



MINUTES

City Commission Meeting

APPROVED 6/1/2023

6:00 PM – Thursday, April 06, 2023 – City Hall

INVOCATION: Pastor Richard King, St. James A.M.E. Church

PLEDGE OF ALLEGIANCE: COMMISSIONER NAN COBB

CALL TO ORDER: 6:02 P.M.

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

Tom Carrino, City Manager, announced Parks and Recreation and the Eustis Memorial Library updates would be rescheduled and instead they would hear updates from Economic Development and Development Services.

2. APPROVAL OF MINUTES

2.1 Approval of Minutes

February 13, 2023, City Commission Workshop - Joint Workshop with City Commission and Code Enforcement Board

February 16, 2023, City Commission Workshop - Organizational Grants

February 16, 2023, City Commission Meeting

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

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

3. PRESENTATIONS

3.1 Proclamation for 2023 Water Conservation

Mayor Holland presented a Proclamation for 2023 Water Conservation to Rick Gierok, Public Works Director.

3.2 America In Bloom Presentation

Sally Mayer, Public Works Administrative Assistant, stated that the City has been a Tree City USA for many years but recently joined America In Bloom 2023. She provided an overview of the Community Profile submitted as part of the application including a history of the city and the CRA master plan. Ms. Mayer reviewed ongoing projects noting that the City would be asking for direction and advice to add floral displays and attractive foliage to enhance the City's unique beauty. She cited various areas the City would be interested in beautifying. She noted the City's current plans for Tree City USA activities and tree planting budget. She reviewed the

planned two-day tour itinerary and presented a map of the area for the America in Bloom project.

Mayor Holland thanked Ms. Mayer and Commissioners Cobb and Lee for their involvement in the program with Commissioner Cobb thanking staff and Ms. Mayer for their work on the project.

4. AUDIENCE TO BE HEARD

Mayor Holland recognized Deanna Thomas, Executive Director of Lake Tech. He suggested that Commissioner Hawkins go ahead with his item.

Commissioner Hawkins noted a previous agenda item presented by Forward Paths, a "tiny homes" project to assist youth aging out of foster care. He stated that during that presentation there was discussion regarding a young man and events that may or may not have happened. He indicated that he had visited Lake Tech and met the young man in question while touring the culinary arts division. He introduced Jebaz Bennet.

Mr. Bennet expressed regret for what he did while living in the City. He explained that due to the Forward Paths program he is now graduating college and purchased a car, paid in full. He expressed concern regarding people talking about him during the Commission meeting and stated his support for the program.

Commissioner Cobb assured Mr. Bennet that his name was never mentioned and thanked him for his presentation.

Cindy Newton, unincorporated Lake County resident, commented on PFAS chemicals in drinking water and regulations passed by the EPA concerning those substances. She informed the Commission that a virtual meeting was being held on May 4th to allow individuals to make comments on the proposed regulations.

Mayor Holland asked staff to see if the information could be placed on the City's website.

Kim Gershenberger, resident of Haselton Village, commented on the waiver to allow the fence between Haselton Village and Southern Palms. She noted that the fence restricted access to the fairgrounds by Haselton Village residents. She indicated that now the Haselton residents have to cross SR 44 twice to get to the fairgrounds. She indicated that the manager of Southern Palms closed the gate that was installed to allow the Haselton residents to have access supposedly because a resident indicated that people going through the gate caused her dog to bark. She expressed concern about the danger to the Haselton residents in having to cross SR 44 twice and asked if the City could build a sidewalk. She indicated she has a petition with 62 signatures.

Mayor Holland asked Mr. Carrino to check on the minutes from the meeting on the waiver to see if there were any standards included with Mr. Carrino indicating he was not sure there is anything that the City can force Southern Palms to do. He stated that both the Police Department, Code Enforcement and Development Services have been looking into it.

Joseph Drouin spoke about electric bicycles and motorized vehicles being used in Ferran Park. He noted that behind the bandstand by the water there are large signs that prohibit motor vehicles, bicycles and skateboards; however, there are no signs around the front. He asked to have additional signs installed prohibiting electric bicycles and skateboards from the oval sidewalk. He thanked Recreation Department for the Tuesday Bingo breakfast. He also asked about installing picnic tables in the park.

Mayor Holland asked the Police Chief and City Attorney to look into the issue of motorized vehicles in the park. He indicated that the City could consider installing picnic tables. He noted they previously had a homeless issue in the park but that has been addressed.

James Landers expressed issues regarding Eustis Heights Elementary. He stated there is a gate that used to be locked after school; however, it is now being left open for use by the high school softball team. He indicated the gate is being left open and homeless people are using it. He stated he has gotten no assistance from either the elementary school nor the high school.

Commissioner Cobb stated she would reach out to John Karr and asked the Police Chief to contact Superintendent Kornigay to discuss the problem.

Pastor Richard King announced the Community Safety Engagement Forum being sponsored by the Eustis Police Department, St. James AME Church, Florida Economic Consortium and Reform Ministries Inc. He stated the Community Engagement Facilitator would be Randy B. Nelson, president of the 21st Century Research and Evaluation Inc. He added it would be held April 15th at the Eustis Woman's Club, 227 N. Center St. He thanked Chief Capri and his staff for their assistance with the program. He invited everyone to attend.

5. **CONSENT AGENDA**

5.1 Resolution Number 23-30: Acceptance of the Final Subdivision Plat for Grafton Ridge and acceptance of Performance and Maintenance Bonds

5.2 Resolution Number 23-31: Second Amendment to the Professional Services Agreement between the City of Eustis and M.T. Causley for Building Related Services

5.3 Resolution Number 23-32: Approving a Purchase in Excess of \$50,000 for a Compact Track Loader

5.4 Resolution Number 23-33: Approving the Lake County Interlocal/Sub-recipient Agreement for Improvement of Roads - Rosenwald Gardens

Motion made by Commissioner Cobb, Seconded by Commissioner Hawkins to approve the Consent Agenda. The motion passed on the following vote:

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

6. **ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS**

6.1 Resolution Number 23-16: Interlocal Business Incubator Program Funding Agreement

Sasha Garcia, City Attorney, announced Resolution Number 23-16: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; approving an interlocal agreement between the City of Eustis and Lake County to establish a business incubator.

Al Latimer, Economic Development Director, explained the proposed interlocal agreement with Lake County for the establishment of a business incubator. He indicated there would be a couple of steps following approval of the agreement. He stated that on April 25th Lake County would be voting on the same agreement and on April 20th the Commission would be considering an agreement with the University of Central Florida. He added that UCF would then enter into a contract with a private facility to host the incubator. He reviewed the highlights of the agreement as follows: 1) Lake County would contribute \$150,000 toward the contract payment for UCF to operate the programs and services; 2) City of Eustis would contribute the remaining \$50,000; 3) City of Eustis would provide office space for the incubator

clients; 4) City of Eustis would provide full time staff resources for engagement; 5) They will utilize the resources of the small business development centers to insure they are engaging with the clients and providing their services to them; 6) UCF will provide boot camps for the clients of the incubator; 7) City staff will build additional partnerships and will manage the UCF agreement; and 8) UCF will provide an annual report to both the County and the City.

Mr. Latimer stated staff's recommendation for approval.

The Commission asked for clarification on what the City provides with Mr. Latimer responding the City will provide \$50,000, ensure the provision of office space for the incubator clients which will be 18 to 35 spaces, provide full time space for resource engagement, and they will promote and market the center to obtain new clients along with UCF and the Lake County Economic Development Growth Office. He stated UCF will conduct boot camps with the City staff building partnerships and managing the UCF agreement. UCF will also provide an annual report to both the County and City.

The Commission expressed concern stating their understanding was that UCF was going to do most of the requirements.

Mr. Carrino explained Lake County does not have an agreement with UCF only with the City. The City then agrees through the agreement with UCF to provide the things in the agreement. Therefore, the City is committing to the County that it will provide, through its agreement with UCF, to provide the services.

Mr. Carrino further explained that UCF will have separate agreements with the City and Megaproperties.

The Commission expressed concern regarding nothing about UCF in the resolution and why UCF is not managing the agreement.

Mr. Carrino indicated the resolution is only about the agreement with Lake County and that a separate agreement with UCF will be coming before the Commission at a future date.

Commissioner Ashcraft noted that the resolution includes the City providing the two boot camps; however, those are supposed to be done by UCF.

Mr. Carrino explained the City is committing to the County that there will be two boot camps; which the City will accomplish through its agreement with UCF. He indicated that the agreement with UCF will not come before the Commission until the agreement with Lake County has been approved by the County. He explained that he did not want the City to make a commitment to UCF until he had a commitment from Lake County.

Discussion was held regarding including language in the agreement regarding UCF with Attorney Garcia suggesting that the Commission be provided a copy of the draft agreement with UCF.

The Commission expressed support for including something in the resolution regarding UCF with Mr. Carrino indicating a recital regarding UCF could be added to the resolution. Further discussion was held regarding the entity that has offered to provide space for the incubator.

Discussion was held regarding tabling the resolution to allow staff to amend the resolution.

Motion made by Vice Mayor Lee, Seconded by Commissioner Hawkins to table consideration of Resolution Number 20-16 to the next Commission meeting. Motion passed on the following vote:

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

6.2 SECOND READING

Ordinance Numbers 23-05, 23-06, and 23-07: EXPLANATION OF ORDINANCES FOR ANNEXATION OF PARCELS with ALTERNATE KEYS 1784077 AND 1784140

Ordinance Number 23-05 – Voluntary Annexation

Attorney Garcia read Ordinance Number 23-05 by title only on second reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 30.24 acres of real property at Alternate Key Numbers 1784077 and 1784140 generally located at 19702 Eustis Airport Road and 18854 State Road 44, east of Lake Joanna and north of Loch Leven.

Attorney Garcia opened the public hearing at 7:00 p.m. There being no public comment, the hearing was closed at 7:00 p.m.

Motion made by Commissioner Cobb, Seconded by Commissioner Hawkins to adopt Ordinance Number 23-05 on final reading. Motion passed on the following vote:

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

6.3 SECOND READING

Ordinance Number 23-06: Future Land Use Map Amendment

Attorney Garcia read Ordinance Number 23-06 by title on second and final 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 30.24 acres of recently annexed real property at Alternate Key Number 1784077 and 1784140 generally located at 19702 Eustis Airport Road and 18854 State Road 44, east of Lake Joanna and north of Loch Leven, from Urban Low in Lake County to Mixed Commercial Residential in the City of Eustis.

Attorney Garcia opened the public hearing at 7:01 p.m. There being no public comment, the hearing was closed at 7:01 p.m.

Motion made by Commissioner Hawkins, Seconded by Commissioner Cobb to adopt Ordinance Number 23-06 on second and final reading. Motion passed on the following vote:

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

6.4 SECOND READING

Ordinance Number 23-07: Design District Assignment

Attorney Garcia read Ordinance Number 23-07 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood Design District designation to approximately 30.24 acres of recently annexed real property at Alternate Key Number 1784077 and 1784140 generally located at 19702 Eustis Airport Road and 18854 State Road 44, east of Lake Joanna and north of Loch Leven.

Attorney Garcia opened the public hearing at 7:02 p.m. There being no public comment, the hearing was closed at 7:02 p.m.

Motion made by Vice Mayor Lee, Seconded by Commissioner Cobb to adopt Ordinance Number 23-07 on second and final reading. Motion passed on the following vote:

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

7. OTHER BUSINESS

7.1 Consideration: Extension of Annexation Incentive Program

Mike Lane, Director of Development Services, discussed the extension of the annexation incentive program citing to date statistics for the program. He explained the annexation fees are about \$675/lot for homestead lots and about \$1,000 for commercial lots. Since the program's inception approximately \$35,000 have been waived. He indicated that the previous year the Commission had indicated that was most likely the last year of the program.

Mr. Carrino noted that there are actually two programs and they would be receiving a presentation on the water/sewer impact fee waiver program. He commented that there has been more of a fiscal impact from the water/sewer impact fee program. He stated that the annexation incentive program has a pretty high return on investment. He expressed his recommendation for continuance of the annexation incentive program. He indicated that, if they desire to continue it, staff would have to bring back a resolution.

The Commission discussed whether or not to continue the annexation incentive program.

CONSENSUS: It was a consensus of the Commission to have staff bring back a resolution for continuance of the annexation incentive program.

7.2 Development Incentive Water and Sewer Impact Fee Waiver Program

Daniel Milan, Staff Engineer for Public Works, provided an overview of the Development Incentive Water and Sewer Impact Fee Waiver Program. He explained Resolution 18-29 adopted in April 2018 established the program which provides for waiver of the water/sewer impact fees for new construction. He reviewed the statistics for the program since its inception. He stated that to-date the program has resulted in \$174.6 million in new construction and a total of \$6.17 million fees being waived. He indicated there have been 67 completed projects, 95 under construction and 25 not yet started or awaiting permit issuance. He stated the program would expire on April 30th.

The Commission asked about pre-2018 annexations and whether they have increased since the programs began with Mr. Milan responding he would have to research that.

Commissioner Cobb noted that previous Commissions had established a moratorium that significantly restricted growth.

The Commission discussed the cost of the program and what the City could do with the impact fee funds. It was noted that there few funds available at the state level to assist the City.

CONSENSUS: It was a consensus of the Commission to allow the program to expire.

Mr. Carrino noted that, while the program will expire on April 30th, there are projects already in the queue that will continue.

7.3 Consideration: Revising the Tree Protection Section in the LDRs

Mr. Lane explained that staff is looking for direction regarding the City's regulations and code to mitigate future damage regarding tree protection. He stated the code "strongly discourages" removal of fees and includes a \$50 fine for tree removal without a permit. He stated staff is requesting direction on where to go with the regulations.

The Commission discussed changing the code to become more explicit, increasing the fines for removal and hiring someone to monitor the situation both before and after construction.

Mr. Carrino cited the Commission's interest in tree preservation and indicated the updates needed to the City's regulations regarding tree preservation. He stated that Development Services will be looking at best practices and would bring back recommendations for new regulations. He stated they could quickly bring back an amendment to increase the related fines while researching ways to tighten up the regulations. He then commented on the possibility that MT Causley could provide some staff to assist with monitoring of those types of issues and that could be charged back to the building department fund.

The Commission discussed what amount to set the fine at for removal without a permit. They also discussed whether or not to fine individual homeowners. They also noted issues with trees in the right-of-way.

Mr. Lane stated there are special exceptions and noted the utility companies typically have their own arborists to check on trees in the right-of-way. He indicated that staff was primarily thinking about new development as the City already has a tree permit process that most citizens follow. He noted that there are some state statutes regarding removal of trees if they have a letter from an arborist stating the tree is diseased.

Further discussion was held regarding the amount of fine per tree with a suggestion of \$2500 per tree. It was clarified that the developer is supposed to identify the trees to be cleared as part of the initial process.

Mr. Lane clarified that the code prohibits the clearing of property without a permit. He stated that currently there is only a \$50 per tree fine. He noted that for Lake Lincoln the City also required them to replant trees with a recommendation that they use 4" caliper trees.

The Commission recommended that notification letters be sent certified.

Mr. Carrino commented that to legally remove trees the developer must go through the site plan process; however, there is not a lot of teeth if they do it illegally.

Mayor Holland suggested they look at the City of Tallahassee's tree ordinance noting how good their tree canopy is. Commissioner Cobb noted that Groveland has also improved their tree ordinance.

CONSENSUS: It was a consensus of the Commission for staff to bring back an amending ordinance to implement a \$2500 per tree fine.

7.4 Department Updates: Economic Development Development Services

Mr. Latimer provided a report on the Economic Development department and projects. He noted that he and Community Relations Coordinator Kristina Allen spoke to students twice from the High School Incubator Program. They asked them what they would like to see in the downtown area and they responded entertainment, arcade and a food hall.

Mr. Latimer stated that is the type of information they will be gathering in development of the master plan. He then reported there were 117 new BTR's in the previous year and 41 so far in the new year. He provided a break down of the types of businesses. He indicated they are getting a number of calls regarding available property in the City for development or businesses.

Mr. Latimer then reported they will begin a promotional tour for the gateway grant program which will begin April 19th. He explained a team will go out into the community promoting the grant program. He then stated they have a cost-sharing proposal out regarding the master plan and they are awaiting a response. Regarding the strategic plan, staff will have a report to the Commission at the next meeting regarding the company staff has selected for that project.

Mr. Latimer reported on the Business Incubator and stated they are looking at a June or July opening for the program. He indicated he is meeting regularly with all of the lead personnel. He added he has asked Heather Schuberg, who is their boss, to come and provide a presentation to the Commission.

Mr. Latimer reported that the required annual CRA report was due March 30th and it was completed, submitted and posted online. He stated staff is continuing to work on a daily basis with the Lake County Economic Growth Office, Duke Energy and SECO, the Small Business Development Center, Career Source Central Florida and the Manufacturers Association of Central Florida.

The Commission confirmed that sports would be included in the strategic plan.

Mike Lane, Development Services Director, presented to the Commission a booklet with a second quarter departmental report. He noted the statistics included on Page 2. He added that copies of the report would be available to members of the public if requested.

Commissioner Ashcraft asked about mailing requirements and expressed concern regarding the mailings being done by the applicant.

Mr. Lane explained that the applicants are required to install the signs and mail the letters by a certain date. He stated they are required to provide a certificate of mailing which has a date on it that shows when the letters are mailed. He added that advertisements are also placed in the newspaper.

Discussion was held regarding the mailing lists with Mr. Lane confirming that the City now pulls the mailing list from the Property Appraiser's website and provides it to the applicant to conduct the mailing.

Commissioner Hawkins asked about easements and how they are handled with Mr. Lane responding it goes through Planning; however, they rely heavily on Public Works as they are mostly stormwater, water or other utility easements.

Mr. Carrino confirmed what he was specifically referring to with Mr. Hawkins explaining he meant new easements. He stated a homeowner contacted him and he thought they wanted an easement across City property.

Mr. Carrino asked Commissioner Hawkins to provide him with the specific information and he would have staff look into it.

The Commission thanked Mr. Lane for the documents he provided.

8. FUTURE AGENDA ITEMS

See City Commission Comments.

9. COMMENTS

9.1 City Commission

Commissioner Ashcraft commented on the recent events and how they have been attended.

Commissioner Hawkins noted he also attended the Buskers Festival and the comedy show. He commented on the outdoor music/comedy show and thanked Darrius Kerrison for his work on the event.

Mayor Holland thanked Mr. Kerrison for all the work he does on his events.

Commissioner Hawkins expressed thanks for the Amazing Race. He announced that Parks and Recreation would be hosting a prom for special needs students on May 20th at the Community Center. He then expressed appreciation for everything Mr. Carrino does for the City. He asked who was left in charge while he was in Tallahassee with Mr. Carrino indicating he did not leave anyone in charge.

Commissioner Hawkins explained he was contacted by someone with questions regarding something that happened within the City and he was caught off guard. He expressed concern about not being kept informed. He stated they need to do a better job of communicating with all of the Commissioners.

Mr. Carrino apologized for the oversight and stated he would work harder to get information out to the Commissioners.

Commissioner Cobb apologized for not being able to attend the recent events due to being very sick with the flu. She reported on their activities in Tallahassee and their efforts to obtain state funding for a number of projects. She asked Rick Gierok regarding the island improvements.

Rick Gierok, Public Works Director, stated that they had one of the directionals installed and then they were shut down by FDOT as they are not allowed to do directional drills on Fridays due to the possibility of breaking a pipe prior to the weekend. He then stated that as soon as they got their permit, they authorized the design of the last two islands. He indicated they have already received those designs and have provided the information to Purchasing to do the RFP.

Commissioner Cobb asked about City Hall with Mr. Gierok responding he has provided input on what needs to be done and Purchasing has all of the information and will be releasing the RFP soon.

Mr. Carrino stated that pressure washing and painting are on the way and awnings will be installed after that is done. He explained why maintenance of City Hall is under Finance.

Vice Mayor Lee asked if Mr. Gierok had received her email regarding the fountain with Mr. Gierok indicating he had not seen it but he would look for it.

Commissioner Cobb asked Chief Capri for a code enforcement update regarding fines with Chief Capri responding he is waiting to receive the list in order to go after the individuals.

Attorney Garcia stated she has her research completed and she would be forwarding that to Chief Capri with Chief indicating that as soon as they received the green light to move forward they would proceed. He indicated the \$1 million fine has been cleared with the assistance of the Code Enforcement Board.

Chief Capri stated he has a light duty person to assist with the project and Attorney Garcia stated he has the green light to proceed.

Commissioner Cobb asked about the status of hookah lounges with Attorney Garcia stating she and Derek Schroth are researching recent legislation that may affect that type of business.

Chief Capri indicated Code Enforcement has been very busy and stated he would start doing quarterly updates. He reported on some recent cases they have cleared.

Commissioner Cobb noted the DRC meeting and asked how often they meet with Mr. Carrino stating they now meet weekly. She asked if staff could forward the DRC report to the Commission so they keep updated on development.

Vice Mayor Lee commented on the Commission's trip to Tallahassee to meet the legislators stating that it was beneficial. She stated that the Commissioners are working well together to try and accomplish a lot for the community.

9.2 City Manager

Mr. Carrino reminded the Commission that there would be a workshop on April 20th regarding the fairgrounds. He noted there was also to be a presentation by the City Attorney regarding the Sunshine Law. He confirmed that nonessential staff could be released prior to that presentation.

Commissioner Ashcraft reminded the rest of Commission about the pictures planned to be taken at the April 20th meeting.

RECESS: 8:00 p.m. RECONVENE: 8:01 p.m.

9.3 City Attorney

Presentation by City Attorney regarding Florida Sunshine Law and Ethics

Attorney Garcia announced that she provided copies of the presentation to all of the Commissioners. She confirmed that each of the Commissioners have already completed their state-mandated ethics training. She indicated the information she is providing is just a summary compared to the training they received.

9.4 Mayor

Mayor Holland thanked the City Attorney and reminded the Commission they can contact the City Attorney with any questions they have regarding the Sunshine Law.

10. ADJOURNMENT: 8:02 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