current code remained in effect. She stated that any future applications submitted to the city, including applications involving medical marijuana facilities or related uses, would continue to be processed under the existing regulations with no moratorium or hold in place. She noted that this applied universally and was not directed toward any specific property or building.

Continuing, City Attorney Garcia wanted to address concerns that had been raised regarding a potential conflict of interest related to the former Bank of America property transaction and the involvement of her law firm with First National Bank of America. She stated that she took her ethical obligations seriously and wanted to clarify the extent of her involvement. She explained that her role concerning the property transaction was limited solely to reviewing the agreement for compliance with statutory requirements governing municipal property sales and that she was not involved in negotiating the purchase terms, pricing, or financial aspects of the transaction, explaining that those matters were handled at the city manager and staff level. She further noted that she has no voting or decision-making authority and that the ultimate outcome of the transaction rested with the commission.

She then addressed questions regarding her law firm's relationship with First National Bank of America, which held the mortgage on the property. She acknowledged that her firm represented the bank generally but stated that neither she nor the firm had negotiated

mortgages or participated in any foreclosure-related matters involving the property. She stated that, out of an abundance of caution, she had informed city staff about the relationship early in the process and had contacted the Florida Bar to seek guidance regarding whether a conflict existed under the professional conduct rules. The Florida Bar advised that no conflict existed because her role in reviewing municipal compliance issues was unrelated to the bank's mortgage interest and because she had been screened by any unrelated firm matters involving the bank.

Commissioner Asbate questioned why the commission itself had not been informed directly about the relationship if staff had been told. City Attorney Garcia responded that she did not believe a conflict existed and therefore did not believe disclosure to the commission was required under the circumstances. Commissioner Asbate responded that, regardless of whether a formal conflict existed, he believed the commission should have been informed because the city attorney has a fiduciary obligation to the commission. He noted that the omission diminished his confidence in her and suggested that the situation contributed to broader concerns he had with legal guidance being provided to the commission.

Vice Mayor Ashcraft questioned the matter, asking whether the concern involved Attorney Garcia personally or the law firm in general. City Attorney Garcia clarified that while her firm represented the bank, she personally was not involved in the transaction itself and had been screened on any bank-related matters. Vice Mayor Ashcraft commented that the city attorney appeared extremely cautious in advising the commission on legal risks related to city actions, while not proactively disclosing this relationship to the commission. Commissioner Hawkins responded by asking what practical difference disclosure would have made to the transaction or the commission's decision-making process. City Attorney Garcia stated that she had not negotiated the agreement and deferred to city staff.

Deputy City Manager Miranda Burrowes confirmed that former City Manager Tom Carrino and Mike Goman had been involved in negotiations and confirmed that the city attorney's disclosure regarding the bank relationship had been made to staff early in the process. Commissioner Asbate reiterated that his concern was not necessarily whether a technical conflict existed, but whether the commission itself should have been informed because of the city attorney's fiduciary responsibilities to elected officials.

Commissioner Hawkins continued to question what substantive impact disclosure would have had, and Deputy City Manager Burrowes noted that the city attorney had stated no conflict existed and the Florida Bar had concurred with that assessment. Commissioner Asbate disagreed, characterizing the determination as the city attorney's interpretation and expressed continued dissatisfaction with the handling of the matter. City Attorney Garcia reiterated that she had contacted the Florida Bar for guidance in the same way commissioners sometimes contacted the Ethics Commission for advisory opinions and maintained that no ethical conflict existed under the applicable rules.

Mayor Lee intervened and directed the discussion to move forward. She stated that continuing to argue back and forth would not resolve the matter and reiterated support for the earlier suggestion that both attorneys work together to further review the ordinance issues and possible legal solutions.

#### 4.7 Explanation of Ordinances Numbers 2026-14, 2026-15, and 2026-16 for Annexation, Comprehensive Plan Amendment for Future Land Use, and Design District Assignment of Parcel with Alternate Key Number 1307104

First Reading of Ordinance Number 2026-14: Voluntary Annexation of Parcels with Alternate Key Number 1307104

This item was not transferred from the Local Planning Agency for consideration of the City Commission.

4.8 First Reading for Ordinance Number 2026-15: Consideration of Comprehensive Plan Amendment for Future Land Use Amendment for Parcel with Alternate Key Number 1307104

This item was not transferred from the Local Planning Agency for consideration of the City Commission.

4.9 First Reading for Ordinance Number 2026-16: Design District Assignment for Annexation of Parcel with Alternate Key Number 1307104

This item was not transferred from the Local Planning Agency for consideration of the City Commission.

4.10 First Reading of Ordinance Number 2026-19: Consideration of Comprehensive Plan Amendment for Parcel Alternate Key 1761310

City Attorney Garcia presented Ordinance Number 2026-19. 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 0.2 acres of real property at alternate key number 1961310, located at 1430 Morin Street, from Suburban Residential to Residential Office Transition.

Senior Planner, Kyle Wilkes presented Ordinance 2026-19, a request for a Future Land Use Map amendment for the property located at 1430 Warren Street, Alternate Key 1761310, owned by Janice Wilson and represented by Julie Cavallaro of Patriotic Mortgage. He stated the 0.2-acre parcel is currently used as a hair and beauty salon that has been operating since 2002. The request seeks to change the land use designation from Suburban Residential to Residential Office Transition to allow for additional uses permitted under that category. Continuing, he explained that the site is located along Warren Street and Barnes Avenue in a transitional area between more intensive commercial uses and the surrounding residential neighborhood, noting that Residential Office Transition designations already exist nearby to the east and north. He further reported that utilities are available to serve the site, there are no wetlands or floodplain issues, and there are no soil constraints due to the property's existing urbanized condition. Staff reviewed the request under Chapter 163 of the Florida Statutes, the Future Land Use Element Appendix, and Chapter 102 of the Land Development Regulations and found the proposal consistent with the Comprehensive Plan and surrounding land use pattern. The application was properly advertised on April 6th and April 13th in the Daily Commercial and mailed to adjacent property owners on April 3rd. Staff recommended approval of the amendment.

Commissioner Hawkins asked whether any comments or objections had been received from nearby property owners, and Mr. Wilkes responded that no feedback had been submitted. City Attorney Garcia opened the public hearing at 8:21 p.m. and with no public comments offered she immediately closed the public hearing at 8:21 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to approve the first reading of Ordinance 2026-19. The motion passed on the following vote:

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

4.11 Explanation of Ordinance Numbers 2026-21, 2026-22 and 2026-23 for Annexation, Future Land Use and Design District Assignment of a Parcel of Land with Alternate Key 1212685

First Reading of Ordinance Number 2026-21 for Annexation of a Parcel of Land with Alternate Key 1212685

The applicant withdrew this application at the Local Planning Agency meeting.

4.12 First Reading of Ordinance Number 2026-22: Comprehensive Plan Map Amendment for Consideration of Assignment of Future Land Use to a Recently Annexed Parcel with Alternate Key Number 1212685

The applicant withdrew this application at the Local Planning Agency meeting.

4.13 First Reading of Ordinance Number 2026-23: Design District Assignment for Recently Annexed Parcels with Alternate Keys 1212685

The applicant withdrew this application at the Local Planning Agency meeting.

## **5. Future Agenda Items and Comments**

### **5.1 City Commission**

Commissioner Holland stated he had no comments on the item.

Commissioner Asbate raised questions regarding the City's continued engagement with consultant Mike Goman, noting his attendance at a recent workshop. Interim City Manager Gierok confirmed that Goman attended the workshop independently and was not directed or compensated by the city for attendance. Deputy City Manager Burrowes clarified that Goman remains engaged with the city for limited work, including assistance with data gathering for Sharps Park. Commissioner Asbate expressed concern regarding the scope of work and associated costs, stating the city has expended approximately \$90,000 to \$100,000 and referencing additional costs and damages he attributed to the consultant's involvement. He requested that the contract be discontinued and referenced a preference for continuing work with Dr. Levey on ongoing initiatives.

Commissioner Hawkins provided updates on several community and infrastructure matters. He inquired about the Lake Yale project, and Interim City Manager Gierok confirmed the city currently has no agreement in place related to that project. Commissioner Hawkins also referenced prior discussions regarding Estes Road and the stormwater project and noted communication received from Congressman Byrne's office suggesting potential funding pathways without state or county involvement. He requested staff review the information for feasibility. He also expressed appreciation for community engagement, highlighting recent youth participation in a citywide cleanup effort involving local schools, ROTC, cheer, and athletic groups, as well as the special needs prom event held over the weekend. Additionally, he announced upcoming community events, including an autism awareness walk, a volunteer expo at the community center, and a motorcycle event scheduled downtown.

Vice Mayor Ashcraft requested an update on the City's marketing RFP. Interim City Manager Gierok confirmed the RFP has been issued and that a selection committee has been established, with follow-up pending on its current status. Commissioner Asbate inquired whether the marketing effort could be integrated into broader planning efforts involving Dr. Levey and other consultants, noting potential synergies with external marketing firms engaged in similar work elsewhere. Interim City Manager Gierok acknowledged that the consultant had been made aware of the opportunity but did not indicate additional proposals at this time. The Commission concluded with no further discussion.

## 5.2 City Manager

Interim City Manager Gierok reported that earlier in the day he and the Deputy City Manager observed a coordinated law enforcement operation involving the Eustis Police Department and multiple partner agencies. He described the operation as highly organized and effective, and invited Captain Fanning to provide further details on the activity.

Captain John Fanning, Commander of the Criminal Investigations Division and SWAT Commander, explained that the operation was conducted through Mid Florida SWAT in coordination with the Lake County Sheriff's Office. He reported that a month-long investigation culminated in the execution of a search warrant at approximately 7:00 a.m. at 1022 and 1024 Moran Street, locations associated with a longstanding drug operation that also extends to a nearby motel. During the search, officers recovered multiple controlled substances, including methamphetamine, cocaine, fentanyl (including fentanyl pills), morphine, and marijuana, as well as three firearms. Five adults were arrested on felony drug possession charges, with additional charges anticipated as the investigation continues.

Captain Fanning emphasized the strong interagency collaboration, noting that a Eustis Police detective assigned to the Lake County Special Investigations Bureau played a key role in developing the case. He credited Lake County Sheriff's Office personnel and SWAT team for their coordination and planning, and highlighted the use of modern tactical methods, including drones, robots, and rehearsed "dry runs," to reduce risk to officers and the public. He contrasted current practices with older, more aggressive entry tactics, noting that modern procedures significantly improve safety outcomes.

Following the execution of the warrant and arrests, Captain Fanning stated that code enforcement and building officials were called to the scene due to observed violations. As a result, both properties were condemned and utilities, including power, were disconnected to prevent further illegal activity. He expressed optimism that the operation would significantly disrupt ongoing drug activity in the area and reduce related community complaints.

Captain Fanning acknowledged support from city leadership, including Interim City Manager Gierok and Deputy City Manager Burrowes, who were present at the scene. He thanked all participating agencies and city personnel for their coordination in what he described as a complex, months-long investigation.

Following the presentation, Commissioner Hawkins and Mayor Lee commended the police department and partner agencies for the successful operation, recognizing the professionalism and effectiveness of the coordinated effort. Interim City Manager Gierok echoed these sentiments, praising the teamwork, precision, and overall execution of the operation.

## 5.3 City Attorney

City Attorney Garcia had no further items to address.

## 5.4 Mayor

Mayor Lee began by describing her participation in a community prayer initiative organized by Pastor Renee, which involved groups positioned at multiple city entrances to pray for the city. She noted that she participated in the event along with Commissioner Hawkins and characterized it as a meaningful and reflective experience.

She highlighted ongoing downtown and public space enhancements, specifically referencing "butterfly wings" installations at Liberty Circle, Elizabeth Circle, and Palmetto Plaza. Mayor Lee commended staff members Marissa and Michelle for developing a brochure and

accompanying map identifying the locations of these installations. She shared that visitors from Wisconsin had expressed interest in visiting all the butterfly wing locations, reinforcing the value of providing accessible informational materials for residents and tourists.

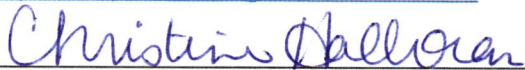
Mayor Lee shared information obtained from a Lake County Sheriff's Office community outreach presentation. She noted several public safety and engagement programs, including a camera registration program that allows residents to register doorbell and security cameras to assist law enforcement if incidents occur nearby. She also referenced a "safety net" tracking program designed to assist individuals who may become lost or wander, along with a lockbox program that provides emergency responders access to residences during emergencies, and a "911 Smart" program that allows residents to provide critical household and medical information to dispatchers and first responders. She expressed interest in increasing public awareness of these programs through brochures and other outreach materials.

Additionally, Mayor Lee followed up on a prior discussion regarding utility compatibility and requested an update. Interim City Manager Gierok responded that staff was preparing a letter for the Commission; however, there are minor revisions still needed before distribution.

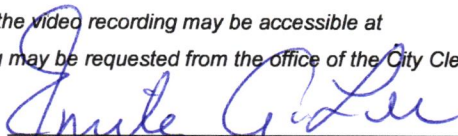
Mayor Lee concluded by thanking attendees for their patience, acknowledging the Eustis Police Department for their work, and expressing appreciation for the efforts of city staff and public safety personnel.

**6. Adjournment: 8:40 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](http://www.eustis.org) and click on the video for the meeting. If available, the video recording may be accessible at <https://www.youtube.com/@EustisComRel/streams> or an audio recording may be requested from the office of the City Clerk.*



CHRISTINE HALLORAN  
City Clerk



EMILY A. LEE  
Mayor/Commissioner