



# MINUTES

## City Commission Meeting

APPROVED 1/05/2023

6:00 PM – Thursday, October 20, 2022 – City Hall

**INVOCATION:** A moment of silence was observed.

**PLEDGE OF ALLEGIANCE:** COMMISSIONER HAWKINS

**CALL TO ORDER:** 6:00 p.m.

**ACKNOWLEDGE OF QUORUM AND PROPER NOTICE**

**PRESENT:** Commissioner Willie Hawkins, Vice Mayor Emily Lee, Commissioner Karen LeHeup-Smith, Commissioner Nan Cobb and Mayor Michael Holland

1. **AGENDA UPDATE:** None

2. **APPROVAL OF MINUTES**

2.1 Approval of Minutes for the Eustis City Commission for July 14, 2022 Budget Workshop and September 8, 2022 City Commission meeting

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

Voting Yea: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

3. **AUDIENCE TO BE HEARD**

George Asbate spoke about how well it is to work with the Eustis City Commissioners and staff and cited a number of individual employees for their service. He commented on the couple taking over the 1884 building in downtown Eustis and announced that the name of the new restaurant to open there will be Lollygaggers.

Pam Asbate explained that Lollygaggers will be a sports bar and noted there are local people that go all the way to Crystal River to go to the store there. She stated that Lollygaggers will be a great fit and unique and different to Eustis and cited the planned menu utilizing locally sourced food.

Daniel Baumgardner stated he has a family member who is a resident of Sharp's Mobile Home Park and indicated he was there to represent those residents. He commented on the park owners, Core Communities, and cited a number of issues with the park. He updated the Commission regarding Core Communities and stated he is organizing the community to defend themselves against the owners. He begged Core Communities to do the right thing and be held accountable.

4. **CONSENT AGENDA**

4.1 Resolution Number 22-73: City Commission Benefits



4.2 Resolution Number 22-74: A Wish or Two Ago Bakery extension of time for completion of site plan approval as a condition of the approved CUP under Ordinance Number 22-06

4.3 Resolution Number 22-76: Rescinding and replacing Resolution 18-47 and modifying criteria for community representative positions on the Community Redevelopment Agency Board (CRA Board)

4.4 Resolution Number 22-79: Approval of purchases in excess of \$50,000 for two pieces of Public Works heavy machinery

4.5 Resolution Number 22-80: Approving a purchase in excess of \$50,000 for the lease of various holiday decorations

A motion was made to approve the Consent Agenda as submitted. Motion made by Vice Mayor Lee, Seconded by Commissioner Hawkins. The motion passed by the following vote:

Voting Yea: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

## **5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS**

5.1 Ordinance Number 22-21: Establishing Hicks Ditch Community Development District (CDD)

Sasha Garcia, City Attorney, read Ordinance Number 22-21 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, establishing the Hicks Ditch Community Development District pursuant to Chapter 190, Florida Statutes; providing for authority and power of the district; establishing the district; providing for the Board of Supervisors of the district; providing for functions and powers of the district; providing for miscellaneous provisions; and providing an effective date.

Heather Croney, Senior Planner, reviewed the proposed Hicks Ditch Community Development District including the background, property to be included, status of the project and where they are in the process, items required to be included in the petition per Florida Statutes, and items to be considered in determining approval of the CDD. She noted the applicant completed the required notices. She indicated staff determined the application is compliant with Florida statutes.

The Commission asked if any of the Board members would be neighbors from the area.

Michele Rigoni, with Qtac Roth for the applicant, responded that the initial board members would be the landowner's representatives; however, once the board begins to transition to resident board members they would have to be residents of the CDD to be eligible to be on the board.

The Commission asked if neighbors of the property would be eligible to be appointed to the initial board with Ms. Rigoni responding there is nothing that prohibits that but they would have to be appointed by the landowner.

Ms. Rigoni then explained that the initial board members must be at least 18 years of age, U.S. Citizens and a resident of Florida. At that time, they do not have to be residents of the CDD. She confirmed at what time the board would transition to a resident board.

The Commission encouraged the developer to consider appointing a community resident to the landowner's board.



Ben Snyder, representing the developer, stated they would not be opposed to that. He added he was not sure how they would go about sourcing a representative from the community to include on the initial board.

The Commission asked about the phasing of the development and questioned if the final plat would be for the entire project with Ms. Croney responding they did the preliminary subdivision plan for the entire project so they likely will submit the final plat for the entire project.

Ms. Rigoni introduced Ben Snyder and George Flint who is with Governmental Management Services of Central Florida. She reviewed the proposed project and location. She provided a list of the public services to be provided by the developer. She noted that the approval of the CDD is separate from the approvals of the PUD for the land itself. She explained that a CDD generally provides public infrastructure for a development and does not constitute a debt of the City or the City's general taxpayers. She explained how the financing is levied and repaid and the timeframe. She stated the petitioner is asking for the City's consent for two special powers - one for parks and recreation facilities and one for security. She cited those things that the CDD cannot do.

Ms. Rigoni reviewed benefits to the City and cited those items CDDs are not authorized to do. She commented on those items that must be disclosed to prospective buyers. She indicated benefits to the homebuyers including the enhancement of community improvements and amenities. She then explained the timeframe for the transition to resident board. She noted that the Board must operate in the sunshine so all meetings are noticed and all records are kept and open to the public. Budgets and minutes are provided to appropriate government agencies. She added that there will be a second public hearing.

The Commission asked about the possibility of cheaper financing with Ms. Rigoni noted that it is generally cheaper for them to finance due to being able to issue tax-exempt bonds which attracts private investors. She added that the cost of financing is not typically built in to the cost of the homes.

Tom Carrino, City Manager, noted they would also experience savings on sales tax on building materials which would reduce the cost of the homes.

The Commission expressed support for a community member being appointed to the initial board and indicated that person would make a nice liaison after the initial board is retired. They confirmed that the 250 threshold is individuals not homes.

Ms. Croney and Ms. Rigoni further reviewed the planned phasing with 214 units in Phase 1A, 140 in Phase 1B and 195 units in Phase 2 for a total of 549 units. It was noted that the 250 threshold could possibly met in Phase 1.

The Commission asked about the long-term property value with Ms. Rigoni explaining that the longevity of the entity is looked at favorably noting that they cannot dissolve until all financing is repaid. She commented on the various statutory requirements which serve to make it a stable entity in the long term.

The Commission asked for clarification of the property taxes with Ms. Rigoni explaining it is a special assessment of the CDD not a tax of the City. The Commission asked about how much more the homeowners will pay on their tax bill.

Ms. Rigoni explained that would be based on a number of factors such as the scope of infrastructure being maintained and would be based on the annual budget.

The Commission asked if there would also be an HOA (home owners association).



Mr. Snyder responded affirmatively and explained that would be disclosed prior to purchase and noted they have to qualify for it so it would not be an unexpected expense.

The Commission questioned why someone would want to purchase a home within the CDD in light of the additional special assessment plus the HOA fees with Mr. Snyder commenting on the developer's ability to have more funds available to invest in the amenities due to the lower financing. He summarized they would have a higher level of amenities due to the lower cost for financing. He explained that the additional costs vary based on lot size and improvements. He stated that the average assessment in a CDD is \$25 to \$30 per foot; with a larger development the HOA fees would vary between \$70 to \$90 per month for the single family units.

Mr. Carrino cited the discussion about the initial board members and possibly including a member of the community. He noted that part of the application includes a list of potential board members and questioned whether or not they would have to amend the ordinance in order to allow for a community member on the initial board.

Ms. Rigoni responded that, following establishment of the district, they must hold the initial election of the board members within 90 days; therefore, they can proceed with the ordinance as is and then address the board member election within 90 days.

Mr. Carrino then stated that, as part of the presentation, Ms. Rigoni indicated their intent to ask for consent from the City regarding recreation and security. He asked if they had examples of what they would be submitting to the City and what the City would return as consent.

Ms. Rigoni stated that is already included in the petition.

Ms. Garcia opened the public hearing at 6:43 p.m.

Terry Roher complimented the City on all of the City staff members she had contact with. She noted she had researched the state statutes and CDD's. She read an email that she had previously sent to the Commission regarding the CDD establishment which asked the Commission to encourage the developer to include an external barrier wall on the top of the berm on Fairway Drive. She noted her home's proximity to the development and cited the need for a barrier wall and the benefits to both the future homeowners and current residents.

Mike Reads, adjacent resident to the development, asked where the access to the development would be located.

Mr. Snyder responded that the primary access for construction vehicles would be off 44 and they have signs directing all construction traffic to enter and exit off of 44. He explained that the transportation study indicates that the primary access should be off 44.

There being no further public comment, the hearing was closed at 6:48 p.m.

The Commission asked if the City could ask for a fence with Ms. Croney stating there is included in the Planned Unit Development for there to be a fence barrier along Fairway Drive.

A motion was made to approve Ordinance Number 22-21 on first reading. Motion made by Commissioner LeHeup-Smith, Seconded by Commissioner Hawkins. The motion passed on the following vote:

Voting Yea: Commissioner Hawkins, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

Voting Nay: Vice Mayor Lee



## 5.2 Ordinance Number 22-22: Amending Chapter 22, Code of Ordinances, Cemeteries

Ms. Garcia read Ordinance Number 22-22 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending Chapter 22 Cemeteries, Division 4 Rules and Regulations, Section 22-118 Lot Prices; providing for codification, severability and an effective date.

Rick Gierok, Public Works Director, commented on the current fee structure for Greenwood Cemetery. He noted that a presentation was made to the City Commission on December 2021 to discuss the Greenwood Cemetery with a subsequent workshop held in August 2022. It was determined that the fee schedule for many cemetery items was in need of adjustment. He reviewed the revenues and expenses for the cemetery noting that the cemetery loses money every year. He commented on the increasing demands for additional services at the cemetery. He compared cemetery pricing within and outside of Lake County. He noted that Eustis' fees are substantially lower and indicated that the City has not adjusted its rates since 2006 and those adjustments only pertained to the mausoleum. Mr. Gierok then presented the suggested rate changes and stated that staff is recommending approval of Ordinance 22-22 and looking for direction for the next phase of expansion.

Mr. Gierok discussed future plans and cited various possibilities for improvements including the addition of a cremation garden expansion and the current Greenwood cremation options, including conceptual design and cost proposals. He noted the addition of estate plots for private estates can include gated estates and hedge estates for in-ground burial. A gated estate is like a mini cemetery within a cemetery with, typically, more than one person buried there, and the property is kept private with a wall or fence and a gate. Similarly, a hedge estate typically has space for more than one burial; hedgerows indicate the perimeter of the private area. He noted that the proposed improvements would not be covered by the recommended pricing changes. He asked for direction moving forward.

The Commission asked about families who are not able to afford the fees with Mr. Gierok responding there is something in the existing ordinance to address that and that is not being changed.

The Commission confirmed the recommended fees for openings and closings would be sufficient in the event they utilize a third party.

The Commission discussed the proposed improvements and confirmed a family could do both cremation and regular burials in a heritage lot.

Ms. Garcia opened the public hearing at 7:03 p.m. There being no public comment, the hearing was closed at 7:04 p.m.

A motion was made to approve Ordinance Number 22-22 on first reading. Motion made by Vice Mayor Lee, Seconded by Commissioner Hawkins. The motion passed by the following vote:

Voting Yea: Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb and Mayor Holland

Mayor Holland confirmed the Commission wanted to proceed with an RFQ for outside openings and closings. He then asked if they wanted to proceed with exploring pricing for a "tranquil oaks" type garden with Commissioner LeHeup-Smith questioning if they should postpone proceeding until they see how the new pricing affects sales.



Mayor Holland responded that it will take time to design the improvements and confirmed that the cemetery won't break even. He noted that the way the cemetery is currently set up it is not set up for modern funeral service at all.

Mayor Holland then confirmed the Commission was interested in the family/estate plots. They questioned whether or not a family could have that now with Mr. Gierok indicating that there would be a cost associated with disinterring someone to relocate them.

**6. FUTURE AGENDA ITEMS: None**

**7. COMMENTS**

**7.1 City Commission**

Commissioner LeHeup-Smith commented on the fresh market at Ferran Park. She noted the passing of Madelyn Mingonette and when her funeral would be held. She cited the upcoming Westmutter dog show and fundraiser benefitting the Lake County Humane Society.

Commissioner Hawkins reported on a fire that occurred in the City. He complimented the Eustis Fire Department on their excellent response. He then asked about the process on obtaining bear traps.

Mr. Carrino stated he had spoken with Waste Management and requested a meeting for the following week.

Commissioner Hawkins then announced an event to be held on October 29th by an organization called "All About the Ballots". He indicated they teach constituents about voting and stated they are holding a "soul food caucus" in preparation for early voting. He then reported he received a Lake Cares Christmas Tree and commented on the competition with Tavares, Mount Dora and the Country Club of Mount Dora. He asked for Chief Capri to provide a report about the Police Department's mass shooting protocols. He encouraged the City to provide support to the Lake Cares food pantry with Mayor Holland asking to have that on the next agenda. He reported that the painting at the high school was being rescheduled due to SAT's.

Commissioner Cobb reported on her attendance at the Florida Redevelopment Association conference and the Institute for Municipal Elected Officials. She noted the IMEO 2 would be held in April and held by the Florida League of Cities. She then announced the Eustis Junior Panthers would be holding their playoffs at Corey Rolle Field on October 29th and noted the scoreboard was up and operational. She then cited the Books, Buckles and Badges Gala would be Friday night.

Vice Mayor Lee commented on her attendance at the FRA conference as well. She expressed support for helping the residents of Sharp's Mobile Home Park.

**7.2 City Manager**

Mr. Carrino announced that a workshop with FDOT has been tentatively scheduled for 5 p.m. on December 1st prior to the regular Commission meeting. He then reported that the next CRA Review Committee meeting would be held Tuesday, October 25th. He stated staff would provide an update on projects and provide a presentation on the "mow to own" program and discuss the Florida Redevelopment Association. He announced the annual organization grant applications are now available. He stated that the Commission would receive copies of all of the applications and they would be asking any recommended for approval to provide a presentation to the Commission. He explained that the grants would be provided on a reimbursement basis and a report on the organization's activities would be required.

Mr. Carrino then thanked the Commissioners regarding their feedback on his performance. He indicated he would be out of the office on Thursday, November 3rd and Friday, November 4th; therefore, HR Director Bill Howe would sit in as Acting City Manager.

### 7.3 City Attorney

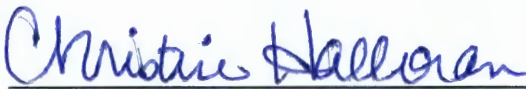
Attorney Garcia announced the need to hold a private attorney-client meeting regarding Sharp's Mobile Home Park and stated they would be getting that scheduled.

### 7.4 Mayor

Mayor Holland commented on the passing of Mrs. Mingonette and cited the history of their family business. He announced the high school Homecoming would be the following week and cited some of the affiliated activities. He encouraged everyone to support the school. He noted a number of other upcoming events and activities and encouraged everyone to support them.

## 8. ADJOURNMENT: 7:25 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 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