



MINUTES

City Commission Meeting

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

Invocation: Moment of Silence

Pledge of Allegiance: Mayor Willie Hawkins

Call to Order: 6:01 P.M.

Acknowledge of Quorum and Proper Notice

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

1. Agenda Update: NONE

2. Approval of Minutes

March 6, 2025 City Commission Meeting

Motion made by Commissioner Holland, Seconded by Commissioner Asbate, to approve the Minutes. Motion passed on the following vote:

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

3. Audience to be Heard

Mayor Hawkins addressed the Commission, public and staff regarding the need for civility and decorum at City Commission meetings. He apologized for the lack of such at the previous Commission meeting and thanked staff for their work on behalf of the community.

Cindy Newton addressed the Commission regarding the Comprehensive Plan and the MCR land use designation. She cited some specific requirements within the Comprehensive Plan. She questioned what the total acreage is within the City that has the MCR designation and what are the percentages of residential, commercial and office.

Blake Griswold commented on concerns from citizens regarding overdevelopment. He noted an interest in implementing a moratorium until the code is addressed. He expressed opposition to the City not giving away land and keeping it under the Eustis purview.

4. Consent Agenda

4.1 Resolution Number 25-21: Authorizing an expenditure over \$100,000 for various rate studies at a total cost of \$120,800 and to authorize a general fund budget amendment in the amount of \$59,650

4.2 Resolution Number 25-22: Approval Amending the FY 2024/25 Grant funds budgets to recognize grants awarded in FY 2024/25

4.3 Resolution Number 25-23: Approval of IAFF A Unit 10/1/24 - 9/30/27 Contract

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to approve the Consent Agenda. Motion passed on the following vote:

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

5. Ordinances, Public Hearings, & Quasi Judicial Hearings

5.1 Resolution Number 25-16: Fine Reduction/Release of Lien - 2250 S. Bay Street, Code Case #22-00270

Sasha Garcia, City Attorney, read Resolution Number 25-16 by title: A Resolution of the City Commission of the City of Eustis, Florida; providing for a reduction of outstanding code enforcement fines and release of lien against 2850 South Bay Street upon full payment of the reduced fine.

Eric Martin, Code Enforcement Supervisor, explained Resolution 25-15 reduces the outstanding code enforcement fine from \$102,250 to \$2500 and releases the lien upon payment of the reduced fine. He stated the violation involved the multi-tenant sign on the Lake Hills Plaza property which was damaged in an accident. He stated staff's recommendation for approval.

The Commission questioned the justification for such a large reduction in the fine.

Tom Carrino, City Manager, explained that the sign was located on RaceTrac property but belonged to the plaza. RaceTrac was reluctant to remove a sign that belonged to someone else due to possible legal exposure. He explained that it has taken time to address that issue and stated the Code Enforcement Board has reviewed the unique situation of sign versus land owner with the sign in place by easement. He indicated the Board realized that the problem was actually the plaza's fault not RaceTrac's and explained why the plaza could not be cited for the sign.

Commissioner Holland confirmed the Code Board approved the reduction with Mr. Martin responding affirmatively.

Attorney Garcia opened the public hearing at 6:11 p.m. There being no public comment, the hearing was closed at 6:11 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to approve Resolution Number 25-16. The motion passed on the following vote:

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

5.2 EXPLANATION OF ORDINANCES FOR ANNEXATION OF PARCEL WITH ALTERNATE KEY 2612525

Ordinance Number 25-06: Voluntary Annexation

Ordinance Number 25-07: Comprehensive Plan Amendment

Ordinance Number 25-08: Design District Assignment

FIRST READING

Ordinance Number 25-06: Voluntary Annexation of Parcel with Alternate Key 2162525

Attorney Garcia read Ordinance Number 25-06 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 2.86 acres of real property at Lake County Property Appraiser's Alternate Key Numbers 2612525, generally located on the East side of State Road 44 opposite the intersection with Lake Joanna Drive.

Jeff Richardson, Deputy Director of Development Services, reviewed the requested annexation, future land use designation and design district designations as proposed under Ordinances 25-06, 25-07 and 25-08. He explained the property is currently designated Urban Low in Lake County and requested to be designated as Mixed Commercial/Residential with a Suburban Neighborhood design district. He noted the site location and notifications, and explained staff's evaluation of the request including contiguity, increase in density, and consistency with surrounding designations and established patterns.

Mr. Richardson confirmed utilities are available and reviewed the environmental data. He stated staff's recommendation for approval.

The Commission had no questions for Mr. Richardson.

Attorney Garcia opened the public hearing at 6:16 p.m.

Orin Owen, Lake County resident, commented on flooding in the area and possible re-evaluation of the flood plain. He requested that stormwater be planned for and the water levels planned for appropriately.

Cindy Newton, Lake County resident, commented on the flow of water from surrounding springs and from Mount Dora Ridge and Wolf Creek branch. She emphasized the importance of stormwater management to address flooding issues.

There being no further public comment, the hearing was closed at 6:20 p.m.

Motion made by Commissioner Holland, Seconded by Commissioner Asbate, to approve Ordinance Number 25-06 on first reading. Motion passed on the following vote:

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

5.3 FIRST READING

Ordinance Number 25-07: Assignment of Future Land Use District for Parcel Alternate Key Number 2612525

Attorney Garcia read Ordinance Number 25-07 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3187 F.S.; changing the Future Land Use Designation of approximately 2.86 acres of recently annexed real property at Alternate Key Number 2612525, generally located on the East side of State Road 44 opposite the intersection with Lake Joanna Drive, from Urban Low in Lake County to Mixed Commercial/Residential in the City of Eustis.

Mr. Richardson noted no additional presentation.

Attorney Garcia opened the public hearing at 6:21 p.m. There being no public comment, the hearing was closed at 6:21 p.m.

Motion made by Commissioner Holland, Seconded by Commissioner Lee, to approve Ordinance Number 25-07 on first reading. Motion passed on the following vote:

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

5.4 FIRST READING

Ordinance Number 25-08: Assignment of Design District for Parcel Alternate Key Number 2612525

Attorney Garcia read Ordinance Number 25-08 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood design district designation to approximately 2.86 acres of recently annexed real property at Alternate Key Number 2612525, generally located on the East side of State Road 44 opposite the intersection with Lake Joanna Drive.

Attorney Garcia opened the public hearing at 6:22 p.m. There being no public comment, the hearing was closed at 6:22 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft, to approve Ordinance Number 25-08 on first reading. Motion passed on the following vote:

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

6. Other Business

6.1 Credit Card Fees

Nichole Jenkins, Water Customer Service Manager, discussed the credit card processing fees paid for customers paying their utility bills. She presented a table showing the breakdown of the different processing fees the City incurs including ACH payments, checks, cash, IVR, online credit card and online e-check.

Ms. Jenkins reported that 766 customers have signed up for the paperless incentive over the past seven weeks. She indicated that represents just under 10% of their customers.

Ms. Jenkins reviewed the various payment types and provided a breakdown of the percentage of customers utilizing each type. She noted that the analysis was done prior to implementation of the paperless incentive. She explained that other departments do charge a 3% processing fee for paying with a credit or debit card. She indicated that the amount shown for monthly credit card processing fees is for all departments as Edmunds is not capable of separating out just the utility payments.

Ms. Jenkins provided a comparison with other area cities and the fees they charge. She asked the Commission for direction regarding whether to begin passing the processing fees on to the customers.

The Commission asked about non-utility transactions. They questioned if the processing fees are built into the water rates and stated they do not see a reason to pass on the fee.

Lori Carr, Finance Director, explained that the rate study was not completed due to issues with the eastern water plant. She indicated that the item on the Consent Agenda was to re-engage in the utility rate study and they will look into all of the miscellaneous rates including the credit card fees.

Mr. Carrino confirmed that the credit card fees were accounted for as a part of the rate study.

Discussion was held regarding whether to charge an additional fee with the general feeling to leave it alone due it being included in the rate study. It was suggested that it be looked at again in a year or two. It was also noted that the City should see some savings if more customers switch over to paperless billing.

The Commission further questioned not being able to break out the processing fees for the utility payments with Ms. Jenkins explaining that the processing company, FIS, goes to Edmunds with Edmunds just feeding how many total payments were done. She stated she

spoke with FIS and they have said their contract with Edmunds does not allow for the breakdown.

Ms. Carr added that part of the problem has to do with the limitation of the Finance and utility billing system that is being utilized.

Mr. Carrino stated he could try to estimate how much is coming from other locations.

Further discussion was held regarding whether the difficulty is the processing company or Edmunds.

Discussion was held regarding transferring to a different financial processing system with Ms. Carr reporting that Purchasing is working on developing an RFP.

6.2 Utility Account Liens

Ms. Jenkins reviewed the Water Customer Service collection process regarding utility liens. She explained that the City is bound to comply with the Utility Revenue Bond covenants which state that no one shall be given free or discounted water. She stated that the Water Customer Service department takes all necessary steps to collect on delinquent accounts. She noted that staff was directed to stop filing liens until the City Commission has a full understanding how the lien process works especially in relation to tenant vs. owner accounts. She provided an overview of all the steps the department takes in trying to collect overdue utility bills. She emphasized that the City never disconnects water service if the department is not open the next day. She indicated they also discontinue all disconnects the week of Thanksgiving and the week between Christmas and New Year's.

Ms. Jenkins explained that once payment is received, staff reconnects the service by 5:00 p.m. the same day. She noted that customers do have access to an emergency line and they can call with their confirmation number and get the service restored after hours; however, there is an \$85 after hours fee. She stated that the reconnection fee is added to the next month's bill. She commented that if an account remains unpaid, the meter will remain locked. She then explained the follow-up process and how it differs between tenant accounts and owner accounts. She noted that for a dwelling to be occupied without water is a code violation; therefore, code enforcement is notified if an occupied dwelling has been disconnected for nonpayment. She stated the goal is to protect the City's revenue while assisting the residents who are in financial hardship.

Ms. Jenkins explained what staff members are authorized to offer to assist customers.

Commissioner Asbate asked about rental properties and the shut-off and transfer into the landlord's name. He explained his interest and whether a tenant bill is passed on to the landowner. He expressed concern that a landowner might be held responsible for a tenant's utility bill.

Ms. Jenkins explained that every property has an account number and every owner or tenant has a subaccount number. She explained the process and how they contact the property owner regarding an unpaid tenant account. Following notification of the owner, the tenant account is stopped and the account reverts back to the owner. The tenant account is due from the tenant. If they try to open another account at a different property, they will have to pay that amount prior to opening a new account. The property owner is notified by both mail and phone call that the account will go back into the owner's name, as if the tenant moved out.

Mr. Carrino stated an amount owed by a tenant stays with the tenant not the owner and it follows the tenant to a new location. He added the City can't have a building without water

service so it is eventually changed to the owner's account and they begin accruing fees and charges at that point.

Commissioner Asbate questioned at what point is the account changed and cited the availability fee. He asked when does that availability fee begin accruing to the property owner.

Ms. Jenkins confirmed that once the account is changed over to the property owner's account, the availability charge begins accruing in their name. She opined that does give the landlord added ammunition against the delinquent tenant since most leases state they are responsible for the utilities which breaks the lease. She stated they can also keep the meter locked.

Commissioner Asbate stated that the property owner has to go through the courts to get back the connection fee.

Vice Mayor Ashcraft expressed agreement and asked if the property owner can refuse to have the account put back in their name with Ms. Jenkins responding negatively. She stated the ordinance states that any landlord in the City is responsible for the utilities. If the tenant isn't paying, after the three week process, then the landlord is responsible for the availability charge or they can pull the meter. She indicated the City does leave the meter locked.

Vice Mayor Ashcraft confirmed there is a fee to have the meter reconnected with Ms. Jenkins stating the fee to reinstall after a disconnect is \$30.

Discussion was held regarding the availability fees, the possibility of them cutting the locks on a locked meter and the difficulty in evicting a tenant.

Ms. Jenkins stated that anyone cutting a lock is guilty of meter tampering and the City can put on a different style lock that is harder to tamper with. She emphasized that in order to comply with bond covenants the City must turn off water and make every effort to collect funds including placing a lien on the property.

Commissioner Lee asked when a meter is removed with Ms. Jenkins indicating a meter would only be removed for an owner account, never for a tenant account, unless requested in writing by the property owner.

Mr. Carrino noted that some time ago he had told the Commission that the City does hold a property owner accountable for a tenant's debt and he was wrong. He indicated that, at that time, the Commission stated no more liens should be imposed until the issue is sorted out. He asked for direction regarding resuming the utility liens.

Discussion was held regarding whether to resume imposing utility liens and the types of locks utilized. Ms. Jenkins confirmed that anyone cutting a lock is charged with a crime as that is stealing water. The Commission confirmed that property owners are never liened for a tenant account.

CONSENSUS: It was a consensus of the Commission for staff to resume the utility lien program.

6.3 Discussion Regarding Backyard Chickens

Mr. Carrino introduced the discussion regarding backyard chickens and noted the distribution to the Commission of information regarding best practices.

Commissioner Asbate commented on how the City could allow a limited number of chickens. He suggested that the \$800 conditional use permit be omitted, and they could be permitted similar to fences. He suggested that staff bring back some language for consideration.

Attorney Garcia reviewed the best practices report and what other municipalities are doing. She noted most cities have more of a program with a limit on the number of permits allowed each year. She indicated they also require participants to complete an online course. She stated that the University of Florida offers an online course that only costs \$5. Some cities offer their own courses. The purpose is to ensure the chickens are kept with adequate spacing, setback requirements, materials used are friendly to the chickens and protect them from predators. She added they also have maintenance requirements and there are instructions regarding how to dispose of chickens infected with avian flu or other illness. She commented on specifications regarding construction, placement and maintenance of chicken coops. She stated that some coops would require building permits and indicated any tenant would have to have an affidavit from the property owner before obtaining a permit.

Attorney Garcia stated that it would be understood that the City's regulations would not supercede or violate any applicable deed restrictions. It would be on the applicant to be aware of those restrictions. The City would not monitor that. She recommended obtaining community input regarding where chickens would be allowed.

Discussion was held regarding other municipalities that allow chickens, how and where they are allowed, and how they are administered.

Attorney Garcia indicated that any program would be overseen by Code Enforcement.

Discussion was held regarding how many chickens are allowed in other cities and whether there are ordinances regarding dogs and cats. It was noted that additional information was needed.

CONSENSUS: It was a consensus for Commissioner Asbate to work with Mr. Carrino, Attorney Garcia and Development Services Director Mike Lane to bring forward additional information.

6.4 Discussion Regarding Potential Workshop

Mr. Carrino noted there was previous discussion regarding holding a potential workshop. He stated staff is asking for direction on workshop topics. He added he previously suggested some dates and Monday, March 31, 2025, was the date that everyone could attend. He indicated that staff needs direction on the topics and date for the workshop depending on the topics. He stated that if staff needs to develop additional information then a later date may be needed.

Commissioner Holland agreed with March 31st and stated the City has a plan and they should discuss where they go from here.

Commissioner Lee asked to go through the master plan. She stated her concern that, if it is scheduled for 5:00 p.m. they would go until midnight. She emphasized the need to spend time on it.

Discussion was held regarding holding the workshop on a Saturday with Mr. Carrino suggesting April 5th.

CONSENSUS: It was a consensus to hold the workshop on April 5th at 9:00 a.m.

Attorney Garcia asked for agenda topics and indicated she could attend the workshop.

The Commission commented on possible topics with Commissioner Ashcraft and Mayor Hawkins indicating they don't want to redo the master plan but discuss where they go from here.

Commissioner Holland suggested doing an overview of the master plan and a road plan of where the master plan takes us.

Commissioner Asbate stated he would not want the workshop to be just about the three blocks but about the entire scope of that. He referred to comments by Mr. Goman that the master plan needs more detail. He stated there are key issues to be discussed such as acquiring land or building within the Central Business District, should the City purchase land, and their vision for 10 or 20 years in the future. He stated they need to add some critical details such as establishing guidelines on key infrastructure. He cited other issues that should be included in the master plan and indicated the need to get Mr. Goman's input on those issues. He agreed they should go through the entire master plan and commented on the need to determine what they want in the building standards. He stated the master plan needs to be a well-defined, actionable, road map. He emphasized that the master plan needs to be more comprehensive than just the downtown three blocks.

Mayor Hawkins agreed with reviewing the master plan in depth.

Further discussion was held regarding developing a vision and including Mr. Goman in the meeting.

Mr. Carrino asked if G3C2 should be part of the workshop.

CONSENSUS: It was a consensus to include G3C2 in the workshop and they confirmed they could attend.

7. Future Agenda Items and Comments

7.1 City Commission

Commissioner Holland asked residents to watch the State legislature and future development issues. He commented on proposed legislation that is intended to restrict home rule for cities and counties. He noted some of what is proposed affects land development and could result in massive development. He referred to the Florida League of Cities website for explanations. He stated some of the Commissioners would be going to Tallahassee to talk to the local delegation. He stated residents could talk to the legislative aides and write letters to Tallahassee. He encouraged residents to also reach out to the Commissioners with their concerns. He agreed to provide information upon their return and suggested they could include information on the City's website. He complimented Cindy Newton on her assistance with getting information out. He commented on the issue of sustainability. He stated that the Crazy Gator property is for sale. He added that the City owns the property on either side including their parking lot and encouraged the Commission to consider purchasing that property.

Commissioner Asbate asked Attorney Garcia whether the Commission could hold a shade meeting to discuss negotiating a land purchase.

Mr. Carrino responded that it can be difficult for government to negotiate land deals in Florida.

Attorney Garcia suggested they create a negotiation team and they can get an appraisal, see what funds are available and come back to the Commission if the offer is reasonable. She confirmed they cannot hold a shade meeting to discuss an offer.

Mr. Carrino commented there is a land value and a business value, which are different. He stated, if the City is interested, they should probably obtain an appraisal. He indicated that the appraisal may not come back at the asking price. He noted Mr. Goman did reach out to Crazy Gator at the City's direction.

The Commission discussed moving forward with an appraisal and authorizing Mr. Carrino to negotiate. It was noted that an appraisal on the land is not expensive but an appraisal on the value of the business would be expensive. Attorney Garcia confirmed that Mr. Carrino would have to have express authority from the Commission to negotiate but he could do the preliminary work to get a sense of what a reasonable offer would be. She noted there are other factors that would be included such as whether it would be a cash offer.

Discussion was held regarding what Mr. Carrino could negotiate with Attorney Garcia indicating they would have to discuss in a public meeting and set what their highest price would be. Attorney Garcia noted they could hold a special meeting to discuss final negotiations.

Mayor Hawkins asked Commissioner Ashcraft to be a part of the negotiations with a consensus of the Commission for that to occur.

Commissioner Lee commented on the need for the Commission to work together in a positive way to accomplish their goals.

Commissioners Ashcraft and Asbate had no further comments.

7.2 City Manager

Mr. Carrino noted there was information provided for the Commissioners to take to Tallahassee. He noted it includes the City's appropriation requests for Rosenwald Gardens and the culvert project. He commented on proposed legislation that would severely affect CRA's and issues surrounding sovereign immunity.

Mr. Carrino recommended that Fire Chief Swanson serve as Acting City Manager while he is in Tallahassee. It was a consensus of the Commission for that appointment.

Commissioner Lee noted the large butterflies placed around the City and encouraged people to take photos. She thanked staff members for all their work on getting the butterflies installed and noted more would be coming. She asked people to share their photos.

Mr. Carrino announced that the ReWorld tour would be held on Friday. He cited the need to begin scheduling budget workshops. He stated that Finance has suggested they meet five consecutive days in July which was denied. Discussion was held regarding when to hold a series of workshops or to do a Saturday workshop.

Mr. Carrino indicated he would discuss dates with the Finance Director and then get back with the Commissioners. He noted the Commission had committed to holding workshops with the Eustis Housing Authority, the Code Enforcement Board and to discuss the results of the eastern utility study.

It was agreed to try and schedule them for some time in May with the possibility of doing all three in one day.

7.3 City Attorney

Attorney Garcia commented on the need to have the Sunshine Law and ethics training which may be offered by the League of Cities. She suggested holding a workshop on a Saturday to discuss the municipal government process and policy making.

Commissioner Holland noted that the League of Cities would be holding a seminar on Monday. He stated that Florida State University also offers a sunshine law and ethics training webinar.

Attorney Garcia suggested having League of Cities come to the City to give a presentation and then she could cover the other aspects of policy making and the municipal government process. She indicated she was considering a Saturday and stated she would circulate possible dates.

Mr. Carrino confirmed he would email the Commissioners with a list of all the workshops.

Attorney Garcia stated she heard from some of the Commissioners about their rules of order. She asked if they wanted her to prepare a memorandum regarding the guidelines for elected officials and procedural guidelines regarding the agendas and the meetings.

Commissioner Lee noted that they have a document that lays everything out and suggested they could review it with Attorney Garcia stating it was last revised in 2019. She noted they have a lot of discretion but it provides guidelines on the conduct of meetings. It was suggested that she go over the guidelines when they do the sunshine law and ethics workshop.

7.4 Mayor

Mayor Hawkins reported on the Eustis Police Department's Cops and Bobbers event. He noted that Florida Fish and Wildlife stocked the pond for the event. He also thanked Public Works for their assistance with the event. He complimented Public Works staff member Devin Evans who went above and beyond for 44 Gables. He noted that a resident had put it out on Facebook. He asked when the eastern plant would be brought to the Commission with Mr. Carrino responding that is still to be scheduled.

Mayor Hawkins noted that Trout Lake is located in the midst of the city and asked the Commission to consider entering into a partnership with Trout Lake Nature Center.

Commissioner Asbate suggested they could discuss that when they review the master plan. He reported on his attendance with the Mayor at the Central Florida Police Chiefs event. He noted that Chief Capri was the outgoing president. He complimented Chief Capri on his work with the organization and thanked Elena Pasek for helping organize the event.

8. Adjournment: 8:00 P.M.

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording of the meeting can be obtained from the office of the City Clerk for a fee.*

CHRISTINE HALLORAN
City Clerk

WILLIE HAWKINS
Mayor/Commissioner