



APPROVED 3/6/2025

# MINUTES

## City Commission Meeting

6:00 PM – Thursday, February 20, 2025 – City Hall

**Invocation: Moment of Silence**

**Pledge of Allegiance: Vice Mayor Gary Ashcraft**

**Call to Order: 6:01 p.m.**

**Acknowledge of Quorum and Proper Notice**

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

**1. Agenda Update: None**

**2. Approval of Minutes**

February 11, 2025 Special City Commission Meeting

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

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

**3. Presentations**

3.1 Presentation of Check to the Eustis Community Alliance

Craig Capri, Police Chief, presented a check to the Eustis Community Alliance on behalf of the Eustis Police Department and expressed appreciation for their support of the community.

Kelly Hadley and Pandora Jackson addressed the Commission on behalf of the Alliance and provided an overview of the Alliance's programs.

3.2 Recognition of Officer Torres completing SWAT school

Chief Capri introduced Officer Torres and congratulated him on completing SWAT school. He commented on how difficult SWAT training is and the benefits to the community.

3.3 Eustis Police Department Officer and Employee of the Year

Chief Capri recognized Officer Chris Fiedler as Officer of the Year for the Eustis Police Department. He presented the Employee of the Year award to Jesse Tallent. Chief Capri acknowledged the work of the Eustis Police Department team for their efforts to protect the City of Eustis.

3.4 Plaque Presentation to Steven Malmrose for donated time to complete the drone infrastructure

Chief Capri presented a plaque to Steven Malmrose for donating his personal time to complete the drone work on the City's infrastructure. He highlighted Mr. Malmrose's efforts and

dedication to donate his time and equipment to record and log footage of the City's infrastructure.

#### **4. Audience to be Heard**

Carolyn Douglas addressed the Commission on behalf of the Eustis Church of the Nazarene. She noted the Church had been in the City for approximately 75 years and cited the various communities located near the Church. She presented a proposal to have a park created for the residents and stated that the church already provided a basketball court. She commented on the infrastructure already in place and noted the diversity of the community. Ms. Douglas asked for the City to partner with the church to create a pocket-style park. Commissioner Holland asked for Ms. Douglas to connect with Samuel Brinson, Director of Parks and Recreation, and expressed support for a park in that area.

Blake Griswold explained his son is a firefighter for the City. He expressed concern regarding the continuing fire union negotiations and asked for the City and Union to come to an agreement. He commented on the retroactive pay issues. He cited the pay request by the union and the raises being provided by surrounding cities. He stated there is a disconnect between the City and the Fire Department and expressed support for the union proposal on the wage increases.

Sonya White, teacher at Eustis High School, thanked the elected officials for their support of the Future Business Leaders of America (FBLA). She cited the increase in the number of students competing at the district competition. She indicated they had students place in both first and second place. She thanked MEGA Workplace for their support and the citizens of Eustis who purchased popcorn in support of FBLA. She said they had a budget of \$3,300 and they are short \$1,263. She asked for the City's support for the program.

Commissioner Asbate expressed support for helping FBLA meet their goal. He asked if the City has funds available to help.

Tom Carrino, City Manager, indicated that the City could probably find \$1,000 in the budget to provide to FBLA.

Mayor Hawkins, Vice Mayor Ashcraft and Commissioners Asbate and Holland each indicated they would also give personally, bringing the total to \$1,500 including the City's \$1,000.

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

##### **5.1 Resolution Number 25-13: Approval of Duke Energy Audit Closing Agreements**

Sasha Garcia, City Attorney, read Resolution Number 25-13 by title: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, approving the Duke Energy audit closing agreement, repealing all resolutions or parts of resolutions in conflict herewith; and providing for an effective date.

Lori Carr, Finance Director, asked Mike Sheppard, Deputy Finance Director, to review the recent discussions with Duke, Tryon, City staff and Duke's attorney regarding the franchise fees. According to the auditor and Attorney General's opinion, Duke Energy is not doing anything wrong. He stated the agreement is to settle for \$74,000 and represents a fair return for the audit. He indicated that previously the City had an audit done of the periphery of the City to make sure that Duke and SECO input the annexations properly into their systems.

Mr. Carrino explained that the approximate \$74,000 represents annexed properties that were not charged the proper amount. He added that Duke also was transitioning to a new system which created a lag in properties hitting the appropriate figures. The amount in the agreement

is the amount the City agreed to for the properties that were not accounted for properly right away but have been corrected. He indicated that representatives of Duke Energy were present to answer questions.

Commissioner Asbate commented on possible scenarios and indicated his belief that all of the audits had not been done appropriately. He expressed support for waiting and engaging a professional to go through a complete audit. He commented on the City's responsibility in ensuring a thorough audit is completed.

Mr. Carrino pointed out that there is no money owed in arrears and indicated that Duke Energy did not collect any money that was not forwarded to the City appropriately. He explained that anything the City would be looking at would be going forward. He stated that what is in the agreement are monies that were collected and not forwarded to the City.

Discussion was held regarding the auditor contract with Attorney Garcia noting that the contract ended in January 2025 and was not renewed. She commented on her review of the agreements and stated she and their attorney were satisfied with the agreement and cited Duke's transparency in providing information for the audit. She added that the agreement allows for future audits. She further added that the original agreement was with Florida Power, not Duke, and stated they were honoring an agreement with a prior party.

Ms. Carr explained that, even though the City cancelled the contract with Tryon, they did find savings for the City and they will collect on that.

Commissioner Asbate further expressed support for postponing and doing another audit. He added that Duke is a great partner and his comments aren't negative toward Duke.

Further discussion was held regarding the contract and audit done by Tryon.

Mr. Sheppard noted that Duke believes they calculated correctly and the State of Florida agrees. He commented on the differing opinion with the Tryon staff from California on the figures.

Vice Mayor Ashcraft asked about the interpretation of the law and questioned the belief that they actually owe millions.

Ms. Carr explained that there are two issues. The \$74,000 represents annexations that were missed by Duke one way or the other and everyone agrees on that. The firm from California believes that Duke should be collecting from governments, the City and not-for-profits but Duke's position is that they were not collecting on those based on the agreement.

Attorney Garcia noted the original agreement was with Florida Power and not Duke. She indicated that the way the contract was written is subject to interpretation. She commented on the factors considered in drafting the agreement.

Nancy Dodd, Government and Community Relations Manager for Duke, introduced Kim Graves who is part of their tax team. Ms. Graves explained the interpretation from Tryon is that Duke would be collecting more money from the customers and providing less money to the City. Mayor Hawkins confirmed it would include charging not-for-profits and government entities. Ms. Graves confirmed they have not worked with Tryon before.

Mr. Carrino stated that the City can work with Duke Energy regarding how they want to move forward but there was no money collected on the City's behalf and owed to the City. He stated that, if they feel strongly about the issue and want to work with Duke on that, those would be monies paid to them in the future.

Discussion was held regarding the franchise agreement and the area it covered and the fact that it was originally with Florida Power, not Duke Energy.

Attorney Garcia reported that she had asked Duke Energy to provide copies with their prior agreements with other municipalities and their methods of calculations. She stated that they are primarily the same as the City's.

Ms. Carr stated that franchise agreements throughout the state are primarily the same.

Commissioner Holland commented on the current agreement and cited the need to work with Duke for something going forward. He commented on the possibility of getting an outside auditor to look at the City's books differently. He emphasized that Duke Energy is an excellent partner with the City and expressed support for looking at something different going forward. He indicated that he had spoken with the League of Cities regarding the City's agreement and they stated that everything looks in order.

Further discussion was held regarding whether a further audit was needed and changes that could be decided for the future. It was noted that Florida's guidelines are different than in California.

Ms. Dodd noted that Duke Energy does their own internal auditing and stated they are also audited by the PSC (Public Service Commission).

Attorney Garcia opened the public hearing at 6:50 p.m. There being no public comment, the hearing was closed at 6:50 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to approve Resolution Number 25-13. Motion passed on the following vote:

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

Voting Nay: Commissioner Asbate

## 5.2 Resolution Number 25-17: Approval of a Franchise Agreement Between The City of Eustis and Waste Management Inc. of Florida

Attorney Garcia read Resolution Number 25-17 by title: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, approving a franchise agreement between the City of Eustis and Waste Management Inc. of Florida; repealing all resolutions or parts of resolutions in conflict herewith; and providing for an effective date.

Mr. Carrino explained the City issued an RFP for waste hauling services which was reviewed by a staff review committee. He indicated there were three responses any of which could have served the City well. He stated that Waste Management submitted two proposals - one for traditional service and one for waste-to-energy. Staff recommended the RFP be awarded to Waste Management for the waste-to-energy proposal. He cited the presentation provided by Reworld and Waste Management after which the Commission directed staff to negotiate a franchise agreement. He reviewed the terms of the agreement as follows: 1) Five year term with up to three additional five year extensions for up to 20 years; 2) Waste Manager will be the exclusive waste hauler in Eustis other than for construction debris; 3) Waste Management will continue to assist with community cleanups and events; 4) Providing yellow recycling dumpsters; and 5) Provision of a tire recycling dumpster for the use of Public Works only.

Mr. Carrino explained the waste-to-energy program stating that all residential waste will go into either toter. He stated it is more environmentally friendly and cost effective. He indicated they would conduct a joint education campaign with Waste Management that includes decals on the

toters, mailers, social media and website to inform the public on the service change. He added there will be an increase from \$19.02 to \$21.80, a \$2.78 residential increase per month. He stated that \$2.48 of that is attributable to increased disposal fees which is a pass thru cost. He added that the waste-to-energy is a way to keep that cost down as much as possible. The rates will be able to be adjusted annually on January 1st based on the Garbage and Trash Index. Comparatively, the City will continue to be lower than Tavares and Mount Dora and a little higher than Leesburg but they do service inhouse. He stated staff's recommendation for approval.

Mayor Hawkins asked if it is typical to do the extensions with Mr. Carrino commenting on how long the City has been contracted with Waste Management and explaining the term of the old agreement.

Attorney Garcia opened the public hearing at 6:56 p.m. There being no public comment, the hearing was closed at 6:56 p.m.

The Commission confirmed that the City Attorney was supportive of the agreement and Attorney Garcia indicated she had drafted the agreement.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to approve Resolution Number 25-17. The motion passed on the following vote:

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

### **5.3 FIRST READING**

#### **Ordinance Number 25-01: Amending the Land Development Regulations Section 102-11(b) Community Meeting and Section 109.4 Use Regulations Table**

Attorney Garcia read Ordinance Number 25-01 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the Land Development Regulations, Section 102-11(b) Community Meeting and Section 109.4 Use Regulations Table; providing for codification, severability and an effective date.

Mike Lane, Development Services Director, introduced the proposed changes to the Land Development Regulations regarding the community meetings and use regulations table. He explained that the community meetings will be held prior to them presenting their applications to staff. He stated Hookah Vapor Bar and Tavern is being added to the Table of Uses as a conditional use. Self-service storage facilities are being changed to a conditional use in the General Industrial district instead of an allowed use.

Vice Mayor Ashcraft asked how the community meetings will be verified.

Mr. Lane explained the applicant will have to provide a list of attendees and minutes of the meeting as well as a signed affidavit. He confirmed they will be responsible for notifying the residents.

Commissioner Lee asked why the conditional use change for hookah bars does not also include tattoo parlors, smoke shops and drug paraphernalia shops.

Mr. Lane indicated staff could take that under consideration if the Commission wants that. He added that some communities had actually moved the tattoo parlors from outside those uses due to the cultural change. He stated they are currently allowed in the General Commercial category.

Mr. Carrino noted that change could not be made that night as it was not advertised as part of the ordinance. He stated they could make other changes but it would have to be advertised.

Vice Mayor Ashcraft asked what's the difference between a hookah bar and a smoke shop.

Commissioner Holland asked Commissioner Asbate's input since he is a building owner.

Commissioner Asbate asked if those have protected class status and cited the possibility of litigation. He expressed concern regarding those types of shops being allowed in the downtown.

Vice Mayor Ashcraft asked about the difference between a hookah lounge and a smoke shop with Commissioner Asbate explaining a smoke shop sells tobacco but might also sell paraphernalia.

Mr. Carrino explained his understanding of the difference is that a hookah lounge provides onsite consumption with a smoke shop primarily being for offsite consumption.

Attorney Garcia stated that tobacco is regulated by the state so the City would have to confirm the City is not doing anything in contravention to state regulations.

Discussion was held regarding whether tattoo parlors are regulated by the State.

Discussion was also held regarding postponing the ordinance to allow staff time to bring back additional information regarding tattoo parlors, tobacco and marijuana dispensaries.

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

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to table Ordinance Number 25-01 until staff brings back additional information regarding tattoo parlors and tobacco. The motion passed on the following vote:

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

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

### **6.1 City Commission**

Commissioner Holland commented on the number of Georgefest activities.

Commissioner Lee complimented the Point of Grace on their concert and stated her pleasure in judging the Georgefest pageant. She complimented the Events staff on all their work on the festival.

Vice Mayor Ashcraft cited the African American Heritage Celebration, the carnival, the Sailing Club event and other activities over the past weekend.

Commissioner Asbate reported he has had discussions with a seaplane company. He asked to allow the company to provide a presentation to the City Commission. He explained the City does not currently have a seaplane dedicated port.

Vice Mayor Ashcraft asked for an update on the event boat and dock.

Mr. Carrino responded that Public Works has engaged a design and engineering firm to design what the City needs so they are moving forward.

Commissioner Asbate thanked everyone from the City, staff and City Commission for the overwhelming support after the passing of his mother who died at the age of 98.

**6.2 City Manager**

Mr. Carrino stated staff is moving forward with consultants and the Master Plan. He thanked the Events team and the other departments for all their work on Georgefest.

**6.3 City Attorney: None**

**6.4 Mayor**

Mayor Hawkins thanked everyone for attending Panther Pride in the Park and cited the recognition for the EHS Bates Avenue state champion team from 1968. He commented on the African American Heritage Celebration Parade and Festival with over 250 entries. He announced that the Eustis High School basketball team was playing in the regional playoffs that night with the possible opportunity to go to State Competition. He thanked everyone for Georgefest and gave kudos to Miranda Muir and her team especially for the World's Largest Duck. He stated that on Saturday morning they are going to try and break the record set by George Washington University of having 3,000 people wearing tricorn hats. They are distributing 3500 hats.

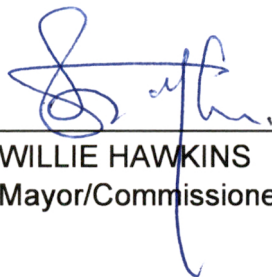
Miranda Muir explained they will be starting at 8:30 a.m.

Mayor Hawkins thanked the Public Relations team for their great job and how they are taking the City's marketing to another level.

**7. Adjournment: 7:18 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

  
WILLIE HAWKINS  
Mayor/Commissioner