



MINUTES

City Commission Meeting

6:30 PM – Thursday, August 17, 2023 – City Hall

INVOCATION: MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: COMMISSIONER EMILY LEE

At Mayor Holland's request, students from Eustis High School, who represented Eustis in Washington D.C. laying a wreath at the Tomb of the Unknown Soldier, led the Pledge of Allegiance.

1. PRESENTATIONS

1.1 Recognition of Students Honoring the Tomb of the Unknown Soldier

Mayor Holland presented Certificates of Recognition for four students in honor of their participation in the ceremony at the Tomb of the Unknown Soldier in Washington DC:

CALL TO ORDER: 6:31 p.m.

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

PRESENT: Vice Mayor Emily Lee, Commissioner Gary Ashcraft, Commissioner Nan Cobb, Commissioner Willie Hawkins and Mayor Michael Holland

2. APPROVAL OF MINUTES

2.1 Approval of Minutes

June 29, 2023 City Commission Workshop
August 3, 2023 City Commission Meeting
August 8, 2023 City Commission Workshop

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

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

3. AGENDA UPDATE: None

4. AUDIENCE TO BE HEARD

David Lejewski asked to have the marked pickup truck and GPS tracking information and why they were there. He complained that they attempted to intimidate then. He asked who deleted comments from the City's Facebook page and directed his comments specifically at Commissioner Cobb

The Commission asked him to direct his comments to the Commission as a whole and to not be rude.

Mr. Lejewski stated he could address whomever he wants and threatened the Commission with a lawsuit.

Craig Capri, Police Chief, escorted Mr. Lejewski from the Commission Room.

Debbie Weinert apologized for not following City protocol to get on the agenda and indicated she would provide a presentation at the next Commission meeting regarding the Dolly Parton Imagination Library.

5. **CONSENT AGENDA**

5.1 Resolution Number 23-69: Railroad Reimbursement Agreement for Crossing Control Devices at W. Stevens Avenue

5.2 Resolution Number 23-70: Railroad Reimbursement Agreement for Crossing Control Devices at W. Atwater Avenue

5.3 Resolution Number 23-71: Approving a Purchase in Excess of \$50,000 for Two Water Department Replacement Vehicles

5.4 Resolution Number 23-72: Approval of Purchase in Excess of \$50,000 for Change Order #4 of Construction of the Eastern WWTP Pond Liner Replacement.

5.5 Resolution Number 23-73: Award of Construction Administration Services for the Coolidge Street Utility Improvements Project

5.6 Resolution Number 23-74: Utility Liens

Motion made by Commissioner Cobb, seconded by Commissioner Hawkins, to approve the Consent Agenda. The motion passed on the following vote:

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

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

6.1 Resolution Number 23-54: Preliminary Subdivision Plat for Hidden Cove 43-Lot Subdivision on Lakeview Avenue (Alternate Key Number 1216044)

Sasha Garcia, City Attorney, announced Resolution Number 23-54: A Resolution of the City Commission of the City of Eustis, Florida; approving a preliminary subdivision plat for Hidden Cob Subdivision, a 43-lot single-family residential subdivision on approximately 13.18 acres of property located on the south side of East Lakeview Avenue, west of Fahnstock Street (Alternate Key Number 1216044).

Mike Lane, Development Services Director, reviewed the proposed preliminary subdivision plat for Hidden Cove. He explained it is a 43-lot single family detached residential subdivision and provided a map showing the location. He reviewed the specifics of the site noting the presence of a freshwater marsh and stated that it is in the Wekiva Study Area. He indicated there are no scrub or shrub xeric plant communities including longleaf pine, sand hill, sand pine or xeric oak scrub.

Mr. Lane reviewed the proposed plan explaining they will be using the House lot type with lots 55-feet wide by 120 feet deep. He indicated that they do meet the minimum open space requirement. He provided a graphic showing the layout of the proposed subdivision with two cul-de-sacs and an emergency access road. He reviewed the various buffer widths and stated the 15' buffer is at the end of the one cul-de-sac. He indicated the playground and mini park are in the area with the 164' buffer. He stated the density is 3.32 units per acre and reviewed the surrounding densities.

Mr. Lane reviewed the proposed landscape plan and the traffic impact analysis. He stated that the analysis indicates that the local roadway network has adequate capacity to accommodate

the new trips. He reviewed the timetable for application and review of the development and explained the delay and the request from the applicant due to his engineer having health issues. It was later determined that they had not sent out the required property owner notices. He confirmed that subsequently staff did mail out the required notices, that the signs were posted and the required newspaper ad was published.

Mr. Lane reviewed the upcoming steps that would be required prior to construction followed by the final plat approval by the Commission. He stated staff's recommendation for approval and indicated the project meets or exceeds the Land Development Regulations and Comprehensive Plan.

The Commission confirmed that no discussion was had during the DRC meetings about the possibility of a dock or boat ramp being constructed.

The Commission questioned the traffic impact analysis with Mr. Carrino explaining that it means that at peak hour there would be fourteen new trips going in each direction during the peak hour.

The Commission asked about the size trees to be kept with Mr. Lane responding there were some 36" trees. He added that most of the trees on the east side will be retained. He explained that the tree surveyor did acknowledge that he did not include some trees on the eastern boundary as they appeared to be in backyards. He stated that another tree survey will be required as part of the final engineering and construction phase.

The Commission asked to speak with the applicant's representative. The Commission asked when the decision regarding which trees will be kept would be made.

Bill Ray, Ray and Associates environmental consultant standing in for Tim Green, explained it would be decided at the construction plan approval which would be when they bring back a thorough tree survey that identifies species and diameters of the trees on site. He further explained that if there are native trees in the eastern buffer those will remain as part of the buffer.

The Commission asked if a fence would be constructed with Mr. Ray responding negatively. He stated their feeling that the vegetative buffer would be more in keeping with the area. He commented on the varying buffer depths.

The Commission asked if there is a plan for a boat launch with Mr. Ray responding negatively. He indicated that if that was desired in the future it would have to come back to the City for approval. He indicated it would also have to be permitted through the state and emphasized there is not currently a proposal for anything on the lakefront.

Discussion was held regarding the possibility of a boat launch or ramp being constructed with Mr. Ray explaining what would be required for someone to bring forward a request for a boat ramp. He reiterated that nothing is proposed for the lakefront and it would require re-engineering of the project to do so.

The Commission confirmed a wildlife study was done with Mr. Ray responding positively and explaining the primary concern at the site is gopher tortoises. He explained how the FWC addresses gopher tortoises and what constitutes a potentially occupied burrow. If identified, the tortoise must be relocated to an approved recipient site by an authorized agent. He noted that the survey is only good for 90 days and then another survey must be done. He stated that US Fish and Game determines the critical habitat criteria. He stated no critical habitat was identified on the site.

The Commission asked about the gate for the emergency access with Mr. Ray indicating they would follow Eustis code and coordinate with the police and fire departments.

The Commission asked what happens if they are clearing and they see a tortoise do they have to stop work with Mr. Ray explaining they have to have a permit to begin work.

The Commission confirmed that the developer could do 66 units but they are only doing 43 units per acre.

Attorney Garcia opened the public hearing at 7:08 p.m.

Tim Hoban, land use attorney representing some of the neighbors, noted that the City recently amended their tree ordinance and increased the fines for removal of protected trees. He stated the property owners request that none of the protected trees be removed even though they are not on the tree survey. He stated they are asking the Commission to enforce the existing tree ordinance. He also asked that, if the developer removes a tree that is actually located on a neighbor's property, that the developer be fined not the property owner.

Mr. Hoban cited Tract C and Tract E and stated they are asking that the City Commission confirm that nothing may be stored in the open space or emergency access. He then commented on the emergency fire access and stated they are asking the police and fire chiefs ensure that the constructed fire gate is aesthetically pleasing similar to Misty Oaks.

Tammy Pena expressed opposition to the Hidden Cove development and stated her belief that it does not meet the City's requirement under Chapter 115 regarding stormwater management. She indicated that the basin does not meet the criteria to not have a fence and should not be included in the open space requirements.

Christina Mowers expressed concern regarding the impact on the residents of Lakeview and removal of trees. She asked for their to be no storage allowed on the east side. She expressed concern regarding the traffic study and the anticipated amount of increased traffic. She asked that a turn lane into the development be included.

Linda Johnson expressed concern regarding the density and compared it to certain developments around the lake and the size of those lots.

Bob Johnson thanked the Commission for the opportunity to speak and understand the process.

Cindy Davis expressed concern about the lake and whether the homes will be owned or leased. She asked if it will be low income housing. She expressed support for it looking like the other developments on the lake.

Attorney Garcia asked any other comments be restricted to only about new issues.

Aja Lake stated the cited developments have been "cherry picked" and indicated there are other developments that are much less dense. She asked that the intersection at Fahnstock and Lakeview be made a four-way stop. She expressed appreciation for the landscape buffer and asked that any of the mature trees on Lakeview be retained. She expressed concern about discrepancies and misrepresentation going to the Commission.

Ace Hohman read a prepared statement and expressed concern about the destruction of wildlife habitat. He stated his desire for the City to grow responsibly.

Lisa Dupree stated that losing the wooded wetlands will damage the community and cited the benefits of the land and trees to the area.

Wendy Paradise commented on the density and lot sizes and the need for fewer homes and more open space. She cited tortoises and an eagle on the site.

Katie Contorakes noted the name is Hidden Cove and why they would name it that if they didn't intend to build a cove.

Roger Gruno expressed concern regarding the space between the homes.

There being no further public comment, the hearing was closed at 7:36 p.m.

Mr. Ray stated there is no intent to allow storage in the buffer areas. He stated it is not allowed under the City code nor will it be allowed in the HOA rules. He indicated the project complies with the City's code. He explained that the depth of the stormwater pond will be addressed when they do the indepth engineering. He further commented on the design of the stormwater pond.

Mr. Ray explained the modeling used for the traffic study which is determined by the City's code and the local MPO. He further explained how the rates are determined. He stated the project meets the level of service determined by the City and County. He indicated the engineer does not get to determine whether to put in a turn lane or 4-way stop. He stated it has to be warranted. He explained that is determined by the Regional Transportation Element of the Comprehensive Plan.

Mr. Ray then explained the tree survey and acknowledged there are trees on site that were not surveyed or located. He explained that will come in the final engineering plans when they will show what number of trees are there, where they are and the specific species. He indicated if they are in the buffer and in good health, they will remain. He cited a problem with the number of laurel oaks on the cite and explained that the site was an active citrus grove as late as 1985. He provided aerial photographs of the site from 1941 to 1985. He further commented on the trees on site. He emphasized that anything removed will have to meet the City's tree removal permit process.

Mr. Ray explained the compatibility of the project with surrounding neighborhoods. He emphasized that the project has less density than is required and more open space than is required. He cited the biggest problem with the lake is the number of existing homes around the lake with septic tanks. He commented on the handling of gopher tortoises and indicated they are not a protected species within Florida but will be relocated to an approved site. He provided further comments regarding wildlife habitat and the onsite trees not being a natural system.

The Commission asked if they have done any soil samples with Mr. Ray indicating that has not been done but they are not proposing any onsite wells.

The Commission asked whether or not they would be willing to lower the density with Mr. Ray indicating they are already lower than what is allowed.

The Commission asked if they would consider eliminating the possibility of a boat launch being constructed with Mr. Ray responding that is up to the City. He explained that the City could place a specific allowance of uses on the plans. He suggested that, since it is an open space tract, that there be in the HOA documents a specific allowance and acknowledgement of uses. He indicated he would not recommend an improved boat launch on the lake.

The Commission asked Rick Gierok, Public Services Director, asked if the traffic counters could be put out now that school is in session since the traffic study might have been done when school was not in session.

Mr. Gierok responded affirmatively and stated they should wait a few weeks to allow the traffic patterns to be established.

The Commission noted people had asked if it will be a leased development and explained that the City is not allowed to regulate that and, at this time, they do not know.

Mayor Holland acknowledged there is a visibility problem at Fahnstock and Lakeview and the City would be looking at that.

Motion made by Commissioner Cobb, seconded by Commissioner Ashcraft, to approve Resolution Number 23-54. The motion passed on the following vote:

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

6.2 SECOND READING

Ordinance Numbers 23-18, 23-19, and 23-20: Explanation of Ordinances for Annexation of Parcels with Alternate Keys 2666820, 3384297, 3884298, 3884439, and 3884441

Ordinance Number 23-18 – Voluntary Annexation

Ordinance Number 23-19 – Comprehensive Plan Amendment

Ordinance Number 23-20 – Design District Assignment

Attorney Garcia read Ordinance Number 23-18 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 5.8 acres of real property at Alternate Key Numbers 2666820, 3884297, 3884298, 3884439 and 3884441 generally located east of Coolidge Street south of the unimproved portion of Pine Avenue and north of the unimproved portion of Hollywood Avenue.

Attorney Garcia opened the public hearing at 7:58 p.m. There being no public comment, the hearing was closed at 7:58 p.m.

Motion made by Commissioner Ashcraft, seconded by Vice Mayor Lee, to adopt Ordinance Number 23-18 on final reading. The motion passed on the following vote:

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

6.3 SECOND READING

Ordinance Number 23-19: Comprehensive Plan Amendment for Parcels with Alternate Keys 2666820, 3384297, 3884298, 3884439, and 3884441

Attorney Garcia read Ordinance Number 23-19 by title on second and final 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 5.8 acres of recently annexed real property at Alternate Key Numbers 2666820, 3884297, 3884298, 3884439 and 3884441 generally located east of Coolidge Street south of the unimproved portion of Pine Avenue and north of the unimproved portion of Hollywood Avenue from Urban Low in Lake County to Suburban Residential in the City of Eustis.

Attorney Garcia opened the public hearing at 7:59 p.m. There being no public comment, the hearing was closed at 7:59 p.m.

Motion made by Commissioner Ashcraft, seconded by Vice Mayor Lee, to adopt Ordinance Number 23-19 on final reading. The motion passed on the following vote:

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

6.4 SECOND READING

Ordinance Number 23-20: Design District Designation for Parcels with Alternate Keys 2666820, 3384297, 3884298, 3884439, and 3884441

Attorney Garcia read Ordinance Number 23-20 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood Design District Designation to approximately 5.8 acres of recently annexed real property at Alternate Key Numbers 2666820, 3884297, 3884398, 3884439 and 3884441 generally located east of Coolidge Street south of the unimproved portion of Pine Avenue and north of the unimproved portion of Hollywood Avenue.

Attorney Garcia opened the public hearing at 8:00 p.m. There being no public comment, the hearing was closed at 8:00 p.m.

Motion made by Commissioner Ashcraft, seconded by Vice Mayor Lee, to adopt Ordinance Number 23-20 on final reading. The motion passed on the following vote:

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

6.5 SECOND READING

Ordinance Number 23-21: Conditional Use Permit For a School in the Central Business District (CBD) Future Land Use District Located at 50 W. Orange Avenue

Attorney Garcia read Ordinance Number 23-21 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a conditional use permit for a school in the Central Business District (CBD) future land use district located at 50 W. Orange Avenue.

The Commission asked if they would be installing a playground with Mayor Holland noting the previous school used the Ferran Park playground.

Attorney Garcia opened the public hearing at 8:01 p.m. There being no public comment, the hearing was closed at 8:01 p.m.

Motion made by Commissioner Ashcraft, seconded by Vice Mayor Lee, to adopt Ordinance Number 23-21 on final reading. The motion passed on the following vote:

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

6.6 FIRST READING

Ordinance Number 23-22: Conditional Use Permit for an Accessory Dwelling Unit at 34534 Estes Road

Attorney Garcia read Ordinance Number 23-22 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a conditional use permit for an accessory dwelling unit to an existing single-family residence in the Rural Residential

(RR) future land use district on approximately 1.0 acres located at 34534 Estes Rd (Alternate Key Number 1461600).

Jeff Richardson, Deputy Development Services Director, reviewed the request for a conditional use permit for an accessory dwelling unit. He provided a graphic showing the layout of the home and proposed addition. He indicated the impervious surface will be well below the maximum allowed. He explained staff's review of the request and stated staff's recommendation for approval. He cited the stipulations included within the ordinance.

Attorney Garcia opened the public hearing at 8:07 p.m. There being no public comment, the hearing was closed at 8:07 p.m.

Motion made by Commissioner Ashcraft, seconded by Commissioner Hawkins, to approve Ordinance Number 23-22 on first reading. The motion passed on the following vote:

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

7. FUTURE AGENDA ITEMS

See Commission Comments.

8. COMMENTS

8.1 City Commission

Commissioner Hawkins cited the upcoming Panther Pride event to be held on October 21st.

Mayor Holland explained they are trying to raise \$60,000 to support the high school athletic programs.

Commissioner Hawkins stated he is working with Craig Dolan to try and hold a Halloween party for the special needs community.

Commissioner Ashcraft asked when was the last time the City reviewed all of its impact fees with Mr. Carrino explaining that the City is required to conduct a study if we want to adjust those fees. He stated Mike Sheppard would research when the City last adjusted them but he thought it was in the mid-2000's. He explained what has to be considered in amending the impact fees to justify those fees. He cited the other impact fees besides the water and wastewater including police, fire, recreation, and library. He indicated they would need to budget to engage a consultant in order to do the study.

Nellie Harnisch, Accounting Manager, confirmed the last impact fee study was conducted in 2000. She indicated she could not estimate a cost for that type of study.

Mr. Carrino indicated staff can get a preliminary cost for an impact fee study. He noted one of the Commission's priorities is a public safety complex. He explained it would need to be determined what constitutes an expansion of service.

Commissioner Ashcraft thanked the City Manager and rest of Commission for being allowed to attend the League of Cities conference. He commented on how educational it was.

Commissioner Cobb cited the Cassia Backpack Giveaway. She also commented on the special needs event. She stated she also attended the League of Cities but became very ill and couldn't attend a number of events.

Commissioner Hawkins noted he was a presenter at the recent Dolly Awards at the Bay Street Theater. He commented on how great the event was and encouraged everyone to attend the theater.

Vice Mayor Lee commented on the recent events and the League of Cities conference. She particularly complimented staff on the meeting with the consultant regarding the downtown master plan and the individual meetings. She encouraged everyone to provide their feedback.

8.2 City Manager

Mr. Carrino thanked the Commission for their involvement in the master plan meetings. He thanked everyone for attending the individual meetings and thanked Al Latimer and Elis Forman for getting things set up. He thanked everyone who attended the listening session. He noted he would be taking some time off the next week. He stated Bill Howe would be Acting City Manager the first part of the week and Christine Halloran would be Acting City Manager the latter part of the week.

Mr. Carrino commented on the difficulty with bears and the garbage cans and the growing area with bear problems. He stated they are working with Fish and Wildlife and will be co-sponsoring a bear prevention event on Saturday, August 26th, 9 a.m. until Noon at Liberty Park and at Bates and Palmetto across from King's. At the sites, they will be installing straps to make the garbage cans more bear resistant. He explained the customers will have to bring their cans to one of the two sites.

Mr. Carrino then announced that his performance evaluation is coming up and he would be meeting individually with the Commissioners. He suggested they provide to him at that time any input they have on the department directors' evaluations.

Vice Mayor Lee thanked Mr. Carrino for recognizing the behind-the-scenes employees for their hard work.

Commissioner Cobb commented on the Eustis Junior Panther playoffs at Corey Rolle Field. She thanked Rick Gierok, Jobey Jones, and their staff for their work and the Board of County Commissioners for loaning the bleachers.

8.3 City Attorney: None

8.4 Mayor

Mike Swanson, Fire Chief, reported on the City's efforts to hire a new Deputy Fire Chief. He indicated an offer has been made to James Blott from Hernando County and they are going through that process.

Mayor Holland thanked everyone for their attendance at all of the City's recent events. He noted the Commission's attendance at the groundbreaking for Forward Paths Cottage Groves which will be for young people coming out of foster care. He explained that sometimes the City Commission's hands are tied by the state legislature. He cited the need to look at the City's regulations that impact growth. He noted that Friday would be the first football game for the Eustis Panthers.

Mayor Holland commented on the instance of asking someone to leave the Commission Room and provided some background information that precipitated that request.

9. ADJOURNMENT: 8:28 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