



AGENDA

City Commission Meeting

6:00 PM – Thursday, January 05, 2023 – City Hall

INVOCATION: PASTOR SKOTT JENSEN, EUSTIS FIRST ASSEMBLY OF GOD

PLEDGE OF ALLEGIANCE: VICE MAYOR LEE

CALL TO ORDER

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

2.1 Approval of Minutes

October 6, 2022 City Commission Meeting

October 20, 2022 City Commission Meeting

November 17, 2022 City Commission Meeting

3. OATH OF OFFICE

3.1 Swearing-in of New Commissioners – Gary Ashcraft and Michael Holland

4. ELECTION OF MAYOR AND VICE MAYOR

4.1 Appointment of City Clerk as Temporary Chairman for Election of Mayor and Vice Mayor

5. PRESENTATIONS

5.1 G3C2 Downtown Master Plan Presentation

6. APPOINTMENTS

6.1 Appointment of East Town Representative to Community Redevelopment Agency (CRA) – Tanya Wilder

7. CONSENT AGENDA

7.1 2023 City Commission Meeting Schedule

7.2 Resolution Number 22-58: Fire Department Lifepak 15 Monitors

7.3 Resolution Number 23-02: Fire Department Bunker Gear

8. AUDIENCE TO BE HEARD

9. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

9.1 Resolution Number 23-01: Lake Sumter Land Transfer

10. OTHER BUSINESS

10.1 Colonial Inn Motel Fine Reduction Discussion

11. FUTURE AGENDA ITEMS

12. COMMENTS

12.1 City Commission

12.2 City Manager

12.3 City Attorney

12.4 Mayor

13. ADJOURNMENT

This Agenda is provided to the Commission only as a guide, and in no way limits their consideration to the items contained hereon. The Commission has the sole right to determine those items they will discuss, consider, act upon, or fail to act upon. Changes or amendments to this Agenda may occur at any time prior to, or during the scheduled meeting. It is recommended that if you have an interest in the meeting, you make every attempt to attend the meeting. This Agenda is provided only as a courtesy, and such provision in no way infers or conveys that the Agenda appearing here is, or will be the Agenda considered at the meeting.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105). In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact the City Clerk 48 hours prior to any meeting so arrangements can be made. Telephone (352) 483-5430 for assistance.

“Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission and the public. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.”



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Christine Halloran, City Clerk

DATE: January 5, 2023

RE: Approval of Minutes

Introduction:

This item is for consideration of the minutes for the October 6, 2022, October 20, 2022, and November 17, 2022, City Commission Meetings.

Background:

N/A

Recommended Action:

Approval of the minutes as submitted.

Policy Implications:

None

Prepared By:

Mary Montez, Deputy City Clerk

Reviewed By:

Christine Halloran, City Clerk



MINUTES

City Commission Meeting

6:00 PM – Thursday, October 06, 2022 – City Hall

INVOCATION: Moment of silence was observed.

PLEDGE OF ALLEGIANCE: Commissioner Cobb

CALL TO ORDER: 6:00 p.m.

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

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

1. APPROVAL OF MINUTES

1.1 August 18, 2022 City Commission Meeting Minutes

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

2. AGENDA UPDATE: None

3. PRESENTATIONS

3.1 Overview of Community Development District (CDD)

Tom Carrino, City Manager, provided a general overview of Community Development Districts (CDDs) explaining those are tools established by Florida Statute Chapter 190 providing for independent special districts or local special purpose governments with specific/special purposes for a limited geographic area. He noted they are distinct from a general purpose government which would be a city or county. He stated specific parameters exist for the establishment of a CDD based on acreage with a petition filing fee and jurisdiction based on acreage and location. He commented on the items to be included in a petition, including metes and bounds legal description of the subject area, written consent of all landowners, designation of five initial Board of Supervisor members, proposed name of the district, map of the area with water and sewer infrastructure, proposed good faith construction timetable and estimated costs of improvements, information on land use and consistency with Comprehensive Plan, and statement of estimated regulatory costs. Mr. Carrino noted the requirements for a public hearing and cited the general powers of a CDD per FS 190.011 which specifies borrowing money and issuing bonds.

Mr. Carrino specified what must be considered by the approving body in determining whether or not to approve the creation of the CDD. He cited what CDD's can do as stated in the statute and then reviewed the special powers pursuant to FS 90.012. He noted other special powers that can be done with the consent of the local government. He explained that the CDD is overseen by a Board of Supervisors

consisting of five members which are initially appointed by the landowner. The CDD Board may eventually transition to homeowners based on certain criteria. He cautioned that when a CDD is created by a developer and the developer appoints the first five seats, it is assumed that those initial board members will have a conflict of interest as they work for or are otherwise associated with the developer. With a regular local government, if a member is going to personally benefit from a vote, they must declare a conflict of interest; however, that is not the case with the CDD since it is assumed the board members will have a conflict.

Mr. Carrino then explained how CDDs work and how they can issue bonds for improvements and services. Properties within the CDD are assessed annually to repay the debt on those bonds. He noted they can also place liens on property within the CDD and foreclose on those.

Mr. Carrino noted local examples in Lake County and other regional areas as well as upcoming items in the City of Eustis for consideration of petitions. He cited a number of CDDs that exist in Lake County and Central Florida. He indicated that TLC Pine Meadows LLC will be submitting to the City a petition for creation of a CDD which will come before the Commission on first reading at the October 20th meeting. He asked that the Commission restrict any questions to CDDs in general and not about the TLC petition.

The Commission asked why the City would benefit from a CDD with Mr. Carrino responding that the infrastructure of a CDD may be expedited and they could potentially do more improvements than they might normally do.

The Commission asked if the City would lose oversight because there would now be another level of government.

Mr. Carrino stated the City would not lose oversight of its own services. If a CDD builds a water or sewer treatment plant, then they would be responsible for running those unless they turned them over to the City. He indicated what they do lose control of is that there is another taxing district levying assessments on properties within the City.

The Commission asked about the timeframe with Mr. Carrino stating that the statute states that after six years the transition begins between developer's board members to the resident board members; however, that only occurs once there are 250 qualified electors within the CDD. Therefore, the timeframe is subject to how quickly the development gets built.

The Commission asked if the City would have to build a park or conference center for the CDD with Mr. Carrino explaining that the list is for amenities the CDD is able to do not what the City is responsible for.

The Commission confirmed they would still have to abide by all of the City's permitting regulations. They confirmed that a property owner within the CDD would pay for the normal taxation by the City and County and then an additional levy by the CDD.

The Commission asked how long the CDD lasts with Mr. Carrino indicating it could sunset once the original financing is paid off; however, the homeowners could continue it in order to build more amenities. It would be up to the Board of Supervisors. He explained that the development never gets "turned over" to the City.

The Commission asked about successful versus not successful CDDs with Mr. Carrino indicating it is a funding mechanism and is similar to an HOA. Mr. Carrino added that in some areas it can also become a service provider where they don't otherwise exist.

The Commission discussed the benefits to the developer and how the CDD's have worked in the area. They questioned whether they might have some of the same problems as an HOA with infrastructure. They questioned whether or not they sometimes become HOAs with Mr. Carrino explaining there are areas that have both.

Mr. Carrino indicated that they would have to abide by all of the City's land use and site planning regulations. He confirmed that, if the City ever approves a fire assessment, they would also be subject to that assessment.

The Commission asked whether a member of the Board of Supervisors could run for the Commission with Derek Schroth, City Attorney, confirming they have to resign due to the dual office prohibition.

4. AUDIENCE TO BE HEARD

Cindy Newton, resident of Lake County, commented on the heavy rain during Hurricane Ian and the high levels of the east and west retention ponds in the Bates neighborhood. She expressed concern that the ponds may not be draining properly.

5. CONSENT AGENDA

5.1 Resolution Number 22-66: Approval of Purchase in Excess of \$50,000 for Customer Service Postage Costs

5.2 Resolution Number 22-67: A Resolution supporting the Grant Award Agreement for a Small Matching Grant from the Department of State, Division of Historical Resources

5.3 Resolution Number 22-70 Purchase of Books and Other Reading Materials

5.4 Resolution Number 22-71: Approve Extension of Verteks contract and purchases over \$50,000

5.5 Resolution Number 22-72: Authorizing multiple annual purchases in excess of \$50,000 for each of six products and services that are essential for the Water and Wastewater daily operations

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

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

6.1 Resolution Number 22-73: City Commission Benefits

Attorney Schroth read Resolution Number 22-73 by title: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, amending the Personnel Rules and Regulations of the City of Eustis Section 4.19, City Commission Benefits and Section 4.13.C, Cemetery Plots and Urn Interment Spaces.

Bill Howe, Human Resources Director, reviewed the proposed changes to the Personnel Rules and Regulations as follows: 1) Updating retirement plan provider from ICMA to Empower; 2) Including paid medical insurance benefits as provided to fulltime employees; 3) Including vision insurance to be paid by Commissioners; and 4) Revising Section 4.13 regarding cemetery spaces to clarify that Commissioners with at least seven years of continuous service with the City are entitled to apply for two cemetery spaces without being vested in the retirement plan.

The Commission discussed the proposed changes and the years of service required to obtain the cemetery spaces with Mr. Carrino explaining the benefit was only changed to eliminate the need to be vested in the retirement plan since the Commission is not entitled to the retirement. The length of time required for years of service was not changed.

The Commission asked about the health insurance options and premiums paid for coverages. They discussed the paid medical insurance inequality between Commissioners for those who take coverage and others who do not. It was noted that inequality is what caused the Commissioners to vote to remove those benefits previously.

Mr. Schroth opened the public hearing at 6:37 p.m. There being no public comment, the hearing was closed at 6:37 p.m.

A motion was made to approve Resolution Number 22-73 with a revision to change the years of continuous service from seven years to four. Motion made by Commissioner Cobb, Seconded by Commissioner Hawkins. The motion passed on the following vote:

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

Voting Nay: Commissioner LeHeup-Smith

Attorney Schroth noted that, due to the change in years of service, the resolution would be brought back to the next meeting on the Consent Agenda.

7. OTHER BUSINESS

7.1 Special Event Permit Process

Commissioner Hawkins explained the reason he requested the discussion stating he has concerns regarding some of the recent events.

Craig Capri, Police Chief, discussed the special event permit process in the City of Eustis and issues that have arisen. He cited issues in particular with one venue including noise complaints, incidents with weapons, arrests, underage drinking and reckless drivers. He commented on the possibility of establishing an after hours special permit. He commented on how events were handled in Daytona Beach including the use of the after hours permit which required specific criteria.

Chief Capri stated he did not believe the City should have events past midnight particularly in the residential neighborhoods. He cited issues with people hanging out in the parking lots after an event. He noted that he met with the venue owner and they are being cooperative. He indicated that even businesses such as the convenience stores that may sell alcohol after midnight could be required to apply for the permit. The cost of the permit could be used to help underwrite enforcement.

The Commission expressed an interest in exploring the after hours permit particularly in light of the possibility of there being more residents living in the downtown area.

Discussion was held regarding how the events affect the local residents and issues surrounding some of the events particularly after midnight.

The Commission asked if the permit would also affect events at the Lake County Fairgrounds which is in the City. Chief Capri confirmed the permit would apply to those events as well.

Chief Capri asked the Commission to review the materials presented to them regarding a Special Permit Process.

Further discussion was held regarding some of the issues and which events they occurred at.

CONSENSUS: It was a consensus of the Commission for the Chief to prepare something and bring it back for consideration.

8. FUTURE AGENDA ITEMS: None

9. COMMENTS

9.1 City Commission

Commissioner LeHeup-Smith announced she would be leaving on vacation.

Commissioner Cobb reported she would be attending the FRA training and the elected official program.

Commissioner Hawkins reminded citizens they would be painting the high school on Saturday, October 15th. He commented that the City's response to the hurricane was amazing and stated he was proud of staff and everyone who helped.

Vice Mayor Lee complimented the City's hurricane response team on the excellent job. She thanked the young men who helped her fill sand bags.

9.2 City Manager

Mr. Carrino reported that FDOT will be doing some major improvements through downtown related to pedestrian safety. He noted they held a public input meeting at the community center and indicated they are working with the property owners. He announced he invited FDOT to come and discuss the project and how it will impact the City. He asked the Commission whether they wanted a presentation at a meeting or a workshop prior to a regular meeting.

It was agreed they would hold a workshop immediately prior to a regular meeting.

Vice Mayor Lee asked about the status of the downtown development project.

Mr. Carrino responded that the Commission authorized staff to negotiate with G3C2 related to the Waterman site. He indicated staff has been meeting with them and stated staff needs to bring back a master plan agreement for Commission consideration. He stated they are not yet ready to do that. He noted that they will be going through a strategic plan process and it needs to be determined how that will work with the master plan for downtown.

The Commission commented on the need to coordinate both of those processes with Mr. Carrino noting that the developer is going to want to move forward as well.

Mr. Carrino thanked the City's team for their storm response and commented on the City and Waste Management's work on clean up.

Commissioner Hawkins commented on the workers maintaining the islands and stated they are not putting out the safety cones and they need to do that to protect the workers. He then asked about the anti-bear trash cans with Mr. Carrino responding that he was contacted by Waste Management and they are working to schedule a meeting.

9.3 City Attorney - None

9.4 Mayor

Mayor Holland further thanked City staff for its storm preparedness noting they communicate and work well together. He stated that two City firefighters have been deployed to southwest Florida and they have just returned with two more firefighters now deployed. He commented on how bad the damage was in other areas of the state and thanked residents for listening to the precautions.

Mayor Holland then noted the upcoming events in October and thanked everyone for attending.

10. ADJOURNMENT: 7:05 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



MINUTES

City Commission Meeting

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 said 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

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 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 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



MINUTES

City Commission Meeting

6:00 PM – Thursday, November 17, 2022 – City Hall

INVOCATION: A moment of silence was observed.

PLEDGE OF ALLEGIANCE: COMMISSIONER LEHEUP-SMITH

CALL TO ORDER: 6:00 p.m.

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

The following changes were made to the agenda: 1) Items 7.1 and 7.2 were moved up on the agenda to under Presentations; and 2) Item 6.3 was moved to the beginning of Section 6.

2. APPROVAL OF MINUTES

2.1 Approval of Minutes

July 29, 2021 City Commission Workshop
November 3, 2022 Regular City Commission Meeting.

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

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

3. PRESENTATIONS

3.1 Donation to Eustis Junior Panthers

Craig Capri, Police Chief, presented a donation to the Eustis Junior Panthers for \$1000 from the City of Eustis. He complimented the league for its positive affect on the community.

Representing the league were Coach Johnny Saunders, Coach Kalin Ellison and Cheer Coordinator Kyla Lucas.

Coach Saunders thanked the City for its support.

Mayor Holland expressed support for the football program and cited the benefits of the program to the high school program and the community.

Al Latimer, Economic Development Director, cited the creation of the grant writer position and introduced Nadine Mann as the new grant writer.

4. OTHER BUSINESS

4.1 Consideration of Sponsorship for Lake Cares

Tom Carrino, City Manager, recommended that the City commit to a \$10,000 donation for Lake Cares to be paid at \$2,000 per year over the next five years.

Kelsie Gonzalez addressed the Commission noting that they serve approximately 35,000 to 40,000 per year with approximately 7,000 of them Eustis residents. She added that Eustis residents are their number one clientele.

On a voice note, the Commission approved the donation unanimously. Commissioner Hawkins abstained due to sitting on the board of directors for Lake Cares.

4.2 Lake Sumter Land Request

Mr. Latimer explained that the Lake Sumter State College approached the City requesting a donation of four acres of land for construction of a commercial driver's license and utility lineworkers training center. He stated that staff identified property that would meet their needs. He explained that it is part of a larger parcel and would need to be subdivided. He further explained that the subject property is located at the southwest corner of SR44 and Hicks Ditch Road and presented a map showing the property. He stated that the area will need an estimated 105 utility workers by the year 2030 and a million truck drivers within the next ten years.

Mr. Latimer emphasized that the center will represent economic development activity for the City and will provide capital investment in the City, create additional jobs, bring people to the community and generate sales to local businesses. He added that the higher education sector contributes stability to a region due to being less susceptible to downturns as other sectors of the economy.

Mayor Holland noted that Vice Mayor Lee is a member of the College's Board of Trustees and asked her to comment. He noted she may need to recuse herself from the vote.

Vice Mayor Lee announced she would recuse herself from voting on the item. She commented on the need for a connection between the college and the City and cited a variety of benefits to that connection including development of the local work force and improving the quality of life for the City's residents. She noted the College also works closely with Lake Technical College.

Dr. Heather Brigard, president of Lake Sumter State College, commented on the college's access and community and workforce development initiative. She cited the amount of growth in Florida and locally and how that growth will be attracted to Lake County and Eustis. She noted the area's job growth projection already exceeds 15% and the national average is only 1.8%. She provided information regarding growth of college programs and the need for additional postsecondary programs such as proposed the CDL and lineman program. She cited figures for the increasing need for those specific trades.

Commissioner Hawkins expressed support for both Lake Sumter and the proposed facility. He expressed concern regarding the proposed site noting that other people expressed interest in the property in the past but the City was not willing to give up the property at that time. He stated he is supportive of the college getting the property; however, he expressed concern regarding how the situation was addressed.

CONSENSUS: It was a consensus of the Commission for staff to move forward with the process with Vice Mayor Lee abstaining.

5. AUDIENCE TO BE HEARD

No one came forward at that time.

6. **CONSENT AGENDA**

6.1 Resolution Number 22-81: Axon Enterprise, Inc. Contract Renewal

6.2 Resolution Number 22-85: Edward Byrne Memorial Justice Assistance Grants (FY2021-JAGD-8C015)

6.3 Resolution Number 22-88: Approving a Purchase for Construction Administration Services for the Eastern WWTF Pond Liner Replacement Project

The Consent Agenda was approved as submitted by the following vote:

Motion made by Commissioner Cobb, Seconded by Vice Mayor Lee.

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

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

7.1 Resolution Number 22-87: Authorizing a Commercial Property Assessed Clean Energy (C-PACE) Program within the City of Eustis allowing Commercial Property Owners access to financing through a non-ad valorem assessment

Sasha Garcia, City Attorney, announced Resolution Number 22-87: A Resolution of the City of Eustis, Florida, authorizing a Commercial Property Assessed Clean Energy (C-PACE) program within the corporate limits of the "City"; approving agreements with the Florida Green Finance Authority, the Florida Resiliency and Energy District, the Florida PACE Funding Agency and the Green Corridor PACE District; utilizing voluntary non-ad valorem assessments to finance qualifying improvements; authorizing the City Manager or designee to execute said agreements; and providing for implementing administrative actions, scrivener's errors, conflicts, severability and effective date.

Mr. Carrino explained the C-PACE program created by FS 163.08 provides long-term, low cost financing for energy efficiency, renewable energy, and wind hardening improvements structured by private lending repaid by a voluntary non-ad valorem assessment. He further explained how the program works and how the agency connects the borrower with a private lender and how the loan is repaid through a non-ad valorem assessment over five to thirty years depending on the size and scope of the project.

Mr. Carrino stated that the four PACE agencies already have existing agreements with the Lake County Property Appraiser and the Tax Collector. He explained how the process works and stated that the request was prompted by the Lighthouse at Eustis Assisted Living Facility who is interested in using the program. He indicated that in order for them to take advantage of the program, the City must approve the program first. He introduced Ryan Barkus with the Florida Resiliency and Energy District who assisted with preparation of the agreements. He indicated Mr. Barkus is working with Lighthouse and the lender.

The Commission asked about the downside with Mr. Carrino responding there are no real downsides except on the residential side which is why staff is not recommending that program. He explained that the residential program may prevent the refinancing or resale of a home.

The Commission asked about the success rate with Mr. Carrino responding that 95% to 99% of the projects are funded and continue to make payments as scheduled which results in a failure rate of only 1-4%. He added that it is a very safe lending instrument for the lender as they are almost guaranteed to get paid.

The Commission questioned what occurs if a property goes to a tax deed sale with Mr. Cobb explaining how that process works. He also confirmed that the program may be used for retrofit projects as well as new construction.

Ryan Barkus, Florida Development Finance Corporation, explained the program is a voluntary financing instrument which is collected on the tax bill. He further explained what occurs in the event a commercial property owner is unable to pay its tax bill. He stated the loans are very secure and the default rate is lower than the mortgage industry at approximately 1%. He indicated that there is no foreclosure process with the program. If the payments stop, the assessment will wait until a new property owner takes over the property and then the assessment will continue. He confirmed there are currently two other cities in Lake County with the program - Mount Dora and Lady Lake.

Ms. Garcia opened the public hearing at 6:38 p.m.

Sean Jenness expressed concern that the development requesting the program does not need to change its design to be more energy efficient. He commented on possible issues with the passing on of the lien and lowering the property value. He further commented on the possibility of it including multi-family developments and passing on the cost to the residents.

Mr. Barkus responded to Mr. Jenness' comments along with Mr. Carrino who indicated that the program is transferrable with commercial property but not residential.

Mr. Barkus noted that it is a benefit to the property that it is transferable. He cited additional benefits that increase the property values. He added that the program is not just for new construction and indicated that it is about 50/50. He emphasized that it involves a single property owner to make the decision on how they will finance a property. He stated the only reason the City is involved is to provide the authorization for it to be placed on the tax bill.

Mr. Carrino confirmed that a residential project involving five units or more can also qualify.

Mr. Jenness further commented noting that developments can apply to the program retroactively with Mr. Burkus explaining that they can go back up to 36 months but they have to go through a process to confirm that those improvements were qualified pursuant to the statute.

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

Motion was made to approve Resolution Number 22-87 by Commissioner Cobb, Seconded by Commissioner LeHeup-Smith. The motion passed by the following vote:

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

7.2 Resolution Number 22-84: Waste Management Rates

Ms. Garcia announced Resolution Number 22-84: A Resolution by the City Commission of the City of Eustis, Lake County, Florida; authorizing adjustment to City of Eustis rates for the solid waste collection services, to provide for the annual adjustment of the Garbage and Trash Rate Index provided by the U.S. Bureau of Labor for Waste Management, Inc. of Florida to be effective January 1, 2023.

Mike Sheppard, Finance Director, reviewed Resolution 22-84 adopting new rates for Waste Management, Inc., to be effective January 1, 2023. He noted that the City is contracted with Waste Management, Inc. for garbage collection, and the current contract will expire in 2024.

He explained it is anticipated that, at the beginning of 2023, the City will go out to bid. This will allow any possible change in vendors to have plenty of time to make adjustments to their schedules. He explained that the contract stipulates a rate increase/decrease each year based on the Garbage and Trash rate index with the new rates to go into affect January 1st of each year with the first billing occurring in February as services are billed in arrears. He indicated that an option exists to use the lowest and least volatile index. He concluded that the results of the bid would go into affect in January 2024.

Ms. Garcia opened the public hearing at 6:51 p.m. There being no public comment, the hearing was closed at 6:51 p.m.

Motion was made to approve Resolution Number 22-84 by Commissioner Hawkins, Seconded by Vice Mayor Lee. The motion passed by the following vote:

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

7.3 Resolution Number 22-86: Reduction of fine/release of lien and dismissal of foreclosure action against 1000 South Bay Street (Colonial Inn Motel), Case #19-01297

Ms. Garcia announced Resolution Number 22-86: A resolution of the City Commission of the City of Eustis, Florida; approving a Code Enforcement Board action reducing accrued code enforcement fines, providing for dismissal of a foreclosure action against 1000 South Bay Street and release of lien upon full payment of the reduced fine.

Chief Capri and Eric Martin, Code Enforcement Supervisor, presented Resolution Number 22-86 regarding the Colonial Inn Motel. Chief Capri reviewed the history of the property and stated that everything has been brought into compliance. He noted that police calls have dropped and cited the changes to the property over the last several months. He reported that the Code Enforcement Board the previous month recommended fines of \$52,000; however, they did not have information regarding costs for police, fire and City Attorney services over the course of the case. He confirmed that the the property is in compliance and calls have been significantly reduced.

The Commission questioned the total amount of the code enforcement fines with Chief Capri indicating it was \$104,500 in November 2021; however, the fines kept running while they were working on the property. He stated the Code Enforcement Board recommended reducing the fines to \$52,000; however, they did not have the cost estimates for police, fire and legal fees which total an additional \$71,000.

The Commission questioned if the brother will oversee the property and staff confirmed stating he has been cooperative and provided full access to the property.

Eric Martin, Code Enforcement Supervisor, commented on the improvements and noted he had just done an inspection the previous week and cited improvements done on the rooms inspected. Both Chief Capri and Mr. Martin commented on the cooperation by both Ms. Patel and her brother.

Alan Paczkowski, Board Chair, commented on the history of the code enforcement case and the initial lack of compliance. He cited the Memorandum of Understanding entered into between the City and the property owner and reviewed what transpired since the MOU was approved and the actions taken by the Board. He commented that some of the expenses were for the benefit of the property and not pertaining to code violations. He also commented on the income for the property reported for the same time period.

Commissioner Hawkins asked Attorney Garcia if he should recuse himself since he sat on the Code Enforcement Board when the case first came before the board and Attorney Garcia responded affirmatively.

Vice Mayor Lee expressed concern regarding the amount of the proposed reduction.

Commissioner Cobb thanked Ms. Patel for the improvements, commented on the history of the case and expressed concern regarding the amount of the reduction and the frequency of the requests to reduce fines on code enforcement cases.

Commissioner LeHeup-Smith spoke in support of further reducing the fine to half of the \$52,000.

Motion was made to approve Resolution 22-86 by Commissioner Hawkins, Seconded by Vice Mayor Lee. The motion was denied by the following vote:

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

Abstaining: Commissioner Hawkins

7.4 Ordinance Number 22-35: Amendment to the City of Eustis Comprehensive Plan creating a Rural Residential Transitional (RRT) Land Use District in The Future Land Use Element and removing Map 19 (JPA Boundary) and references.

Ms. Garcia read Ordinance Number 22-35 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the City of Eustis Comprehensive Plan 2010-2035 pursuant to Section 163.3184 of the Florida Statutes; providing for a Rural Residential Transitional Land Use District in the Future Land Use Element; providing for removal of Map #19 and references; providing for the repeal of ordinances inconsistent with the ordinance; providing for conflicting provisions; and providing for severability and effective date.

Mike Lane, Development Services Director, reviewed Ordinance 22-35. He acknowledged there is a scrivener's error between the comprehensive plan proposal and the land development regulations proposal. He explained the thought for the impervious surface was for more of a suburban residential category which is why there is a 35% impervious surface in one document and 40% in the other. He stated that the amount can be adjusted. He stated the proposal is for creation of a Rural Residential Transitional (RRT) future land use district which would fall between the Suburban Residential, which allows five units per acre, and the Rural Residential, which allows one unit per acre.

Mr. Lane stated the proposal is to amend the Comprehensive Plan to establish the Rural Residential Transitional future land use district.

The Commission asked whether the proposal would allow chickens and other livestock until other development occurred with Mr. Lane explaining that is planned to be in the Land Development Regulations. He stated that anyone that has chickens that are in the Rural Residential or General Agricultural land use districts can continue to have those uses. When an unincorporated property is annexed and they request the RRT category, they may continue to have those uses; however, when it moves from a residential property to a bigger subdivision property, it will be looked as a new development and the livestock/chickens would then be prohibited.

Mr. Carrino explained that is actually part of the next ordinance - Ordinance Number 22-36.

Commissioner Cobb expressed concern regarding omitting livestock and chickens. She expressed support for continuing to allow livestock in the outer areas.

Mr. Carrino indicated that is included in the Land Development Regulations which is addressed in the next agenda item.

Ms. Garcia opened the public hearing at 7:26 p.m.

The following individuals addressed the Commission regarding the proposed amendment: 1) Cindy Newton; 2) Tammy Pena; and 3) Pat Duncan.

Leslie Campione, Lake County Commissioner, requested the Commission postpone consideration 30 days to the date certain of December 13th to allow City and County staff to get together to look at the possibility of incorporating their rural conservation subdivision design into the City's rural residential transition land use. She opined that would be the perfect way for the two jurisdictions to work together as the City grows east and into the Wekiva study area. She indicated it would provide continuity and additional protection for the aquifer. She stated that one of the nice provisions in the rural conservation design is the large perimeter buffers with 100 feet minimum. She added that could provide connectivity for wildlife corridors and green spaces.

There being no further public comment, the hearing was closed at 7:35 p.m.

The Commission discussed increasing the open space requirement from 25% to 35%. They asked if the amendment addresses buffer requirements with Mr. Carrino indicating that could be included in the Land Development Regulations.

The Commission discussed postponing consideration for 30 days to allow staff to work together. Support was expressed for use of PUD's. It was noted that what was before them is the comprehensive plan amendment but what was being discussed could be incorporated into the Land Development Regulations.

The Commission asked if the City resubmits does it carry the same weight as the initial submission with Mr. Lane responding that it just postpones the final approval. He indicated that once it is submitted to the DEO they will review it for 30 days before providing comments back to the City. He confirmed that postponing consideration for 30 days would extend final approval by another 30 days.

Motion was made to approve Ordinance 22-35 on first reading by Commissioner Hawkins, Seconded by Commissioner LeHeup-Smith. The motion failed on the following vote:

Voting Yea: Commissioner LeHeup-Smith and Commissioner Hawkins

Voting Nay: Mayor Holland, Vice Mayor Lee and Commissioner Cobb

7.5 Ordinance Number 22-36: Amendment to the City of Eustis Land Development Regulations: Amending Chapter 109 Land Use Districts and Design District Overlays, Section 109-2.2 Districts Enumerated, 109-3 Land Use District Development Intensity 109.4 Use Regulations Table and Amending Chapter 110 Development Standards, Section 110-4.0. Homestead Lot, Sec. 110-4.1. Estate Lot; Sec., 110-4.2. House Lot and Adding Section 110-5.17

Attorney Garcia read Ordinance Number 22-36 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the Land Development Regulations, Chapter 109 Land Use Districts and Design District Overlays, Section 109-2.2 Districts

enumerated, 109-3 Land Use District Development Intensity, 109.4 Use Regulations Table amending Chapter 110 Development Standards, Section 110-4.0 Homestead Lot, Sec. 110-4.1. Estate Lot; Sec. 110-4.2. House Lot and adding Section 110-5.17; providing for codification, severability and an effective date.

Mr. Carrino asked if it was the intent of the Commission to allow agricultural uses in perpetuity on lots designated RRT. He further asked whether or not the Commission wants the agricultural uses to continue even if the property becomes more urbanized. He explained that staff's thought was that, as those properties develop and become more urbanized, maybe the agricultural uses are not appropriate. He added, that if they want agriculture in RRT, that can be changed. He indicated that is the primary point they need feedback on as they can't move forward with any others at that time.

Commissioner Cobb and Vice Mayor Lee expressed support for retaining the agricultural uses in the RRT land use.

Mr. Carrino asked Attorney Garcia how staff should proceed with the comprehensive plan amendment with Ms. Garcia responding they could bring it back after 30 days since that was the discussion.

Discussion was held regarding how long it will take to work with the County and the need for Eustis to be able to do what it needs to do and what the vote on Ordinance 22-35 meant.

Discussion was held regarding tabling Ordinance 22-36 to December 13th.

Motion was made to table consideration of Ordinance 22-36 to December 13th by Commissioner Cobb, Seconded by Vice Mayor Lee. The motion passed by the following vote:

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

7.6 Ordinance Number 22-37: Planned Unit Development Overlay and Master Plan for the Taylor Morrison Planned Unit Development

Attorney Garcia read Ordinance Number 22-37 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, approving a Planned Unit Development (PUD) overlay for TM Multi-Family PUD pursuant to Section 102-29 and 109-2.8 of the Land Development Regulations; approving a Planned Unit Development (PUD) Master Plan for a 230-unit single-story multi-family project on 24.94 gross acres on the south side of Waycross Avenue and west side of SR 44, establishing permitted uses and development standards, providing for a PD Master Plan, providing for conditions of approval, providing for severability and an effective date.

Jeff Richardson, Deputy Director of Development Services, reviewed the request for a planned unit development for single-story units. He reviewed the site location details, permitted uses for the development, general purpose of the PUD request and design standards. He explained they are requesting a PUD as the City does not have a match in any of its lot typologies. He explained the City utilizes a combination of land use and design districts with lot typologies to implement regulations for use, form and dimensional regulations that are typically implemented via traditional zoning.

Mr. Richardson explained that the proposed development does not conform to any particular lot typology that the City has currently defined. He indicated concerns were raised by the public during the annexation, future land use assignment, and design district assignment public

hearing process. The proposed PUD attempts to address those issues. He reviewed the various uses allowed under MCR and both requested and allowed densities.

Mr. Richardson noted that the single family form normally requires a garage but the development is being done in a multi-family operational situation which is not addressed under the code. He stated the applicant is proposing to include .35 garage spaces per unit to provide approximately 80 garage spaces to be leased by the tenants. He reviewed other criteria included in the PUD and contrasted it with what is normally required in the code as follows: 1) Minimum building separation of 10 feet which is consistent with the City's lot typologies; 2) One story format; 3) Will meet or slightly exceed the minimum open space requirement of 25%; 4) Requesting 1.5 parking spaces per unit; 5) 25 foot boundary all around property; 6) At least 15 feet of landscape buffer along Moonlight Lane adjacent to 44 Gables, also along Orange Branch Road and surrounding entire property along the roadways; and 7) 6-foot wall to limit access with wall on south side providing access for emergency vehicles. He stated staff's recommendation for approval.

The Commission asked how many units were proposed when it was originally proposed with Mr. Richardson stating there was not a specific number proposed as it was strictly the annexation request. It was requested to have an MCR land use designation which allows up to 12 dwelling units per acre.

The Commission asked about the size of the units being 600 sq. ft. with Mr. Richardson stating that is basically apartment size. He indicated that would be the minimum size.

The Commission asked if the City would be setting itself up to have a city full of tiny homes with Mr. Richardson indicating the City's code does not have a minimum building size although it does have frontage buildout on individual single family lots. He did not believe it would set a precedent.

Mr. Carrino stated that the PUD is designed to allow for unique development styles. It is not creating larger development guidelines, just those specific to the project.

The Commission asked if there would be a variety or all they all one bedroom units with Mr. Richardson indicating he had not seen any floor plans so that would have to be addressed by the applicant.

Carolyn Haslam, Akerman, responded on behalf of the applicant stating they have said from the beginning it would be a maximum of 230 units; however, it will probably not be that many. She indicated the plan shows about 20 units less. She stated that the site plan was not presented during the annexation, comprehensive plan and design district hearings.

The Commission asked about the break down in the units and confirmed they would not all be 600 sq. ft. with Ms. Haslam indicating that is just the minimum size and that Steven Spasata would go over the plan.

Steven Spasata, certified planner representing the applicant, provided an overview of the design elements and showed how the proposal is consistent with the comprehensive plan and compatible with the adjacent development. He commented on the surrounding properties noting the subject site has both active and inactive citrus. He stated there is both City water and wastewater available to the site. It is in area that includes a mix of residential and commercial uses with directly south a substantial commercial use. He indicated it is in the Mixed Commercial Residential land use district and Suburban Neighborhood design district which allows a maximum of 12 units per acre and multi-family is allowed.

Mr. Spasata emphasized that the proposed plan is consistent with the comprehensive plan land use district; however, the City's lot typologies do not provide for the specifics of their project which is a multi-family, single story development built in a cottage style with private yards and detached garages. Therefore, they are presenting a PUD overlay to allow their design. He stated his belief that what is being proposed is a higher level design than what is provided for in the code.

Mr. Spasata reviewed some of the details of the project stating the primary access is on 44 with a secondary access on Waycross. He added they are not proposing an emergency access to the south. He indicated there will be a precast wall and there will be a gate to allow access to an existing manhole. He continued stating they will be making traffic improvements including a northbound left turn lane on 44 and a westbound left turn lane on Waycross.

Mr. Spasata noted the interior courtyards and linear parks to link the different features together. He provided an example of what is being proposed including a dog park, the courtyards, and near the entrance a clubhouse and pool and a butterfly garden in cooperation with the National Wildlife Federation. He cited the buffers and location of the precast wall and provided a drawing of the craftsman style design. He concluded stating it is compatible and consistent with the comprehensive plan and fosters a walkable, compact development with architectural attractiveness and will add to the diversity of housing options within the City.

The Commission asked how many of the units will be at the minimum size with Mr. Spasata indicating that is just a minimum size but one-third will be one bedroom and two-thirds will be two bedroom.

The Commission asked the square footage of the different units with Nick Gluckman, Taylor Morrison, responding the units will be approximately 720 sq.ft. for the one bedroom and 1,050 sq.ft. for the two bedroom. He indicated the duplexes will be one bedroom units and the two bedroom units will be stand alone detached.

The Commission asked about parking with Mr. Gluckman responding that the parking for the duplexes will have parking separate. He explained it will operate as a multi-family development and is basically a detached, deconstructed apartment complex with backyards instead of balconies. He stated they have partnered with a nationally known management company to operate and manage the development. He explained garages will be leased out as with an apartment complex and there will be assigned parking for all units. He noted their intent to foster walkability to the commercial district and confirmed the property manager will be 100% responsible for making sure landscaping and units are maintained.

The Commission asked about whether or not utilities are included in the lease with Mr. Gluckman indicating the details are still being developed but each tenant will be responsible for their utilities in some manner.

The Commission confirmed that what is proposed is approximately 20 units less than the maximum allowed.

Attorney Garcia opened the floor to public comment at 8:13 p.m.

The following individuals addressed the Commission regarding the proposal: 1) Victor Torres; 2) Martin Drews; 3) Karen Salvat; 4) Luis Salvat; 5) Emily Gerety; 6) Angelia Johnson; 7) Maria Torres; 8) Unknown resident; and 9) Dee Gretzler;

Questions and concerns from the public included the following: 1) What the wall along Moonlight would look like and could the wall match the Lowe's wall so there is one continuous noise cancelling wall; 2) Amount of traffic increase in the area particularly to 44 Gables,

whether or not speed bumps could be installed on Gables Drive and the possibility of widening SR 44; 3) Whether or not notice was provided within the statutory requirement and the wording of the public notice letters; 4) Whether or not FDOT had approved the ingress/egress for the project; 5) Installation of a traffic signal at Waycross and 44; 6) Need for a concrete block wall to address safety concerns; 7) Request that the proposal not be approved until details are clear and traffic plan in place; 8) Are impact fees being collected for the development; and 9) Will retention ponds be sufficient to handle its own runoff.

Attorney Garcia closed the public hearing at 8:41 p.m. and opened floor to the applicant to respond to the questions and comments.

Mr. Spasata explained what is being presented is a PUD overlay with very specific details. He stated the next phase will be the construction phase with the engineering details. He further stated they have committed to constructing a concrete or masonry type wall and indicated on the drawing the location of the wall. He added the retention pond will be located adjacent to the 44 Gables community. He stated they will work with the staff to install the most secure gate possible. He noted they may be able to have a removable concrete panel in case the sewer line ever needs to be repaired. He explained that through the PUD overlay process they are committing to the single story, multi-family product so that, in the future, if they wanted to construct a three-story product they could not without coming back to the Commission. He cited other details regarding the fence and buffers. He stated it is a residential community so it is to their benefit to build a quality wall. He indicated the retention pond will be constructed to the City and State standards. He asked Mohammed Dallah, traffic engineer, to answer the questions regarding traffic.

Mohammed Dallah stated their firm conducted a traffic analysis in accordance with the City's requirements which was submitted to the City and reviewed by the City, Lake Sumter MPO, Lake County and FDOT and was approved by all agencies. He stated that, the way the development is laid out, it will have access to both Waycross and 44 with most of the traffic accessing onto 44 and going south. He stated there would be very little impact from the community to the intersection at 44 and Waycross. He indicated that FDOT already has designed four-laned plans for the intersection and stated it is #3 on the list from Lake Sumter MPO. He noted that traffic plans are slow in development. He further stated that the intersection currently does not meet the requirements for signalization and FDOT will not install a signal that does not meet the federal warrants for signalization or they risk losing federal funding for other projects. He added that it is anticipated that with the four-laning of 44, the intersection will meet that criteria and the signal will be added at that time. He commented on the planned turn lanes stating they will go a long way toward keeping the traffic moving. He noted the roadway will be widened to install the turn lanes which will help reduce crashes. He added they are not in the engineering stage yet but there is general agreement on what is needed. He explained that FDOT will not accept a permit application until the plans are approved and it is in the engineering stage. He stated FDOT has reviewed the plans and provided comments regarding how it needs to look so it can be permitted.

Trent Stevenson noted they have not finalized the design for the stormwater system yet; however, as part of the design they will have to meet the St. John's Water Management criteria; therefore, they cannot adversely impact anything upstream or downstream from the project. They have to show less discharge rates post development than pre-development and they are required to treat the stormwater so they do not have turbid discharge so there will be no adverse affect on the lake.

The Commission asked Chief Capri about the possibility of speed bumps in 44 Gables w Chief Capri indicating he has not previously received complaints regarding speeding in that area. He indicated the department can conduct a speed study to determine what can be done. He added that often it does not rise to the level required for speed bumps but they would do a study to determine that.

Mr. Carrino indicated something was done previously in that area and it can be difficult to reach the level required for that installation. He asked Jeff Richardson to address the concerns regarding the notice requirements.

Mr. Richardson stated that the code requires mailings which are sent out ten days prior. If they were postmarked on the 7th, that would be ten days prior. Signs are required to be installed ten days prior and the only statutory requirement is for advertisements to be done ten days prior which was done. He indicated the City has no control over the delivery date. He commented on the amount of review time and indicated they are available online and in the office at least five days prior.

Mr. Carrino noted the question regarding collection of impact fees and explained the impact fee waiver program was extended one last time. He stated the developer must apply prior to submitting their first building permit application which must be done prior to April in order to qualify. He noted there are a number of other impact fees required and that the waiver program only applies to water and wastewater. He then explained the applicant is at the PUD part of the process which is more conceptual. He indicated they have not yet undertaken the engineering which would answer some of the other questions.

Mr. Carrino then asked if it is the City requiring the gate for access with Greg Dobbins indicating that has not been discussed yet.

Following the motion and second for approval, the Commission discussed the recent meeting with the FDOT District Secretary of Transportation.

Mayor Holland explained that they drove the City with the Secretary and the intersection is on their radar and may be moved up on their list of priorities.

Commissioner Cobb noted what is submitted is not the final site plan, just the PUD overlay.

Commissioner Hawkins expressed concern regarding the traffic and asked if the widening of the roads would be done prior to construction of the development.

Mr. Dallah responded that the turn lanes would be installed with the driveways so they would be in before any residents moved in which would include widening of Waycross for the turn lane.

Mr. Carrino indicated the widening of 44 is not the developer's responsibility but would be the state's responsibility.

Commissioner Hawkins noted the exit from Lowe's and asked if the center lane on 44 there would disappear and would that back up traffic even more.

Mr. Dallah presented a sketch of the turn lanes on 44 and Waycross. He stated they would not do anything to the existing turn lane which is further south so they should not be impacting that.

Commissioner Cobb clarified that the development being for rentals was discussed from the very beginning and the number of 230 was also discussed.

Commissioner Hawkins asked about the concrete wall and questioned whether or not the Lowe's wall is six feet or eight feet with an audience member indicating it is eight feet. He then questioned whether or not the applicant has met with the 44 Gables homeowners or HOA. He encouraged them to do so.

Mr. Spasata stated they have been working through the City's PUD process. He cited the details they are committing to as part of the process and emphasized their desire to be as transparent as possible.

Mayor Holland noted that the City would host the meeting if they schedule a community meeting.

Motion was made to approve Ordinance Number 22-37 on first reading by Commissioner LeHeup-Smith, Seconded by Mayor Holland. The motion passed by the following vote:

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

Voting Nay: Mayor Holland and Commissioner Hawkins

8. FUTURE AGENDA ITEMS

Commissioner Cobb asked that after the first of the year they hold a code enforcement workshop.

9. COMMENTS

9.1 City Commission

Commissioner Hawkins reported he and the City Manager went with Waste Management (WMI) to look at the trash cans being affected by the bears. He indicated that WMI had stated it was something they could work with; however, the person that was going to fabricate them has relocated so they need to develop a backup plan. He noted you could see the claw marks on the existing cans. He explained that the fabricator would have made snaps that would have been connected to the body of the can and the top so they clicked together. She had worked with Florida Fish and Wildlife.

Mr. Carrino reported he tried to call again and they are still trying to hire the replacement. He indicated that Finance Director Mike Sheppard did an online search and there are some relatively inexpensive options online that the City could keep a number in stock to have available for those who need them.

Commissioner Hawkins commented on recent bear activity in the City. He then commented on the proposed property donation to Lake Sumter.

Vice Mayor Lee commented on the number of local Veteran's Day events.

9.2 City Manager

Mr. Carrino noted the Employee Appreciation Barbecue and thanked staff for all their work.

9.3 City Attorney

Attorney Garcia wished everyone a happy Thanksgiving.

9.4 Mayor

Mayor Holland cited the upcoming events including Light Up Eustis, First Friday and Snowflakes by the Lake. He commented on the Salute to Veterans event and thanked the

City's Events and Tourism Coordinator Miranda Muir and her staff for their efforts. He will wish everyone a happy Thanksgiving.

Item 2.1

10. ADJOURNMENT: 9:13 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



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: January 5, 2023

RE: SWEARING-IN OF NEW COMMISSIONERS – GARY ASHCRAFT AND MICHAEL HOLLAND

Introduction:

City Clerk, Christine Halloran, will administer the Oath of Office to the new Commissioners: Gary Ashcraft and Michael Holland. Following the oaths, the new Commissioners will assume their seats on the dais.

Prepared By:

Christine Halloran, City Clerk

Reviewed By:

Tom Carrino, City Manager



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: January 5, 2023

RE: Appointment of City Clerk as Temporary Chairman for Election of Mayor and Vice Mayor

Introduction:

This item is for the election of the Mayor and Vice Mayor for 2023.

Background:

The following procedure will be utilized for the election of Mayor:

1. Mayor Holland will turn the meeting over to the City Clerk for the election of the Mayor for 2023.
2. The City Clerk will open the floor to nominations for Mayor. Nominations do not require a second.
3. When it appears no further nominations are forthcoming, the City Clerk will call for a motion that nominations be closed. This motion does require a second, followed by a voice vote.
4. If there is only one nomination for Mayor, a roll call vote shall be taken in alphabetical order on the nomination.
5. If there is more than one nomination for Mayor, a roll call vote shall be taken on the nominees in the order in which the nominations were offered up to a nominee receiving three affirmative votes. There will be no run-off or voting on subsequent nominees once someone has received three votes. Roll call shall be in alphabetical order as follows: Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Commissioner Holland, and Commissioner Lee.

Following the election of the Mayor, the new Mayor will take over the meeting and proceed with the election of the Vice Mayor using the same format as for election of the Mayor.

Following the election of the Vice Mayor, the new Mayor and Vice Mayor will assume their respective seats and the new Mayor will proceed with the first item on the regular agenda.

Prepared By:

Christine Halloran, City Clerk

Reviewed By:

Tom Carrino, City Manager



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: JANUARY 5, 2022

RE: PRESENTATION BY G3C2 ON THE DEVELOPMENT OF THE OLD WATERMAN HOSPITAL SITE

Introduction:

G3C2 representatives will make a presentation to the Commission outlining the process and steps that will be undertaken to produce a Master Plan for future development in downtown Eustis. The presentation will include:

1. **A Schedule of Activities** – defines the start date, duration, and end dates of all project activities
2. **Assessment of Current Conditions** – demographics, housing, businesses, land use, and transportation overview
3. **Building a Community vision** – how input will be collected from citizens and stakeholders that reveals how the community wants to grow and develop.
4. **Goals and Actions** – specific policies and actions needed to achieve community's desired future
5. **Implementation Plan** – partners, priorities, and responsibilities for undertaking actions
6. **A Draft Master Plan** – present a draft master plan to City for final review and feedback

Background:

After a Request for Qualifications bid solicitation process, G3C2 was selected to develop a Master Plan for the Eustis downtown district, and provide a vision for development that could occur on the 4.78 acre parcel referred to as the Waterman Site. G3 Development, a commercial real estate company and Construct Two (C2), a construction company formed the partnership G3C2, LLC for this project. Gerry Guenther, with G3 and Derrick Wallace with C2 are the managing members of the LLC.

G3 Development is a 20 plus year old local real estate/development firm that specializes in mixed used development. Construct Two Group, the C2 part of the partnership, is Florida's largest African American owned development management firm.

New Downtown Master Plan

The last Downtown Master Plan for the City was completed in 2008, and spanned a planning horizon of five years (2008-2012). In 2016 City Commission approved the CRA Redevelopment Plan, which included the CRA Master Plan that provided a framework for future growth of the Downtown and East Town areas of the community.

The new downtown master plan will determine which goals from previous plans are still relevant, which ones are no longer viable, and what current thoughts and ideas community citizens have about growth and development in Downtown Eustis.

Updating the Master Plan will be more responsive to current community values and desires, which will be translated into land use and development principles that will guide the community toward the future it envisions.

Prepared by:

Al Latimer, Economic Development Director



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: January 5, 2023

RE: Appointment to Community Redevelopment Agency (CRA) – Tanya Wilder

Introduction:

This appointment is for consideration of the appointment of Tanya Wilder to the CRA Board for a four-year term as East Town CRA Representative. If approved, the term will expire on January 5, 2027.

Background:

The City follows State Statute Chapters 163.356 and 163.357 allowing for the appointment of two additional persons to act as members of the CRA. On October 20, 2022, the City Commission approved Resolution 22-76 (attached).

Tanya Wilder submitted her request to be considered for appointment to the CRA Board as the East Town Representative. A copy of her paperwork is attached for your review.

Recommended Action:

Staff recommends the approval of Ms. Wilder to the East Town CRA Representative for a four-year term to expire January 5, 2027.

Prepared By:

Christine Halloran, City Clerk

VOLUNTEER/COMMUNITY SERVICES APPLICATION

RECEIVED

NOV 02 2022

BY:

Date: 8/12/22

PLEASE LIST THE TYPE OF WORK THAT INTERESTS YOU AND THE DEPARTMENT(S) WHERE YOU WISH TO VOLUNTEER.

1. Community Engagement

3. _____

2. CRA

4. _____

NAME: Tanya WilderTelephone #: 404-404-3293PRESENT ADDRESS: 812 Liberty St

Eustis FL 32726

Street/P.O. Box

City

State

Zip

How long have you lived at this address? _____ E-Mail Address: SingTanya913@gmail.com

Have you filed an application here before? _____ Yes _____ No If yes, when? _____

Have you ever worked for the City of Eustis? _____ Yes _____ No If yes, when? _____

Are you currently employed? ☒ Yes _____ No May we contact you at work? ☒ Yes _____ No

What number can we reach or leave a message for you during the day? Phone #: _____

Are you available: _____ Full Time _____ Part Time _____ Temporary

When are you able to volunteer? ☒ Nights ☒ Weekends _____ OtherDo you possess a valid Fla. Driver's License or I.D.? ☒ Yes _____ NoAre you legally eligible for employment in the United States of America? ☒ Yes _____ NoHave you ever been convicted, pled guilty or no contest to, had prosecution deferred or adjudication withheld on a felony or first degree misdemeanor in any jurisdiction? _____ Yes ☒ No If yes, when: _____

Explain: _____

(Nature, severity and date of offense in relation to the position for which you are volunteering are considered.)

Do you have any criminal charges pending? _____ Yes ☒ No If yes, explain: _____

Are you able, physically or otherwise, to perform the job functions of the position for which you are volunteering?

☒ Yes _____ No If no, please explain: _____

Please list maiden or other names under which you may have worked or gone to school: _____

Please list the names of friends or relatives working for the City and their relationship to you: _____

EQUAL OPPORTUNITY EMPLOYER

EMPLOYMENT RECORD: Please list your four most recent employers including full, part time, temporary and volunteer positions, beginning with the most recent.

Name & Address of Organization:

Lifestream Behavioral Center

Our Turning Point Ranch

Job Title: Program Service Manager

Describe the work you did:

From 6/22 to present
Month/Year Month/Year

Supervisor's E-mail: khopper@lsbc.net

Reason for leaving: present

Name & Address of Organization:

Lifestream Behavioral Center

Mobile Response Team Case Manager

Job Title: Case Manager

Describe the work you did:

From 7/21 to 6/22
Month/Year Month/Year

Supervisor's E-mail: stbrown@lsbc.net

Reason for leaving: promoted

Name & Address of Organization:

Lifestream Behavioral Center

Lake Academy

Job Title: Teacher

Describe the work you did: Ensure continuity of care while facilitating permanency placement for children through care management. Educate, demonstrate, and model appropriate behavior for children in therapeutic setting to learn.

Reason for leaving: school closed down

Name & Address of Organization:

Lifestream Behavioral Center

Department of Children & Family

Job Title: Family Case Manager

Describe the work you did: Ensure continuity of care while facilitating permanency placement for children.

Reason for leaving: better position

From 7/18 to 7/21
Month/Year Month/Year

Supervisor's E-mail: dflournay@lsbc.net

From 7/18 to 7/18
Month/Year Month/Year

Supervisor's E-mail: NA

12/15/09

Press Forward, Inc.
Group Home Caregiver
Eustis, FL

7/18 - 6/21

Rudolph Rolfe

EDUCATION AND SPECIALIZED TRAINING:

Item 6.1

Circle Highest Grade Completed

GRAMMAR AND HIGH SCHOOL:

1 2 3 4 5 6 7 8 9 10 11 (12) GED

COLLEGE:

13 14 15 (16)

GRADUATE:

(17) 18 19 20

Please provide your educational background including the diploma, degree or certification received, as well as any technical or specialized training:

Name of High School(s): <i>Eustis High</i>	City and State: <i>Eustis, FL</i>		
Name of College: <i>Florida School of the Arts</i>	City and State: <i>Palatka, FL</i>	Major: <i>Voice</i>	Degree Received: <i>AS</i>
Name of Graduate School: <i>University of Phoenix</i>	City and State: <i>Arizona, Online</i>	Major: <i>Healthcare Administration</i>	Degree Received: <i>BS</i>
Other Trade, Technical, Etc: <i>Grand Canyon Univer</i>	City and State: <i>Arizona, Online</i>	Major: <i>Elementary Education</i>	Degree Received: <i>Master</i>
Foreign Language Skills:		<input type="checkbox"/> Read <input type="checkbox"/> Write <input type="checkbox"/> Speak	

OTHER PROFESSIONAL MEMBERSHIPS OR SKILLS:

Please list any special qualifications not covered elsewhere in this application including computer skills, such as Word & Excel; typing, including words per minute typed; and any professional or civic memberships.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

REFERENCES:

Please list at least three (3) references who are not related to you. (Please provide complete addresses including Street, City, State and Zip.)

Name <i>Willie Hawkins</i>	Phone # <i>407-509-6265</i>	Name <i>Michael Holland</i>	Phone #
Address (Street, City, State, Zip)		Address (Street, City, State, Zip)	
E-mail Address		E-mail Address	
Employer <i>City of Eustis</i>	Phone #	Employer <i>City of Eustis</i>	Phone #
Occupation <i>Commissioner</i>		Occupation <i>Mayor</i>	
Name <i>Vivian Mitchell</i>	Phone # <i>352-589-6448</i>	Name <i>Nicey Allen Park</i>	Phone # <i>352-455-9647</i>
Address (Street, City, State, Zip) <i>810 Liberty St Eustis, FL 32726</i>		Address (Street, City, State, Zip)	
E-mail Address		E-mail Address	
Employer <i>Retired</i>	Phone #	Employer <i>Retired</i>	Phone #
Occupation		Occupation	

HOURS AVAILABLE TO VOLUNTEER:

What days and hours are you available for work? _____

Item 6.1

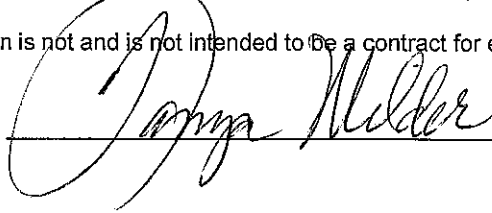
CERTIFICATE OF APPLICANT:

I certify that the answers given on this application are true and complete to the best of my knowledge. I agree to inform the City of any additional information relating to questions raised on the application, which occur subsequent to my completion of the application. I realize that misrepresentation of facts or the failure to update any information relating to questions on the application may be cause for rejection of this application or dismissal from volunteer/community services.

I authorize the City of Eustis to make any inquiries it desires concerning me. I authorize schools, references and my prior employers to provide my records, reason for leaving and all other information they may have concerning me to the City of Eustis. I release the City of Eustis and all other parties from any and all liabilities or claims for any damage that may result therefrom.

I understand that this application is not and is not intended to be a contract for employment.

SIGNATURE OF APPLICANT: _____



Date: _____

8/11/22

CONSENT OF PARENT OR LEGAL GUARDIAN

(All Volunteers Under 18 Years of Age Must Have Parent or Legal Guardian Complete This Section)

I the undersigned, the parent or legal guardian of _____, choose to permit _____ to participate as a volunteer for the City of Eustis. I understand that my child's or ward's services are being offered on a voluntary basis without anticipation of any financial remuneration and I agree to the terms and conditions as stated above.

I further authorize the City to perform a fingerprint criminal history background check through state and federal law enforcement agencies and/or criminal history checks through consumer reporting agencies, who may also provide information to the City on out-of-state or nation-wide criminal histories. I understand that final approval to volunteer is contingent upon the results of the criminal history check.

Signature of Parent or Legal Guardian: _____

Date: _____

RESOLUTION NUMBER 22-76

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY FLORIDA, RESCINDING AND REPLACING IN ITS ENTIRETY RESOLUTION NUMBER 18-47; PROVIDING FOR THE APPOINTMENT OF TWO ADDITIONAL PERSONS TO ACT AS MEMBERS OF THE DOWNTOWN & EAST TOWN COMMUNITY REDEVELOPMENT AGENCY TO CARRY OUT THE COMMUNITY REDEVELOPMENT PURPOSES OF CHAPTER 163, PART III, FLORIDA STATUTES; PROVIDING FOR TERMS OF OFFICE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Eustis adopted Resolution Number 90-39, finding of necessity, to create a community redevelopment district in accordance with Florida Statutes 163, Part III; and

WHEREAS, the City Commission of the City of Eustis adopted Resolution Number 90-40, finding a need to create a community redevelopment agency in accordance with Florida Statutes 163, Part III; and

WHEREAS, the City Commission of the City of Eustis adopted Resolution Number 90-41 to create the Downtown & East Town Community Redevelopment Agency; and

WHEREAS, the City Commission of the City of Eustis also in Resolution Number 90-41 declared itself as the Downtown & East Town Community Redevelopment Agency; and

WHEREAS, the City Commission of the City of Eustis adopted Resolution Number 18-47 deeming it appropriate to exercise its authority under Florida Statute Chapter 163.357 and allowing for the appointment of two additional persons to act as members of the Community Redevelopment Agency; and

WHEREAS, also consistent with Florida Statute Chapter 163.357, Resolution Number 18-47 allowed for the first community representative position to be appointed to a two-year term and allowed for all subsequent appointments to be for four-year terms; and

WHEREAS, the City Commission of the City of Eustis has decided to modify the parameters for the two community representative positions on the Community Redevelopment Agency.

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Eustis as follows:

SECTION 1: The City Commission of the City of Eustis will exercise its authority under Florida Statute Chapter 163.357 and appoint two additional persons to act as members of the Downtown & East Town Community Redevelopment Agency under the following parameters:

- A. Per Florida Statute 163.356, the new members must reside or be engaged in business in the Community Redevelopment Area.
- B. Per Florida Statute 163.357, the initial community representative was appointed to serve for a two-year term. All subsequent appointments will be for four-year terms.
- C. The two additional persons will engage in CRA matters, but will serve as non-voting members.
- D. The advertising and appointment process will be consistent with the advertising and appointment process for other City of Eustis boards and committees.
- E. The new members will represent geographic areas of the CRA. One member will represent the portion of the CRA east of Center Street and Center Street extended. The other member will represent the portion of the CRA west of Center Street and Center Street extended.
- F. In order to qualify to serve, the new members will have educational, professional, and/or practical experience in architecture, finance, construction, land-use, sustainability, community redevelopment, affordable housing, and/or community engagement.
- G. All members, including new members, are encouraged to engage in continuing education related to community redevelopment.
- H. The two community representatives will periodically report to the Agency on CRA related activities and engagement.


SECTION 3: Conflicts: All Resolutions that are in conflict with this Resolution are hereby repealed, vacated and nullified.

SECTION 4: Severability: If any section, sentence, phrase, word or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Resolution not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5: Effective Date: This Resolution shall become effective immediately upon adoption.

DONE AND RESOLVED this 20th day of October, 2022, in regular session of the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**


Michael L. Holland, Mayor/Commissioner

ATTEST:


Christine Halloran, City Clerk


CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 20th day of October 2022, by Michael L. Holland, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

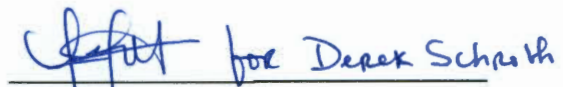


Heather Nicole Crony
Notary Public
State of Florida
Comm# HH080715
Expires 3/25/2025


Notary Public - State of Florida
My Commission Expires: 3/25/2025
Notary Serial No: HH080715

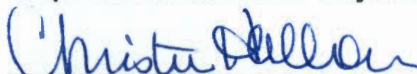
CITY ATTORNEY'S OFFICE

This document has been reviewed and approved as to form and legal content, for use and reliance of the City Commission of the City of Eustis, Florida.

 for Derek Schrauth 10/20/2022
City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-76 is hereby approved, and I hereby certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.


Christine Halloran, City Clerk



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: January 5, 2023

RE: 2023 City Commission Meeting Schedule

Introduction:

The purpose of this item is for the City Commission to formally adopt the meeting schedule for 2023 pursuant to the City Charter and the Commission Rules of Order.

Background:

The City Charter, Article III, Section 10. Paragraph (a), as amended by the 2016 charter referendum, states: "Meetings. The city commission shall meet regularly at such times as may be prescribed in its rules, but not less frequently than once each month."

Section 1(a) of the City Commission Rules of Order, adopted July 16, 2015, states: "A schedule of meetings shall be adopted annually at the organizational meeting in January."

Pursuant to the Charter and Rules of Order, staff recommends the adoption of the following regular meeting schedule with meetings to be held the first and third Thursdays of each month at 6:00 p.m.

January 5, 2023
January 19, 2023
February 2, 2023
February 16, 2023
March 2, 2023
March 16, 2023
April 6, 2023
April 20, 2023
May 4, 2023
May 18, 2023
June 1, 2023
June 15, 2023
July 6, 2023

July 20, 2023
August 3, 2023
August 17, 2023
September 7, 2023
September 21, 2023
October 5, 2023
October 19, 2023
November 2, 2023
November 16, 2023
December 7, 2023
December 21, 2023
January 4, 2024

Recommended Action:

Staff recommends the City Commission adopt the recommended meeting schedule with regular meetings to be held the first and third Thursdays of each month at 6:00 p.m.

Prepared and Reviewed By:

Christine Halloran, City Clerk and Tom Carrino, City Manager



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: JANUARY 5, 2023

SUBJECT: RESOLUTION NUMBER 22-58: APPROVAL OF PURCHASE IN EXCESS OF \$50,000 FOR FIRE DEPARTMENT LIFEPAK 15 MONITORS

Introduction:

Resolution Number 22-58 approves a purchase in excess of \$50,000 for the Fire Department to purchase two (2) Lifepak 15 monitors in accordance with the approved Fiscal Year (FY) 2022/23 Capital Budget allocation of \$67,892,32.

Recommended Action:

The administration recommends approval of Resolution Number 22-58.

Background:

The approved FY 2022/23 Capital Budget includes an allocation of \$67,892.32 for the purchase of Fire Department Lifepak 15 Monitors to provide the citizens with the most up to date equipment necessary to access heart rhythms and to provide Life Saving treatment.

In order to determine the department's replacement needs, the department follows the guidelines established by the FDA for serviceability which is eight (8) years.

- Age of the equipment – Two (2) of the department Lifepak 15's are eleven (11) years old, making certain parts no longer available for replacement, additionally the outdated equipment is limited in its capabilities to diagnose and provide treatment to the patient.
- Overall condition – The department personnel take very good care of these units, but the repairs are becoming more frequent. Stryker Medical continues the service what they can. One (1) of the 2011 units will be traded in on the two (2) new units and one (1) will stay as a reserve back up unit.

The Department will purchase two (2) Lifepak 15 monitors using State contract pricing in accordance with City purchasing policies and procedures. The projected cost to replace the Lifepak 15 monitors is \$67,892.32.

Budget/ Staff Impact:

The FY 2022/ 23 Capital Budget includes \$67,892.32 of Sales Tax Revenue for the purchase of Fire Department Lifepak 15 monitors. This estimated purchase cost of \$67,892.32 will not exceed the budget allocation.

Reviewed By:

Chief Michael D. Swanson, Fire Chief

Prepared By:

Deputy Chief Michael S. Davis, Fire Department

RESOLUTION NUMBER 22-58

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AUTHORIZING A PURCHASE IN EXCESS OF \$50,000 FOR THE FIRE DEPARTMENT TO PURCHASE TWO (2) LIFEPAK 15 MONITORS UTILIZING FUNDS ALLOCATED IN THE FIRE DEPARTMENT'S APPROVED FISCAL YEAR 2022/ 2023 BUDGET.

WHEREAS, the City of Eustis Fire Department's approved Fiscal Year (FY) 2022/ 2023 Budget includes \$67,892.32 to purchase Two Lifepak 15 Monitors; and

WHEREAS, the Fire Department has determined the need to purchase two (2) Lifepak 15 monitors from Stryker Medical Company; and

WHEREAS, the City Purchasing Policies require that the City Commission approve any purchase in excess of \$50,000;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida that the City of Eustis Fire Department is hereby authorized to purchase two (2) Lifepak 15 monitors from Stryker Medical Company for the bid price of \$67,892.32.

DONE AND RESOLVED, this 5th day of January, 2023 in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Mayor/Commissioner

ATTEST:

Christine Halloran
City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Michael Holland, Mayor and Christine Halloran, City Clerk, who are personally known to me.

Notary Public - State of Florida

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-58 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Parks and Recreation office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

Date



• Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: JANUARY 5, 2023

SUBJECT: RESOLUTION NO. 23-02: APPROVAL OF PURCHASE IN EXCESS OF \$50,000 FOR FIRE DEPARTMENT TURNOUT GEAR

Introduction:

Resolution No. 23-02 approves a purchase in excess of \$50,000 for the Fire Department to purchase 27 sets of Turnout Gear/Personal Protective Equipment (PPE) in accordance with the approved Fiscal Year (FY) 2022/23 Capital Budget allocation of \$98,084.25.

Recommended Action:

The administration recommends approval of Resolution No. 23-02.

Background:

The approved FY 2022/23 Capital Budget includes an allocation of \$98,084.25 for the purchase of Fire Department Turnout Gear/Personal Protective Equipment (PPE) to maintain the safety, and effectiveness of its department personnel.

In order to determine the department's replacement needs, the department follows the guidelines established in NFPA 1851: Standard on selection, care, and maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting. The following factors determine the replacement schedule for Turnout Gear.

- Age of the gear – Per NFPA 1851 Turnout Gear is only good for ten (10) years, historically Eustis replaces Turnout Gear every five (5) years, the department is able to rotate the older gear to a backup set of gear to enable the initial set to be cleaned greatly reducing carcinogens and overall cancer rates in fire fighters.
- Overall condition and safety – Turnout Gear after five (5) years starts to slowly lose its integrity due to physical and environmental damage.

Based on these criteria, the department has identified twenty-seven (27) sets of turnout gear that is due to be rotated as back up gear.

The Department will purchase twenty-seven (27) sets of Turnout Gear using State contract pricing in accordance with City purchasing policies and procedures. The projected cost to replace the Turnout Gear is \$98,084.25.

Budget/ Staff Impact:

The FY 2022/ 23 Capital Budget includes \$98,084.25 of Sales Tax Revenue for the purchase of Fire Department Turnout Gear/ Personal Protective Equipment (PPE). This estimated purchase cost of \$98,084.25 will not exceed the budget allocation.

Prepared By:

Deputy Chief Michael S. Davis, Fire Department

Reviewed By:

Chief Michael D. Swanson, Fire Chief

RESOLUTION NUMBER 23-02

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AUTHORIZING A PURCHASE IN EXCESS OF \$50,000 FOR THE FIRE DEPARTMENT TO PURCHASE BUNKER GEAR UTILIZING FUNDS ALLOCATED IN THE FIRE DEPARTMENT'S APPROVED FISCAL YEAR 2022/ 2023 BUDGET.

WHEREAS, the City of Eustis Fire Department's approved Fiscal Year (FY) 2022/ 2023 Budget includes \$98,084.25 to purchase bunker gear; and

WHEREAS, the Fire Department has determined the need to purchase 27 sets of Bunker Gear from Ten-8 Fire Equipment Company; and

WHEREAS, the City Purchasing Policies require that the City Commission approve any purchase in excess of \$50,000;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida that the City of Eustis Fire Department is hereby authorized to purchase Bunker Gear from Ten-8 Fire Equipment Company for the bid price of \$98,084.25.

DONE AND RESOLVED, this 5th day of January, 2023 in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Mayor/Commissioner

ATTEST:

Christine Halloran
City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Michael Holland, Mayor and Christine Halloran, City Clerk, who are personally known to me.

Notary Public - State of Florida

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 23-02 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Parks and Recreation office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

Date



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: JANUARY 5, 2023

RE: RESOLUTION NUMBER 23-01: CITY OF EUSTIS LAND TRANSFER TO LAKE SUMTER STATE COLLEGE

Introduction

Resolution Number 23-01 approves and authorizes the City Manager to execute an Educational Development Agreement (attached) and associated documents to transfer approximately four acres of land to Lake Sumter State College for the construction and operation of a Commercial Driver's License and Utility Line Worker training facility.

Background

At the November 17, 2022 City Commission Meeting, Commissioners authorized staff to work with Lake Sumter State College to identify four acres of land as part of a larger 13.71-acre parcel listed on the Lake County Property Appraiser's website as Alternative Key #1428441. The Commission was supportive of donating the four acres to the College for the purpose of building a Commercial Driver's License and Utility Lineworker training facility. After evaluating options, and discussion with Lake Sumter State College staff, a mutually agreed upon sub-parcel has been identified.

Property

The four acres to be conveyed to the Lake Sumter State College are pictured on the old boundary survey (Exhibit A of the Agreement), and the donated land includes the eastern most 276.20 feet of the larger parcel. It is located at the southwestern corner of Hicks Ditch Road and State Road 44, across from Cobb Tractor, and diagonally adjacent to Cobb Commerce Park. The Lake County Property Appraiser has the assessed value of the property at \$12,000 per acre, or \$48,000 for four acres.

City Attorney Sasha Garcia has prepared a land transfer agreement, a copy of which is included in your meeting packet.

Highlights of the Land Transfer Agreement

- LSSC has two years to begin construction on the training center
- LSSC has five years to complete the project as evidenced by a Certificate of Occupancy
- The training center buildings must be substantially similar to other college facilities
- A mutually agreed upon closing date will be set and entered into the agreement

- The parcel will revert back to the City at no cost if the training center is not constructed or operations
- LSSC will provide at no cost to the City up to five CDL training slots annually in perpetuity
- As part of the deed, the City will be granted easement rights (*30 ft utility easement along property's northern and eastern boundary*)

Staff Recommendation

Approve Resolution Number 23-01 authorizing the City Manager to execute the documents associated with the transfer, including the attached Educational Development Agreement.

Prepared by:

Al Latimer, Economic Development Director

Attachments:

Resolution Number 23-01 with Attached Educational Development Agreement and Exhibit A

RESOLUTION NUMBER 23-01

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; APPROVING THE LAND TRANSFER OF A FOUR ACRE PARCEL OF CITY OWNED PROPERTY TO LAKE SUMTER STATE COLLEGE TO BUILD A COMMERCIAL DRIVER'S LICENSE AND UTILITY LINeworker TRAINING FACILITY; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS ASSOCIATED THEREWITH.

WHEREAS, Lake Sumter State College wishes to build a Commercial Driver's License and Utility Lineworker Training Facility in the City of Eustis; and

WHEREAS, Lake Sumter State College sent a letter to the City Commission requesting the City donate four acres of land for this purpose; and

WHEREAS, at the November 17, 2022, meeting, the Commission approved Lake Sumter State College's request and asked City staff to work with College staff to identify a mutually agreed upon parcel of land; and

WHEREAS, the City of Eustis owns the 13.71-acre parcel of land located at the western corner of Hicks Ditch Road and SR 44, identified by the Lake County Property Appraiser by Alternate Key #1428441; and

WHEREAS, four acres from within the larger 13.71-acre parcel has been identified as suitable for the construction of the Lake Sumter State College Commercial Driver's License and Utility Lineworker Training Facility; and

WHEREAS, in accepting ownership of the aforementioned property Lake Sumter State College agrees to grant the City a 30 ft utility easement along the full length of the northern (SR44) and eastern boundaries (Hicks Ditch Road) of the property; and

WHEREAS, Lake Sumter State College further agrees that the easement shall be designated on the recorded deed; and

WHEREAS, the Commercial Driver's License and Utility Lineworker programs are in need of expansion due to workforce needs; and

WHEREAS, the proposed project serves a public purpose by having a positive impact on the local economy and workforce development efforts, thereby providing a benefit to the City of Eustis and its citizens; and

WHEREAS, the attached Educational Development Agreement will facilitate the transfer of approximately four acres for the proposed project.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, as follows:

Section 1. The City Commission hereby approves the Educational Development Agreement facilitating the transfer of ownership of a four-acre parcel to be sectioned out of the

13.71-acre parcel of land located at the southwestern corner of Hicks Ditch Road and SR 44, identified by the Lake County Property Appraiser by Alternate Key #1428441.

Section 2. The City Commission hereby authorizes the City Manager to execute the Educational Development Agreement and any and all documents and instruments as may be necessary to transfer the afore-described four-acre parcel to Lake Sumter State College.

DONE AND RESOLVED this 5th day of January, 2023, in Regular Session of the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this ____ day of January, 2023, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial Number:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 23-01 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

EDUCATIONAL DEVELOPMENT AGREEMENT

THIS EDUCATIONAL DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into this ____ day of _____, 202____, by and between the CITY OF EUSTIS, a municipality and political subdivision organized and existing under the laws of the State of Florida, (the "City"), and LAKE SUMTER STATE COLLEGE, Lake County, Florida (the "College").

NOW, THEREFORE, for and in consideration of the terms and covenants set forth in this Agreement, the parties hereto agree as follows:

I. SUBJECT OF AGREEMENT

Subject to the terms and conditions set forth in this Agreement, the City shall convey to the College, a portion of the real estate on Exhibit A attached hereto (the "Property"). The College acknowledges it shall conduct a survey of the Property. Prior to closing the parties shall agree on the legal description for the Property to be conveyed and said legal description will be added to this Agreement as an addendum and will be included on the special warranty deed. Title to the Property shall be conveyed subject to rights of reversion to City, easements, restrictions, zoning ordinances, covenants, and rights of way of record.

II. CONSIDERATION

For and in consideration of the transfer of Property to the College, the College represents, warrants, and agrees to the following terms and conditions:

1. Within two (2) years after the Property is conveyed to the College, the College shall enter into a contract with a qualified construction company/contractor to build the Commercial Driver's License and Utility Lineworker Training Facility. The construction of the Commercial Driver's License and Utility Lineworker Training Facility must be completed within five (5) years of its conveyance. Completion is defined as issuance of a certificate of occupancy by the appropriate governmental authority. The quality and type of construction will be substantially similar to the other College facilities in Lake County, Florida. To ensure the quality and type of construction conforms to the standards sought by the City, prior to commencement of construction, the College shall present to the City schematics and conceptual plans of the proposed facility for approval.
2. The authorized use for this Property shall be for the Commercial Driver's License and Utility Lineworker Training Facility and related educational/training courses.
3. Once the Commercial Driver's License and Utility Lineworker Training Facility is built and the program is running, the College shall provide the City free of charge five (5) training slots per year in perpetuity.

III. CLOSING

The closing shall occur on or before _____. If closing does not occur on the specified date and the parties have not agreed to extend the closing date in writing prior to the expiration of said date, this Agreement is immediately null and void and neither party shall have any further rights or obligations under this Agreement.

IV. TITLE

The City will convey title of the Property to the College by a special warranty deed, free and clear of all liens, encumbrances, defects, and burdens, except for easements, restrictions, and rights of reversion stated herein, and rights of way.

V. PROOF OF TITLE

The College shall obtain, at the College's sole cost and expense, a standard owners policy of title insurance from a licensed title company in an amount not less than the cost of construction of the Commercial Driver's License and Utility Lineworker Training Facility.

In the event the College has valid objections to the marketability of the title to the Property, the City may satisfy said valid objections or the City may declare this Agreement null and void in which event the College shall convey the Property to the City by special warranty deed similar in form and content to that executed by the City.

The College hereby waives any and all claims, causes of action, and its right to recover any damages, costs, expenses or losses which result out of or are incurred by the College in connection with this Agreement, and/or the development, design, and construction of the Commercial Driver's License and Utility Lineworker Training Facility on the Property.

VI. PAYMENT OF EXPENSES

The City shall have no liability of any cost, fees, obligations, real estate taxes, or any other cost related hereto, and all costs including but not limited to financing, title insurance, closing, appraisals, mortgages and registration fees related to this Agreement, or the transfer of the Property, shall be paid by the College.

VII. THE CITY'S REVERSIONARY INTEREST

The College acknowledges that the special warranty deed, which transfers title of the Real Estate, will contain the following reversionary language:

"Absent a written agreement by the City to subordinate its reversionary interest, if the College fails to construct and/or operate a Commercial Driver's License and Utility Lineworker Training Facility as specified in the Educational Development Agreement between the College and the City, then all right, title, and interest in the Property, as well as all buildings, structures, fixtures, and other improvements on the Property shall revert to the City and shall be deemed the City's sole and exclusive property. If title of the Property and all buildings, structures, fixtures, and improvements revert to the City, the Buyer shall not receive any compensation for the Property, or any buildings, structures, fixtures, and improvements located on the Property."

Title to the Property shall revert to the City in the event the College fails, in any respect, to comply with the terms and provisions of this Agreement including, but not limited to, the duties imposed upon the College which arise subsequent to the date of transfer of the Property.

VIII. DAMAGES

In the event the College fails to comply with any term or warranty in this Agreement, then title to the Property shall immediately revert to the City and this Agreement shall immediately become null and void, whereupon all rights of the College hereunder shall end all at the option of the City.

The College acknowledges and understands that should this Agreement be declared null and void and should a reversion of title to the Property occur that the College shall have no claim against the City for any damages, costs, or claims for specific performance or other cause of action, and the failure to comply with the terms of this Agreement shall be solely at the risk of the College without liability or obligation on behalf of the City.

AT CLOSING THE COLLEGE SHALL GRANT TO THE CITY MANAGER OF CITY OF EUSTIS POWER OF ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY REVEST TITLE TO THE PROPERTY TO THE CITY INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO EXECUTE DEEDS, LIEN RELEASES, AND AFFIDAVITS AS REQUIRED. THE COLLEGE SHALL NOT REVOKE SAID POWER OF ATTORNEY WITHOUT PRIOR WRITTEN CONSENT FROM THE CITY.

IX. CONDITION OF PROPERTY

The City makes no representations or warranties of any kind whatsoever, express or implied, regarding the condition of the Property or the condition of title to the Property (except as noted in the special warranty deed). The College acknowledges that the City has made no representations or warranties, express or implied, as to the condition of the Property or the condition of title to the Property. The College is granted, up to the day prior to the Closing Date, the right to access the Property and have it inspected at the College's sole cost and expense. Any damages caused by said inspections shall be paid by the College. The College agrees that it will rely solely upon the results of any inspections it has conducted. The College agrees that it is taking title to the Property in its "as is, where is" condition. In the event any inspection conducted by the College reflects a condition which is unacceptable to the College, the College shall have the right to terminate this Agreement at any time prior to the Closing in which event the parties will be relieved of any further right, duty or obligation set forth in this Agreement. The City makes no representations or warranties of any kind whatsoever, express, or implied, relative to the inclusion or exclusion of the Property from a flood fringe area or flood-way area, as the same are defined by the Federal Emergency Management Agency (FEMA). The College agrees to make any and all inquiries deemed appropriate or required in said regard, and further agrees that the exclusion of the Property from said described areas is not a condition to the Closing of this Agreement.

X. NO ASSIGNMENT

The College may not assign its respective interests, rights, and responsibilities under this Agreement without the prior written consent of the City. In addition, and without limitation, the City acknowledges and agrees that the College may encumber its interest in the Property with a mortgage or similar instrument or indenture, which instruments shall in all cases be subject to the rights of the City outlined in this Agreement.

XI. AMENDMENTS

No amendment, modifications, or alterations of the terms hereof shall be binding unless the same are in writing, dated subsequent to the date hereof, and duly executed by the parties hereto.

XII. AGREEMENT TO SURVIVE DELIVERY OF SPECIAL WARRANTY DEED

All terms and conditions of this entire Agreement (and all attachments and addendums) shall survive the delivery of the special warranty deed to the College.

XIII. BINDING EFFECT

This Agreement shall inure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators, successors and permitted assigns. This provision does not alter the requirement that the College cannot assign all or any portion of this Agreement without the prior written consent of the City.

XIV. NO WAIVER

Neither failure nor delay on the part of the City in exercising any right under this Agreement shall operate as a waiver of such right, nor shall any single or partial exercise of any such right preclude any further exercise thereof or the exercise of any other right. No waiver of any provision of this Agreement or consent to any departure by the City therefrom shall be effective unless the same shall be in writing, signed on behalf of the City by a duly authorized officer thereof, and the same shall be effective only in the specific instance for which it is given.

XV. HEADINGS

The headings of the articles, sections and paragraphs used in this Agreement are for convenience only and shall not be read or construed to affect the meaning or construction of any provision.

XVI. ENTIRE AGREEMENT

This Agreement and all exhibits hereto, if any, contain the entire understanding between parties and no other warranty, representations or agreements shall be binding upon the parties unless heretofore set forth in writing.

XVII. PREVAILING PARTY

In the event of any litigation between the parties arising out of or relating to this Agreement, the prevailing party shall be entitled to recover all costs incurred and reasonable attorneys' fees, including attorneys' fees in all investigations, trials, bankruptcies, and appeals.

XVIII. GOVERNING LAW, JURISDICTION AND VENUE

This Agreement shall be governed and construed in accordance with the laws of the State of Florida. The parties agree that Lake County, Florida shall have exclusive personal jurisdiction for all legal actions and disputes which arise out of this Agreement. The parties further agree the sole venue for any legal actions or disputes which arise out of this Agreement shall be Lake County, Florida.

IN WITNESS WHEREOF, the parties have executed this instrument on the day and year first above written.

City of Eustis

By: _____
City Manager

Attest : _____
City Clerk

College: _____

STATE OF FLORIDA)
) SS:
COUNTY OF LAKE)

On this ____ day of _____, 20__, before me, a notary public in and for the county and state, personally appeared _____, City Manager of the City of Eustis and _____, City Clerk of the City of Eustis, who are personally known to me to be the same persons who executed the foregoing instrument and who duly acknowledge the execution of the same.

Witness my hand and seal this ____ day of _____, 20__.

Notary Public

STATE OF FLORIDA)
) SS:
COUNTY OF LAKE)

On this ____ day of _____, 20__, before me, a notary public in and for the county and state, personally appeared _____ who is personally known to me to be the same person who executed the foregoing instrument and who duly acknowledges the execution of the same.

Witness my hand and seal this ____ day of _____, 20__.

Notary Public

A Boundary Survey



SHEET 2 OF 2
BOUNDARY DETAIL

Legend & Standard Abbreviations

- C

= Centerline

ROW

= Right of Way

CM

= Concrete Monument

PCP

= Permanent Control Point

POB

= Point of Beginning

POC

= Point of Commencement

F.I.R.M.

= Flood Insurance Rate Map

O.R.

= Official Record Book

C

= Conc. Utility Pole

W

= Wood Utility Pole

S

= Steel Utility Pole

F

= Fire Hydrant

PT

= Point of Tangency

= Fence Line
- R/C

= Set 5/8" Rebar, PLS #3351

PRM

= Permanent Reference Monument

N/D

= Set Nail and Disk, PLS #3351

OP

= Overhead Utility Lines

PC

= Point of Curvature

PS

= Plot Book, Page

EP

= Edge of Pavement

U

= Utility Box

G

= Guy Wire or Anchor

W

= Wood Guy Pole or Anchor

F

= Wood Guy Pole or Anchor

(F)

= Dimension per Field Measurement

(P)

= Dimension per Plat

(D)

= Dimension per Description

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	1810.00'	330.85'	330.85'	S88°02'13.51" W
C2	1910.00'	350.82'	350.82'	S88°27'09.31" W

Stevenot Land Surveying, Inc.

827 North Bay Street
Eustis, Florida 32726
Telephone (352) 357-9922

Ronald R. Stevenot

Certificate #3351

LB #6676



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: JANUARY 5, 2023

RE: COLONIAL INN MOTEL: DISCUSSION OF REQUEST FROM NAYANA PATEL ON ACCRUED FINES

Introduction

This item provides an opportunity for the City Commission to discuss a request from Nayana Patel to consider several scenarios for reduction/payment of accrued fines totaling \$176,250, recorded against 1000 South Bay Street (Colonial Inn Motel).

Recommended Action

The administration seeks direction from the City Commission regarding proceeding with a Resolution approving one of the proposals submitted by Nayana Patel on November 22, 2022, which was also discussed under City Attorney Reports during the December 1, 2022 City Commission Meeting.

Background

On November 17, 2022, the City Commission denied Resolution Number 22-86 approving a Code Enforcement Board Order reducing outstanding code enforcement fines from their current amount of \$176,250 to \$52,000.

On November 22, 2022, Ms. Patel submitted an email to the City with the following proposals:

- Submit payment of \$52,000, as previously recommended by the Code Enforcement Board within 24 hours of approval; or
- Submit payment of \$90,000 within 30 days of approval; or
- Submit payment of the full penalty within one year of approval.

She also requested that the City recalculate the 705 days of non-compliance, because the figure includes the period for which they were waiting for installation of the fire alarm system. After reviewing her request, it was determined that Ms. Patel addressed the City Commission on May 4, 2022 advising that all they had left to satisfy the agreement was the installation of the “fire extinguishers and cameras.” At this time, the daily fines had accrued for 602 days totaling \$150,500.

On January 16, 2020, the Code Enforcement Department issued a Notice of Violation/Hearing and hand delivered it to Amrutlal Nathubhai Patel, who is the registered agent for Colonial Inn Motel, LLC. The Notice required compliance with the City's Housing Code adopted in Section 50-26 of the City's Code of Ordinances by April 6, 2020. Failure to comply would result in the case going before the Eustis Code Enforcement Board on April 13, 2020.

On April 6, 2020, the Motel failed inspection, but the April Code Enforcement Board Hearing was cancelled due to City Hall being closed due the COVID-19 pandemic.

On August 5, 2020, a Notice of Hearing was hand delivered to Amrutlal Nathubhai Patel who became physically upset and aggressive towards the Code Enforcement Officer delivering the Notice.

On August 10, 2020, the Code Enforcement Board issued an Order of Enforcement requiring the property be brought into compliance with City Code by September 9, 2020 or a daily fine of \$250 would be imposed. A copy of the Order was mailed to the property owner on August 12, 2020.

On August 18, 2020, the owners of the Motel came into City Hall to find out what repairs were needed in order to comply with the Order of Enforcement they received. The Inspector advised them that if they were unable to interpret the minimum maintenance requirements of the International Maintenance Code they needed to hire a professional to assist them.

On November 5, 2020, a Notice of Non-Compliance and Notice of Hearing for Certification of Non-Compliance and Assessment of Fine was hand delivered to Mrs. Patel at the Motel.

On November 9, 2020, the Inspector informed the Code Enforcement Board of the non-compliance and the Board voted to certify the previously imposed fine of \$250 per day. The property owner was present, and again the Inspector encouraged him to hire a professional to go through the entire building to identify required repairs.

On December 11, 2020, the Board's Order Imposing Fine was recorded in public record constituting a lien against the property.

On June 3, 2021, the City Commission approved Resolution No. 21-39 authorizing the City Attorney to begin foreclosure action against unpaid code enforcement fines after all other enforcement methods failed to prompt the owners to bring the property into compliance.

On September 2, 2021, the City Attorney filed a complaint with the Circuit Court to foreclose the code enforcement lien, and Colonial Inn Motel LLC was served with a Summons on September 29, 2022. It was served to Amrutlal Patel as Registered Agent.

On November 2, 2021, the City Attorney forwarded a proposal to the Commission, which was drafted by Nayana Patel on October 18, 2021, in an effort to "save the motel" and advised that that he would be seeking their direction at the next meeting.

On November 4, 2021, Nayana Patel read a prepared statement to the Commission under audience to be heard. She cited their willingness to try and negotiate an end to the foreclosure lawsuit, and assured the Commission she would be assuming responsibility for the Motel along with her brother and sister-in-law. She was advised that the City Attorney would be addressing the Commission at the end of the meeting regarding this issue.

During comments, the City Attorney provided an update to the City Commission on the status of the foreclosure. He advised that the Motel owes \$104,500 in fines, which continues to accrue at a rate of \$250 per day. After much discussion, the Commission asked for Ms. Patel's brother to come before them at the November 18, 2021 meeting so they could speak with him, which she agreed. In the end, the City Attorney recommended that the Commission direct him to stop proceeding with the foreclosure until they have an opportunity to speak with the brother, and then direct him accordingly.

It was also during this meeting that the former Development Services Director recommended that the Patels have the property inspected by a Private Professional Inspector to make recommendations on what needs to be fixed.

On November 18, 2021, the City Attorney provided the Commission with another update. He recommended that they leave the foreclosure open for the time being and stated the Commission could require a timeline for issues to be resolved. Koresh Patel was present as previously requested, who advised the Commission that he would be taking over management of the Motel. After much discussion, Ms. Patel asked about the fines and was advised that they would continue to accrue, but could be discussed once the property is brought into compliance. It was also during this meeting, that it was decided that the Motel would hire an independent third-party Inspector to inspect and compile a list of required repairs.

On January 18, 2022, Universal Engineering Sciences, Inc submitted to Staff the required Property Condition Assessment Report within the established 60-day submittal deadline.

On February 3, 2022, the former Development Services Director provided the City Commission with a status update and requested their direction. It was their consensus for Staff to move forward with preparation of a Memorandum of Understanding.

On March 3, 2022, the City Commission approved Resolution No. 22-19 authorizing the City Manager to execute an agreement to cure deficiencies and implement all recommendations set forth in the Property Condition Assessment Report within 30 days of being fully signed, with the exception of any identified long-term needs. The agreement also required the installation of an interconnected fire alarm system and surveillance cameras within the same time period.

On April 7, 2022, the City Attorney informed the Commission that the Colonial Inn had requested an extension, which was granted.

On May 5, 2022, Ms. Patel addressed the City Commission under audience to be heard to report that they are waiting on installation of the fire alarm system and surveillance cameras. She advised that a specific completion timeframe could not be provided because she has not been able to get ahold of the Contractor. She asked if she needed to request more time. The Commission told her to just keep communicating with Staff and if there is a problem, they will bring the matter back before them.

On August 16, 2022, Ms. Patel notified the City Attorney they had completed the requests the City had set for them. The Attorney responded advising the next step in the process would be for them to propose a monetary amount for the City to consider in exchange for releasing the lien.

On August 24, 2022, the City Attorney updated the City Commission on the matter, and it was their consensus for the Motel to submit their request for a reduction of the accrued fines to the Code Enforcement Board.

On September 12, 2022, Ms. Patel submitted a spreadsheet of expenses totaling \$88,255.14 to the City Attorney, and requested a bare minimum fine because they had spent almost the original lien amount. She said she did not have a figure in mind, but was leaning towards paying costs the city has sustained.

On October 10, 2022, the matter went back before the Code Enforcement Board to consider a reduction of the accrued fines. The Code Supervisor updated the Board on the status of the Case, advised them of the property owner's request and informed them of the Code Departments costs, along with the City's legal costs to date.

The Board questioned the Fire Chief on the status of the fire alarm system and asked if the stoves had been removed from the rooms. Ms. Patel confirmed that they have been removed with the gas lines being capped off.

The Board also called on the Police Chief, who advised them that this is probably the best resolution, for a matter such as this, that he has seen in his profession. He also informed them that the calls have been vastly reduced with maybe two to three calls within the last 8 or 9 months, which was not due to poor management of the Motel.

In the end, the Board approved a motion to reduce the accrued fines to \$52,000 with five members voting yes, and two voting no.

Costs:

Police Department:	\$44,700
Fire Department:	\$20,278
Code Enforcement:	\$2,055
City Attorney:	\$4,799
TOTAL:	\$71,132

Reviewed By:

Kenneth Toler, Captain

Prepared By:

Eric Martin, Code Enforcement Supervisor