



APPROVED 9/18/2025

MINUTES

City Commission Meeting

6:00 PM – Thursday, September 04, 2025 – City Hall

Invocation: Jim Shelly, St. Mary of the Lakes Catholic Church

Pledge of Allegiance: Commissioner George Asbate

Call to Order: 6:13 p.m.

Acknowledge of Quorum and Proper Notice

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

1. Agenda Update

Tom Carrino, City Manager, announced that the presentation to the lifesaving crews was being moved to a future meeting.

2. Approval of Minutes

July 17, 2025 City Commission Meeting

August 7, 2025 City Commission Meeting

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

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

3. Presentations

3.1 Recognition of Sergeant Phil Livingston

Police Chief Craig Capri announced they had instituted a new award to be known as the Legacy Award. He explained the department's desire to recognize officers that had served more than 25 years with the department. He presented the first ever Legacy Award to Sgt. Phil Livingston. He provided an overview of Sgt. Livingston's service with the department.

Sgt. Livingston introduced his son, Weston; his wife, Gerry; and his daughter, Lauren, who is a special agent with the Tennessee Bureau of Investigation.

3.2 Fire Department: Lifesaving Crews

Moved to a future date.

3.3 Update from Mike Goman

Mike Goman, Goman Property Advisors, provided his monthly update and noted the distribution of their detailed information package. He explained the goal of that information package is to promote direct contact with developers who have the proven experience and financial capability to invest capital and have current development capacity. He explained their process of targeting approximately 30-40 developers that meet the criteria for projects Eustis is

interested in accomplishing. He reviewed the type of information included in the information packets including conceptual proformas for the project. He explained that the conceptual proformas are developed based on projects similar to ones each of those developers have previously accomplished.

Mr. Goman reported they have begun the direct outreach to companies on their list. He commented on their attendance at a recent retail development conference. He indicated that, going forward, the intent is for them to continue to drill down and follow up on those contacts. He indicated they will provide an update every month.

4. Appointments

4.1 Appointment Confirmation for Police Officers' Pension and Retirement System Board of Trustees

Mr. Carrino explained what is before them is the confirmation of the appointment of Gary Winheim to the fifth seat on the Police Officers Pension Board of Trustees. He explained this is strictly a ministerial duty.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to approve the appointment of Gary Winheim to the Police Pension Board. The motion passed on the following vote:

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

5. Audience to be Heard

Daniel DiVenanzo commented on the need for parking to be addressed prior to development. He cited the number of restaurants, businesses and apartments in the downtown without their own designated parking. He cited previous discussion regarding constructing another parking garage.

6. Consent Agenda

6.1 Resolution Number 25-68: Memorandum of Agreement with Florida Department of Corrections – Cooperative Law Enforcement with EPD

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

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

7. Ordinances, Public Hearings, & Quasi Judicial Hearings

7.1 Resolution Number 25-55: 2025-SP-06 Huddle Commercial Tract Site Plan with Waiver for Drive-Through for Alternate Key Numbers 2612533, 2612517, and 2612525

Sasha Garcia, City Attorney, read Resolution Number 25-55 by title: A Resolution of the City Commission of the City of Eustis, Florida; approving a preliminary site plan approval with waivers for an 8,793 square foot commercial building with restaurant with drive through on approximately 1.55 acres located on the east side of SR 44, just over 700 feet south of Eustis Airport Rd. part of property identified by Alternate Key Numbers 2612533, 2612517 and 2612525.

Jeff Richardson, Development Services Deputy Director, reviewed the proposed site plan and affiliated waiver request for a drive-through lane on the primary street side of the building. He

explained the waiver would be to Section 115-6.1.3 of the Land Development Regulations. He reviewed the landscape plan and presented elevations of the site showing the placement of the drive-thru, the drive-thru porte-cochere, emergency vehicle ingress/egress and hedge row to block the view of the drive-thru. He reviewed the traffic flow and regulation of the emergency vehicle access.

Vice Mayor Ashcraft asked how it differs from other drive-throughs recently approved with Mr. Richardson responding it isn't tremendously different but Dutch Bros. does have theirs at the back of the building. He indicated the request is usually when it is on a corner lot.

Discussion was held regarding whether the regulation pertains to the drive-thru window or the queue line with Mr. Richardson explaining they apply it to the drive-thru window.

Commissioner Asbate asked about the routing of the vehicles and positioning of the window with Mr. Richardson explaining the placement and routing. He noted the applicant is available for questions.

Mayor Hawkins asked if there was a plan for a drive-thru on the original site plan with Mr. Richardson indicating it was included as part of the original submittal.

Mr. Richardson confirmed the required notices and advertisements were completed.

The Commission asked if any comments were received with Mr. Richardson responding they received three phone calls that day from neighbors asking about the process for notifications.

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

The following individuals spoke in opposition to the development: 1) Mark Bobick, Eustis resident; 2) George King, Eustis resident; 3) Brian Rothschild, Eustis resident; 4) Ellen Langille; 5) Gina Hanson, Eustis resident; and 6) Jim Norman, Eustis resident.

Daniel DiVenanzo noted that, if the drive-thru was in the back, the project would not be coming before the Commission. He stated the project cannot be denied on its merits alone only the re-routing of the drive-thru.

Attorney Garcia asked if the applicant wanted to speak and they declined. There being no further public comment, the hearing was closed at 6:57 p.m.

The Commission asked about the previous approval with Mr. Richardson explaining the process leading up to the current request. He stated this is the first formal request of this site plan.

Commissioner Asbate expressed concern that this wasn't discussed during the previous approval with Mr. Richardson explaining that approval was for the preliminary plat which dealt with the creation of the lots and the tract, not the building of the commercial site.

Mr. Carrino stated they did not approve the commercial site plan with Mr. Richardson indicating the project was multi-component.

Commissioner Lee asked if the residents are objecting to the project or to the placement of the drive thru. It was noted that if the drive thru is located anywhere else, it does not require Commission approval.

Discussion was held regarding the process and when various things come before the Commission. It was confirmed they could reconfigure the drive thru and it would be in compliance and would not be brought back to the Commission.

Motion made by Vice Mayor Ashcraft, Seconded by Commissioner Asbate, to approve Resolution Number 25-55. The motion passed on the following vote:

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

Voting Nay: Mayor Hawkins

RECESS: 7:05 p.m. RECONVENE: 7:08 p.m.

7.2 Resolution Number 25-59: Tentative millage rate for the fiscal year 2025/26.

Attorney Garcia read Resolution Number 25-59 by title only: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the tentative millage levy of ad valorem taxes for the City of Eustis, Lake County, for the Fiscal Year 2025/26, providing for an effective date.

Attorney Garcia read a prepared statement in accord with Section 200.065 FSS: The taxing authority is the City of Eustis. The rolled-back rate, the rate that would generate the same ad valorem tax revenue as last year excluding new construction, is 7.0709 mils. The proposed millage rate to be levied for the upcoming tax year is 7.5810 mils. This proposed rate exceeds the rolled-back rate by 7.21%; thereby representing a tax increase under Florida law. This announcement is in accordance with the Florida Truth in Millage (TRIM) requirement and must be made prior to the adoption of a millage resolution. At this time, the Commission may proceed with consideration of the resolution adopting the millage rate.

Lori Carr, Finance Director, explained the budget process that began in February for staff. She explained the last remaining steps is approval of the tentative millage, the advertising, the adoption of the millage, certification to the Property Appraiser and adoption of the budget. She provided some highlights of the proposed budget including a 5.5% increase in health insurance, a 5% COLA increase for all employees, and a \$1,000 flat increase if hired before October 1st in order to reduce compression. She reviewed some revenue estimates from the State of Florida including \$1.2 million from municipal revenue sharing, \$1.6 million from the half cent sales tax, \$2.7 million for local discretionary sales tax and \$644,000 for communications tax. She stated that general liability and worker's comp expense increased by 10% for \$161,000. She noted a decrease in the Fire Pension Fund rate of 3.5% for a total increase of \$97,000. The Police Pension rate remained flat at \$216,000.

Ms. Carr provided an overview of all of the funds and indicated there would be a projected decrease in Fund Balance due to some of the capital projects being funded from Fund Balance. She stated that most of the other funds are increasing. She commented on the decrease in the Transportation Fund. She stated the Enterprise Fund is doing well so there is not a problem with the Fund Balance decreasing. She explained that expenses are exceeding revenues with the shortfall being covered in the General Fund from Reserves. She stated they are proposing a millage rate of 7.5810 for the 12th year. She indicated the proposed budget is based on that millage rate. She noted that the City budgets the ad valorem revenue at only 95% due to delinquencies. She explained the impact on a \$200,000 home versus the rolled-back rate.

Ms. Carr then explained the functional millage rate to provide a more equitable comparison between Eustis and the other cities. She noted that the other cities have a fire assessment fee, which the City does not have. She indicated that the City has the second lowest functional millage rate.

The Commission stated that the City is doing more with less.

Attorney Garcia opened the public hearing at 7:17 p.m.

Daniel DiVenanzo commented on the increase in property values and yet the City is asking for more in taxes.

There being no further public comment, the hearing was closed at 7:18 p.m.

Motion made by Commissioner Holland, Seconded by Commissioner Lee, to approve Resolution Number 25-59. Due to the need for a super majority vote, the motion failed on the following vote:

Voting Yea: Commissioner Holland, Commissioner Lee, Mayor Hawkins

Voting Nay: Commissioner Asbate, Vice Mayor Ashcraft

Discussion was held regarding the need for a super majority to enact the proposed millage rate with Mr. Carrino stating that the millage rate needs to be set that night.

MOTION: Vice Mayor Ashcraft moved to adopt the rolled-back rate, Seconded by Commissioner Asbate.

Mr. Carrino stated that the full roll-back rate is in the 7.07 range and would require \$900,000 in cuts to the draft budget that night. He explained that the adjusted roll-back rate is 7.3898 and would require a reduction of approximately \$334,000. He explained what constitutes the adjusted roll-back rate.

Discussion was held regarding implementing the full roll-back rate with the following comments: 1) Not wanting to affect either police or fire; 2) \$20 million in reserves; 3) Placeholders for projects that are not being done; 4) Starting the budget process sooner; 5) What could be cut to reach the \$900,000.

Mr. Carrino explained they have the following two options: 1) They can cut the necessary amount from the budget; or 2) They can leave the budget the same and transfer from reserves. He stated that staff has already recommended as many transfers from reserves as they feel comfortable for capital items. He added that it is reasonable and best practice to use reserves for one-time expenses; however, it is not recommended nor best practice to use reserves for recurring operating expenses. He offered that they could also do a hybrid by making some cuts and then taking some from reserves.

Ms. Carr explained that the increase without new construction was approximately \$1.2 million. She stated that the salaries, life and health insurance, the \$1,000 and liability insurance equal \$1.205 million.

VOTE: The motion for the roll-back rate died on the following vote:

Voting Yea: Commissioner Asbate, Vice Mayor Ashcraft

Voting Nay: Commissioner Holland, Commissioner Lee, Mayor Hawkins

Ms. Carr stated that the adjusted roll-back of 7.3898 would require a reduction of \$333,000. She indicated that would require a three vote.

Commissioner Holland confirmed they could take that out of reserves to cover the reduction.

Discussion was held regarding whether or not the adjusted roll-back would require a 3 or 4 vote with Mr. Carrino indicating that the 7.3898 is the highest rate that could pass by a simple majority and would require a budget reduction of \$335,000 to \$340,000.

MOTION: Vice Mayor Ashcraft moved to set the millage rate at 7.15. Commissioner Asbate seconded.

Attorney Garcia clarified a millage of up to 7.3898 only requires a simple majority. She explained that the adjusted roll-back is adjusted by the State of Florida for inflation. Anything from 7.3899 up to 8.1232 requires a super majority of 4. Anything over 8.1232 requires a unanimous decision.

Commissioner Holland stated a millage of 7.15 would still require a reduction of \$740,000.

VOTE: The motion for a millage of 7.15 was denied on the following vote:

Voting Yea: Commissioner Asbate, Vice Mayor Ashcraft

Voting Nay: Commissioner Holland, Commissioner Lee, Mayor Hawkins

Commissioner Holland moved to set the millage at 7.3898, Seconded by Commissioner Lee.

The Commission confirmed that would require a reduction of \$333,000 and that there were funds in reserve that could cover it and would require a simple majority vote.

Mr. Carrino provided a list of potential cuts that could be implemented to cover the reduction which totaled \$521,000. He indicated they would not have to cut all of them to get to \$334,000.

The Commission discussed not eliminating anything that deals with public safety.

Commissioner Asbate stated the pricing for the Community Center roof is too high. He commented that he has gotten estimates in the range of \$60,000 to \$70,000. He noted there is some additional work to be done which might bring the cost to \$80,000. He stated the \$350,000 in the budget for the roof is too high.

Vice Mayor Ashcraft expressed concern that the proposed cuts to police and fire were suggested to elicit an emotional response from the public.

Commissioner Asbate asked for them to have additional discussion regarding the budget noting that his first suggested cut would be the \$350,000 for the community building roof.

Mayor Hawkins asked when it has to be done with Attorney Garcia stating the millage rate has to be set that night.

Ms. Carr stated they cannot pass the budget until they have direction as to whether they are reducing expenditures or transferring from reserves. She explained the advertising that has to be done in order to meet the TRIM requirements. At a request from the Commission, she confirmed she has been in government finance for 25 years. She emphasized the ad would have to be changed based on the changes. She confirmed that they have to advertise the budget, and they would be running up against the deadline.

Mari Leisen, Deputy Finance Director, stated that the advertisement must run within 3 to 5 days prior to the next hearing with the final hearing to be on September 18th. She emphasized that they have to vote that night on both the millage rate and a balanced budget based on the TRIM process set out by the State.

Commissioner Lee asked what the balance to be cut would be if they eliminated from the list any of the public safety positions.

Mr. Carrino responded that if they remove all of the new positions, the total on the list only equals about \$59,800. He explained that eliminating the community building roof would not

affect the balance needed as it is already being funded out of the reserves. He explained that they have already funded the reasonable one-time projects out of reserves.

Commissioner Asbate expressed opposition to working off the proposed list as there are other things in the budget that need to be cut.

Attorney Garcia suggested they complete the motion on the millage and postpone the budget resolution for a little while to allow staff time to provide additional budget information, so they can proceed with other business.

Mr. Carrino stated that staff has already pulled together this list and they have an expanded list of possible cuts. He asked Miranda Burrowes to print out copies of those additional cuts.

VOTE: The motion to approve a millage of 7.3898 passed on the following vote:

Voting Yea: Commissioner Holland, Commissioner Lee, Mayor Hawkins

Voting Nay: Commissioner Asbate, Vice Mayor Ashcraft

The millage rate of 7.3898 was approved at 7:47 p.m.

Ms. Carr stated that, if the Commission gave direction regarding whether they want to balance the budget from reserves or by reducing expenditures, they could proceed with the budget that night.

CONSENSUS: It was a consensus of the Commission to postpone consideration of Resolution Number 25-60 until the end of the meeting and at that time they would consider the longer list of proposed budget cuts.

7.3 Resolution Number 25-69: Consideration for Reduction of Fine for 926 N. Bay Street

Attorney Garcia read Resolution Number 25-69 by title only: A Resolution of the City Commission of the City of Eustis, Florida, providing for Commission determination of a code enforcement lien on property located at 926 North Bay Street; authorizing implementing actions; and providing for an effective date.

Eric Martin, Code Enforcement Supervisor, explained the request to reduce a code enforcement fine from the current amount of \$55,250 to \$20,000. He provided a history of the code violations on the property and stated staff's recommendation for approval of the requested reduction. He explained it took the property owner four years to bring the property into compliance. He noted that the applicant was present but had an emergency and had to leave. He stated that the Code Board approved the proposed reduction of the fine to \$20,000.

Attorney Garcia opened the public hearing at 7:51 p.m.

The Commission asked how the \$20,000 figure was reached with Mr. Martin explaining that is the figure proposed by the applicant. He explained the process for that application.

There being no further public comment, the hearing was closed at 7:52 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to approve Resolution Number 25-69 with the fine as recommended by the Code Board. The motion passed on the following vote:

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

Voting Nay: Commissioner Lee

7.4 Resolution Number 25-70: Consideration for Reduction of Fine for 67 Glover Street

Attorney Garcia explained that the same individual owns both 67 Glover Street and 600 Ellsy Street. She stated that the Code Board Chairman was present to address the Commission about the lien and noted that there would be only one presentation on both requests.

RECESS: 7:53 p.m. RECONVENE: 7:56 p.m.

Mayor Hawkins noted that they were approaching the two hour limit and confirmed the Commission wanted to continue the meeting.

Attorney Garcia read Resolution Number 25-70 by title: A Resolution of the City Commission of the City of Eustis, Florida, providing for Commission determination of a code enforcement lien on property located at 67 Glover Street; authorizing implementing actions; and providing for an effective date.

Mr. Martin reviewed Resolution 25-70 for 67 Glover Street reducing code enforcement liens from a total of \$61,750 to \$26,000. He provided a history of two code violations on the subject property and how the fines had accrued. On June 9th, the Code Enforcement Board reviewed two fine reduction applications from Harold Kelly from \$29,000 to \$10,000 and the other case from \$32,750 to \$16,000 for a total of \$26,000. He submitted a letter to the Board in August requesting that the fines be reduced to administrative fees only which total \$4,400. He stated staff's recommendation for approval of the Code Enforcement Board's order for a total fine of \$26,000.

Mr. Martin then reviewed Resolution Number 25-71 approving a Code Enforcement Board order reducing two unpaid liens totaling \$50,200 to \$19,125 and releases the liens on 600 Ellsy Street, a vacant lot. He explained the other options open to the Commission. He reviewed a history of the code enforcement violations. He stated the Board approved the reduction of the first lien to \$16,625 and approved a reduction of the second lien to \$2,500. He added that Mr. Kelly had also asked at the August meeting that those fines also be reduced to administrative costs which is \$2,400. He stated staff's recommendation to approve the Code Enforcement Board's order to reduce the fine to \$19,125 for the combined fines.

Attorney Garcia opened the public hearing for both Resolution Numbers 25-70 and 25-71 at 8:05 p.m. There being no public comment, the hearing was closed at 8:05 p.m.

Alan Paczkowski, Code Enforcement Board (CEB) Chairman, provided a history of the violations, inspections, case logs, notices issued, complaints, extensions, and CEB hearings for the cases. He noted previous compliance issues with the applicant and past unanimous rulings of the CEB. He highlighted the applicant's request on 8/11/2025 to reduce the fines to administrative fees only. He indicated the applicant was permitted to present his request. Mr. Paczkowski noted that Mr. Kelly indicated he had spoken with several Commissioners who encouraged him to apply to have the fines further reduced to administrative costs. The Board voted to deny his request to reconsider the matter. He encouraged the Commission to approve the fines as approved by the CEB.

Harold Kelly, property owner, thanked the Commission for the opportunity to speak and stated he is taking full responsibility for the fines and liens. He commented on his service to the community and explained his request to ask for only administrative fees.

Mayor Hawkins asked if Mr. Kelly spoke with any Commissioners.

Mr. Kelly confirmed that he did speak with one Commissioner. He commented that he did not realize he could ask for a reduction to administrative costs only.

Mayor Hawkins asked Mr. Kelly if he had observed other applicants asking for a reduction to administrative costs and he responded affirmatively.

Mr. Kelly commented on discussions with Mr. Martin regarding the option to reduce to administrative fines with Mr. Martin indicating the Board was not typically agreeing to such a reduction.

Vice Mayor Ashcraft cited the numerous notices sent and asked Mr. Kelly why it took so long to get the property brought into compliance.

Mr. Kelly explained his intent to build on the property and difficulty in getting permits.

The Commission asked how the notices are sent with Mr. Martin explaining the notices are sent via certified mail. He explained there were issues with getting a good address and having notices returned. He confirmed he made personal contact with Mr. Kelly in 2020. He explained the process and how Mr. Kelly withdrew a number of permit applications for demolition. He explained the difficulty with the property and stated it took a number of notices before the demolition occurred, and the debris was removed.

The Commission expressed concern regarding how long it took to come into compliance with Mr. Kelly explaining his actions.

Commissioner Holland called for the question. He commented on his and other Commissioners' service on the Code Enforcement Board and expressed confidence in their decision.

The Commission further discussed the situation and the amount of time it took to get the property cleared.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to approve Resolution Number 25-70 with the fine as approved by the Code Enforcement Board. The motion passed on the following vote:

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

Voting Nay: Vice Mayor Ashcraft

7.5 Resolution Number 25-71: Consideration for Reduction of Fine for 600 Ellsy Street

Attorney Garcia read Resolution Number 25-71 by title only: A Resolution of the City Commission of the City of Eustis, Florida, providing for Commission determination of a code enforcement lien on property located at 600 Ellsy Street; authorizing implementing actions; and providing for an effective date.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft to approve Resolution Number 25-71 and the fine as recommended by the Code Enforcement Board. The motion passed on the following vote:

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

Voting Nay: Vice Mayor Ashcraft

7.6 SECOND READING

Ordinance 25-09: Proposed LDR Amendments for Changes in the Use Regulations Table, adding Master Planning requirements for properties over 300 acres in all Design Districts and

providing Subdivision Regulations and Design Guidelines for Suburban Residential (SR) Properties

Attorney Garcia read Ordinance Number 25-09 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending the City's Land Development Regulations; amending Section 109.4 (Use Regulations Table) to classify "Concrete Aggregate Shredder/Crusher" as an industrial use and to specify the land use categories in which the use is permitted by right or subject to conditional use approval; amending Section 115-3.1 (Urban Districts), 115-3.2 (Suburban Districts), and 115-3.3 (Rural Districts) relating to district regulations; amending Sections 109-5.4 (Urban), 109-5.6 (Suburban), and 109-5.8 (Rural) to update performance standards; amending Section 110-3 regarding development pattern and design districts; adding a new section to 110-4 (building lot types) to establish a single-family detached lot type, which may be renumbered as necessary; adding Section 115-4.1(b)(3) to establish open space requirements for single-family subdivision, multi-family, mixed-use, and townhome developments; adding Section 115-4.9(d)(3) to allow stormwater facilities to function as amenities; amending Section 115-7.3 to require street trees and to prohibit on-street parking on residential streets unless designated parking spaces are provided; amending Section 102-21 regarding site plans and preliminary plats; providing for legislative findings; providing for codification, severability, conflicts, scrivener's errors, and an effective date.

Attorney Garcia explained the changes to the ordinance based on recent legislation passed by the Florida Legislature under Senate Bill 180. She explained the requirements of the senate bill and indicated that the effective date of the ordinance was changed so that it would not become effective until one of the following triggering events occurs: 1) The Legislature changes the content of the law; 2) The statute gets repealed; or 3) The statute sunsets. She stated that the City's sunset date would be October 2027. She indicated they also added a whereas clause that recognizes the limitations and indicates it does not become effective until one of the triggering events occurs. She provided an update on the possible class action suit stating she heard they have enough municipalities that have signed on in order to challenge the senate bill. She announced that the City received a letter from John Keating which she submitted for the record and indicated Mr. Keating expresses concern regarding vested property rights. She reviewed her proposed response to Mr. Keating.

Attorney Garcia opened the public hearing at 8:41 p.m. There being no public comment, the hearing was closed at 8:41 p.m.

Motion made by Vice Mayor Ashcraft, Seconded by Commissioner Asbate, to adopt Ordinance Number 25-09 on final reading. The motion passed on the following vote:

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

7.7 Explanation of Ordinance Numbers 25-20, 25-21, 25-22, 25-23, 25-24, and 25-25

SECOND READING

Ordinance Number 25-20: Voluntary Annexation of Parcel with Alternate Key Number 1040141

Attorney Garcia read Ordinance Number 25-20 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 10 acres of real property at Lake County Property Appraiser's Alternate Key Number 1040141, located on the east side of the intersection of County Road 44 and County Road 44A.

Attorney Garcia reviewed the information provided by Lake County concerning the existing County PUD on the site. She stated the PUD is still valid and reviewed some of the uses allowed under the PUD. She confirmed that, if annexed, the City's future land use and design district would replace the County PUD.

Attorney Garcia opened the public hearing at 8:43 p.m.

The following individuals expressed opposition to the proposed development: 1) Peter Dempsey, City resident; 2) Donald Doyle, Lake County resident; and 3) Trena Marquez, Lake County resident.

Daniel DiVenanzo, Lake County resident, commented on the number of residences planned for the area. He expressed support for the planned project. He emphasized that the developer actually lives there.

Travis Sawchuk, owner and applicant, responded that if he stated Spring Ridge dumped on his property, he misspoke. He stated they have enjoyed the fence for 15 years, whether it is theirs or not. He commented on his intent to leave the trees and emphasized his intent to put in 185 feet of setback from Spring Ridge, a 7 foot fence, and plant 7 foot junipers. He stated he has never said he would put in a gas station. He cited the drawing which shows five buildings, not a strip center. He commented on a letter sent to the Commission which he found offensive. He emphasized there is nothing deceptive about his plan, stated there would not be a big change from the drawing and cited the \$1.1 million he spent on his residence. He noted the proposed facade. He indicated that he spoke with the County Attorney who indicated they could amend the PUD. He noted that the property is sited on two sides of a major signalized intersection. He stated that the County has opined that the County Commission would consider a commercial overlay for that intersection. He added that the PUD would be inactive if the property is annexed into the City. He cited the three entrances he has to his property and commented on how his proposed buffers would reduce the noise and lighting issues. He added that his property is almost completely surrounded by the City, and the City has utilities on his property. He stated he would rather develop with the City. He stated that the County has indicated that the property is best suited for commercial and, if he brings it forward to the County Commission, they have the ability to dissolve the PUD and allow a commercial overlay. He noted that the City has already approved Mr. Keating's property for multi-use and commercial and the Getford family is making an application for multi-family. He stated his plaza would serve a purpose for the new people that are coming and would make traffic flow easier due to his three entrances. He cited FSS Chapters 163-2511 and 163-3253 allow for developer's agreements and noted the City has utilized those in the past. He indicated he has offered to enter into a developer's agreement and remove from the table those uses that are objectionable.

Attorney Garcia acknowledged that the PUD is valid and effective, and it could be amended or he could apply to the County for rezoning. She explained how developer's agreements are usually utilized for large projects. She explained that when his property is annexed, it immediately has certain rights based on the City's regulations. She further explained that under state statute doing a developer's agreement could be considered "contract zoning" which is prohibited. She stated that the problem is that a future owner could object to the restrictions. She further explained everything the Commission has to evaluate when considering annexation of property and how it could result in a lawsuit.

Vice Mayor Ashcraft asked if a PUD could be done for General Commercial with Mike Lane, Development Services Director, confirming.

Attorney Garcia emphasized that it could not be a condition of annexation but could be done after annexation.

Mr. Sawchuk reiterated that he is surrounded by the City, they have multiple commercial developments going down 44A, they have multiple residential going down the side of Clear Lake, and they are already dealing with Mr. Keating. He stated he is giving them the most environmentally friendly commercial improvement. He cited other areas that have developed and the increase to their property values. He emphasized the benefit of his development to the other properties.

There being no further public comment, the hearing was closed at 9:13 p.m.

Attorney Garcia emphasized to the Commission that their decision must be based on competent evidence for land planning consideration.

The Commission discussed the future growth in the area, Mr. Sawchuk's presentation, the lack of knowing what the future holds, what the residents would like to see in the area, the City being able to control what goes on the corner by annexing it, and the County approving what Mr. Sawchuk wants while forcing the City to provide the utilities.

Attorney Garcia emphasized the dissatisfaction of the neighbors cannot be a basis for denial. She stated the decision must be based on the evidence pertaining to statutory requirements for annexation, the compatibility with the neighborhood, traffic and the parameters included in the City's code.

Mr. Lane explained the property is in an enclave and three of the four corners are in the City. He stated to the west on the south side is General Commercial, to the south is Suburban Residential. He indicated the Keating property to the west is General Commercial, on the north side is Suburban Residential. The house at the red light is MCR. Below the GC is MCR with 12 units per acre. He stated the AADT (Average Annual Daily Trips) for the intersection to the east is 4200 trips, to the west the AADT is 15,400 per day right now. Along that roadway, north and south, is also 4200 trips per day. He emphasized that this is an enclave, and General Commercial is already on that intersection on the south side.

Commissioner Lee commented positively on the drawings provided. She added they cannot turn it down due to public dissent.

Mayor Hawkins commented on the difficulty with the unknown with Commissioner Lee noting they always have the unknown.

Vice Mayor Ashcraft noted that annexation is strictly at the discretion of the Commission.

Motion made by Commissioner Lee, Seconded by Commissioner Holland, to adopt Ordinance 25-20 on final reading. The motion failed on the following vote:

Voting Yea: Commissioner Lee, Mayor Hawkins

Voting Nay: Commissioner Asbate, Vice Mayor Ashcraft, Commissioner Holland

7.8 SECOND READING

Ordinance Number 25-21: Future Land Use Map Assignment for recently annexed parcels
Alternate Key Number 1040141

This item was not heard due to failure of passage of Ordinance Number 25-20.

7.9 SECOND READING

Ordinance Number 25-22: Design District Assignment for recently annexed parcels Alternate Key Number 1040141

This item was not heard due to failure of passage of Ordinance Number 25-20.

7.10 Ordinance Numbers 25-23, 25-24, and 25-25 for Parcels with Alternate Key Number 3959037

SECOND READING

Ordinance Number 25-23: Voluntary Annexation of Parcel with Alternate Key Number 3959037

This item was withdrawn by the applicant.

7.11 SECOND READING

Ordinance Number 25-24: Future Land Use Map Assignment for Annexation of Parcel with Alternate Key Number 3959037

This item was withdrawn by the applicant.

7.12 SECOND READING

Ordinance Number 25-25: Design District Assignment for Annexation of Parcel with Alternate Key Number 3959037

This item was withdrawn by the applicant.

7.13 SECOND READING

Ordinance Number 25-26: Annual update of the Five-Year Capital Improvements schedule of the Comprehensive Plan fiscal year 2026-30

Attorney Garcia read Ordinance Number 25-26 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; approving the annual update of the Five-Year Capital Improvement Schedule of the Comprehensive Plan under Florida Statutes 163.3177(3)(b); providing for conflicting ordinances, severability, and effective date.

Attorney Garcia opened the public hearing at 9:28 p.m. There being no public comment, the hearing was closed at 9:29 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to adopt Ordinance Number 25-26 on final reading. The motion passed on the following vote:

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

7.14 Explanation of Ordinances 25-03, 25-04 and 25-05 for Annexation, Future Land Use Designation and Design District of Parcels with Alternate Keys Numbers 1097070 and 1094712

FIRST READING

Ordinance Number 25-03: Annexation of Parcels with Alternate Keys Numbers 1097070 and 1094712

Attorney Garcia read Ordinance Number 25-03 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 50.5 acres of real property at Alternate Key Numbers 1097070 and 1094712, generally located north of County Road 44 and east of State Road 19.

Mr. Lane reviewed the proposed annexation, future land use map designation and design district designation with Robert Sangster as the owner. He stated the property consists of 50.5 acres and is an enclave. He explained the future land use district will be Mixed Commercial/Industrial with two design district designations - 10.5 acres will have Suburban Corridor, and the remainder will be Rural Neighborhood. He indicated that the concrete and concrete equipment have been removed. He noted that due to the large amount of wetlands, floodplain and topography they will not be able to do much with that area. He emphasized that they cannot fill that area and they will have to get a letter of map amendment for the floodplain if they want to develop in that area. They also cannot bring in fill to the floodplain area. He explained about how the letter of map amendment would be addressed. He confirmed that the ten acres will be primarily commercial.

Further discussion was held regarding the requirement for an environmental impact analysis and what is allowed by MCI.

Attorney Garcia opened the hearing at 9:35 p.m.

Cindy Newton, Lake County resident, commented on how FEMA does map amendments for wetland areas. She provided an update on the code enforcement issues on the properties. She noted she is not in opposition or support.

There being no further public comment, the hearing was closed at 9:36 p.m.

The Commission asked the current density with Mr. Lane responding that the property is currently Urban Low in Lake County and allows up to 4 units per acre. He stated they would not be able to utilize the wetlands as part of that.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to approve Ordinance Number 25-03 on first reading. The motion passed on the following vote:

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

Voting Nay: Commissioner Asbate

7.15 FIRST READING

Ordinance Number 25-04: Changing the Future Land Use Designation of Recently Annexed Real Property for Parcels with Alternate Keys 1097070 and 1094712

Attorney Garcia read Ordinance Number 25-04 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending the City of Eustis Comprehensive Plan pursuant to 163.3187 F.S.; changing the future land use designation of approximately 50.5 acres of recently annexed real property at Alternate Key Numbers 1097070 and 1094712, generally located north of County Road 44 and East of State Road 19, from Urban Low in Lake County to Mixed Commercial Industrial in the City of Eustis.

Attorney Garcia opened the public hearing at 9:39 p.m. There being no public comment, the hearing was closed at 9:39 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to approve Ordinance Number 25-04 on first reading. The motion passed on the following vote:

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

Voting Nay: Commissioner Asbate

7.16 FIRST READING

Ordinance Number 25-05: Assigning the Rural Neighborhood Design District Designation to Recently Annexed Real Property for Parcels with Alternate Keys 1097070 and 1094712

Attorney Garcia read Ordinance Number 25-05 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Rural Neighborhood design district designation to approximately 40 acres of recently annexed real property at Alternate Key Number 1097070 and assigning the Suburban Corridor design district designation to approximately 10.5 acres of recently annexed real property at Alternate Key 1094712, north of County Road 44 and east of State Road 19.

Attorney Garcia opened the public hearing at 9:40 p.m. There being no public comment, the hearing was closed at 9:40 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to approve Ordinance Number 25-05 on first reading. The motion passed on the following vote:

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

Voting Nay: Commissioner Asbate

7.17 Resolution Number 25-60: Adopting a Tentative Budget for the Fiscal Year 2025/26

Attorney Garcia read Resolution Number 25-60 by title only: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the tentative budget for the fiscal year 2025/26, providing for an effective date.

Mayor Hawkins noted that Mr. Carrino had distributed the longer list with Vice Mayor Ashcraft suggesting that it would be better to balance the budget with reserves rather than pick and choose from the recommended list.

Mayor Hawkins asked how the list was developed with Mr. Carrino responding that the initial list was recommended by the department heads and the larger list was expanded by himself and Miranda Burrowes. He agreed that the least painful thing to do would be to take it from reserves; however, it would have been irresponsible of him to recommend that. He stated doing that would not impact programs.

The Commission asked what the Risk Coordinator would do with Mr. Carrino explaining the position would coordinate with the City's liability company and assess various conditions that may present a liability to the City. Their purpose would be to limit the City's risk and lawsuits and keep them protected.

Mayor Hawkins asked the number of risk-related lawsuits in the past year with Mr. Carrino indicating that those go to PRM, so he did not have a number at that time.

Mayor Hawkins confirmed with Ms. Carr that it is not best practice to take from reserves.

The Commission asked what is Professional Inventory Services with Mr. Carrino responding that is for the Clifford House. It would entail having a professional company inventory what is in the Clifford House.

The Commission asked if the Risk Coordinator is something that is needed right away with Ms. Carr commenting on the number of claims the City is receiving. She expressed concern about the City paying claims they shouldn't.

Mr. Carrino noted that right now the City's risk is limited by sovereign immunity; however, the State has been discussing increasing those caps which makes the lawsuit more troublesome.

Attorney Garcia commented that she has seen an increase in claims in general in the last 12 to 18 months.

Commissioner Lee commented on the money spent on promotional items and most departments seem to have that budgeted.

Further discussion was held regarding taking from reserves versus cutting the budget with Mr. Carrino stating that staff spent a lot of time with the departments and the items on the list were those that were the most reasonable to reduce.

Commissioner Asbate commented on how taxes are hurting residents.

Mayor Hawkins commented on the budget discussions and cited staff already issuing possible dates for next year's workshops. He noted the lack of suggestions during those workshops for reductions.

Attorney Garcia opened the public hearing at 9:52 p.m. There being no public comment, the hearing was closed at 9:52 p.m.

The Commission asked how much the reserves are with Ms. Carr responding they are anticipating ending the fiscal year at \$19.1 million and, if they go to the roll-back rate, next year would be \$17.8.

Attorney Garcia announced that there would be a change in the percentage over roll-back at the next hearing.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to adopt the budget using the millage rate of 7.3898, using reserve money to balance the budget and then doing budget amendments during the fiscal year to cover those reserves. The motion passed on the following vote:

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

8. Other Business

8.1 Discussion for an Economic and Cultural Advisory Committee

Mayor Hawkins invited staff members to go ahead and leave.

Vice Mayor Ashcraft commented that he is proposing the establishment of an advisory committee for economic and cultural development. He distributed an overview of what the committee's purpose would be and its roles and responsibilities. He cited a number of cultural outreach endeavors that are underway.

Vice Mayor Ashcraft provided a report on his and Christine Cruz's trip to Miami for the meeting at the Japanese Consulate. He noted that the Consul will be in Eustis in March at the Japanese cultural event.

CONSENSUS: It was a consensus to place discussion on the next agenda.

9. Future Agenda Items and Comments

9.1 City Commission

Vice Mayor Ashcraft announced he joined the City softball team, and their first game will be at Carver Park on September 16th. He commented on the tension during the evening but, in the end, they got the job done.

9.2 City Manager

Mr. Carrino noted that the Commissioners had received a draft form for the City Attorney evaluation. He asked them to review the form and provide comments on the form and process to be used. He then announced that the Eustis Police Department recently went through their re-accreditation. He also recognized the Events and Communication Department and announced they brought home eight Sunsational Awards from FFEA and received more #1 awards. He announced that the new director would start work on Monday.

9.3 City Attorney: None

9.4 Mayor: None

10. Adjournment: 10:04 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



WILLIE L. HAWKINS
Mayor/Commissioner