



MINUTES

City Commission Meeting

6:00 PM – Thursday, March 06, 2025 – City Hall

Invocation: Moment of Silence

Pledge of Allegiance: Commissioner George Asbate

Call to Order: 7:07 P.M.

Acknowledge of Quorum and Proper Notice

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

ABSENT: Commissioner Emily Lee

1. Agenda Update

Tom Carrino, City Manager, stated that Item 5.4 (Ordinance Number 25-02) was removed from the agenda due to postponement by the Local Planning Agency.

2. Approval of Minutes

February 20, 2025 City Commission Meeting

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

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

3. Audience to be Heard

George Warren, Bay Pharmacy, addressed the Commission regarding the FDOT project and the bulb-outs. He indicated it is eliminating three of their parking spaces which will damage his business. He commented on how they take care of the public's health as well.

Christine Cruz, Clean Up Eustis, thanked the City for the leaf cleanout on the lake. She indicated the company that did the work cleaned out a bunch of the invasives. She announced that the next clean up would be Saturday.

Jane Hepting, President of the Lake County Conservation Council, noted a letter they sent to the Commissioners asking them to protect the rural protection areas. She encouraged the Commission to not annex into the protection areas. She asked for a joint planning agreement that would prevent that. She presented the Commission with copies of a map showing the rural protection areas.

4. Consent Agenda

4.1 Resolution Number 25-09: MOU for the continuation of Eustis PD SWAT to be part of Mid Fla SWAT Team

4.2 Resolution Number 25-15: Approving Multiple Annual Purchases Exceeding \$100,000 for Recycled Asphalt

4.3 Historic Preservation Annual Report FY 2023-2024

Commissioner Asbate asked about Resolution Number 25-15 with Mr. Carrino explaining the resolution would approve the vendor and authorize an expenditure up to a certain amount.

Rick Gierok, Public Works Director, explained the funds are already in the budget for the asphalt purchase. If they have to exceed the budgeted amount, they would come back to the Commission.

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

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

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

5.1 Resolution Number 24-70: Preliminary Subdivision Plat for Eustis SR 19 Subdivision, A 275-unit Townhome Residential Subdivision on approximately 51.87 acres of property, located on the west side of State Road 19, north of the intersection with County Road 19A, Lake County Property Appraiser Alternate Key Numbers 1782414, 3846883, and 1094739

Sasha Garcia, City Attorney, read Resolution Number 24-70 by title: A Resolution of the City Commission of the City of Eustis, Florida; approving a preliminary subdivision plat for the Eustis SR19 Subdivision, a 275-lot single-family residential subdivision, on approximately 51.87 acres of property located on the west side of State Road 19, north of the intersection with County Road 19A (Alternate Key Numbers 1782414, 3846883, and 1094739).

Jeff Richardson, Deputy Development Services Director, reviewed the application for a preliminary subdivision plat. He provided a history of the project and the elimination of waivers after the first submittal was tabled to allow time for a community meeting. He indicated the applicant came back with a revised plan in November 2024 and held a virtual community meeting on January 22, 2025. He explained that the revised plan eliminated the need for waivers and is designed to meet all City code requirements. He noted that the applicant provided common area and landscape greenspace area in between the right-of-way and the subdivision lots and the end lots will have five-foot setbacks which is consistent with the townhome lot typology.

Mr. Richardson reviewed the specifics of the subdivision preliminary plat. He stated the property has two land uses including Mixed Commercial Residential and General Commercial as well as two design districts. He explained the code designates that, for a development with two land uses, the majority of the land use on the property can govern. He stated the next steps would be for final engineering plans and then final plat. He provided a summary of the staff review and timeline of the project. He stated the traffic analysis indicated that turn lanes would be required on State Road 19. He indicated that DRC found the project technically sufficient.

Vice Mayor Ashcraft asked how far the first town lot will be from the existing business. He noted that business does have a lot of loud music. He asked if any consideration was given for buffering to reduce the noise with Mr. Richardson indicating that could be considered during final engineering.

Commissioner Asbate expressed opposition to the project due to the density proposed.

Attorney Garcia opened the public hearing at 7:29 p.m.

The following individuals expressed opposition citing the increase in traffic and effect on the wildlife: 1) Amanda Hall; 2) Edward Prentice; and 3) Jeremiah LeTourneau.

Logan Upsall, representing the applicant, commented on their community meeting and cited their conversations with the Powers family who owns the adjoining property. He cited how they addressed the Commission's previous comments and removal of the waivers. He provided some voluntary conditions they implemented as follows: 1) Internal right-of-way will be stubbed at the Powers property line to allow future use for their property; 2) Existing dirt road access will remain; 3) Upon final plat, the Powers will have the right to utilize that access; and 4) Temporary signage will be allowed near the light to facilitate access to the Powers property.

Jimmy Crawford, land use attorney for the Powers family, stated that all of their asks have been met by the applicant. He expressed support for the application.

The Commission confirmed the number of homes to be in the development, which was 275 - 59 single family and 216 townhomes. The Commission asked about the commercial with Mr. Upsall responding the commercial parcel is not under their ownership. He explained they would work with that site regarding utilities and other access.

The Commission encouraged them to consider some buffering to reduce the noise for adjoining properties.

There being no further public comment, the hearing was closed at 7:44 p.m.

Attorney Garcia conducted a straw poll and asked if there was support for approval with three Commissioners responding negatively.

Commissioner Ashcraft noted they are meeting the City's code in every way and expressed support for approval.

Attorney Garcia asked if someone wanted to motion to table the item to allow Commissioner Lee to consider the item. She noted that any decision puts the item on hold for nine months. She added that the Commission actually has limited discretion on the plat based on the information received.

Discussion was held regarding the fact the project meets all City qualifications with Mr. Logan emphasizing they have met all City codes with the preliminary plat.

Commissioner Holland moved to table to March 20th when they would have a full Commission.

Discussion was held regarding whether or not to postpone when there are already three Commissioners against approval.

Mr. Logan interrupted with comments about the City Code and statutory requirements.

Mayor Hawkins seconded the motion to table.

Mr. Logan asked for it to be tabled to a date certain with Attorney Garcia indicating it would be heard at the March 20th meeting.

Acting City Clerk Mary Montez conducted a roll call vote which resulted in a tie vote.

Commissioner Asbate moved to deny Resolution 24-70. Motion died for lack of a second.

Vice Mayor Ashcraft moved to approve Resolution 24-70. Motion seconded for discussion by Commissioner Holland.

Discussion was held regarding the development meeting all requirements with Vice Chair Ashcraft expressing support for more commercial in front of the town homes. He noted this may be something to look at for future consideration in the code.

Commissioner Asbate noted that SR 19 is a state road and the City has no control over its development.

Discussion was held regarding how it could be brought back sooner than nine months if it is denied.

Attorney Garcia emphasized that there are no waivers and indicated that denial could open the City to litigation.

Commissioner Holland stated that he does not like the development; however, if they deny, they will get sued. He commented on a previous lawsuit the City had to endure when he first got on the Commission. He indicated that state statute has their hands tied.

Commissioner Holland asked to call the question.

Voting Yea on the motion to approve: Commissioner Holland, Vice Mayor Ashcraft, Mayor Hawkins

Voting Nay on the motion to approve: Commissioner Asbate

Motion passed 3 to 1.

5.2 Resolution Number 25-11: Consideration of Reduction of Fine for 1601 Orange Drive

Attorney Garcia read Resolution Number 25-11 by title: A Resolution of the City Commission of the City of Eustis, Florida, providing for a compromise, reduction or satisfaction of an outstanding code enforcement lien against real property located at 1601 Orange Drive, Eustis, Florida; authorizing the City Manager to perform all necessary actions consistent with the City Commission's determination in this matter in order to give effect to the provisions of this resolution; and providing for an effective date.

Eric Martin, Code Enforcement Supervisor, reviewed the history of the lien against the property and explained the resolution provides for the following options: 1) No payment shall be due and the City shall promptly release the lien; 2) Full payment of \$28,750 remains due and payable to the City; or 3) The lien shall be reduced to an amount to be determined. If the payment is received by the City within a specific number of days as set by the Commission, the lien will be released. Failure to comply would result in the compromise being null and void and the original lien amount would be reinstated in full.

Commissioner Ashcraft asked Mr. Martin's recommendation for the amount with Mr. Martin explaining he is recommending the same as before. He stated his recommendation was to waive the full amount and release the lien.

Commissioner Holland asked what was the Code Enforcement Board's recommendation with Mr. Martin responding that the Board agreed to reduce the fine from \$28,750 to \$13,230.

Discussion was held regarding tax deed sales with Mr. Martin explaining the Tax Collector's website shows the City as a lienholder but it does not show the exact amount of the liens. He stated that the Tax Collector's notices do not explain that government liens are not extinguished at time of sale.

Attorney Garcia noted that the resolution did come before the Commission previously. She indicated the resolution was revised to allow the Commission to have options. She explained the tax sale process.

Commissioner Asbate reported that he was on the Code Enforcement Board when the case went before the Board.

Alan Paczkowski, Chairman of the Code Enforcement Board (CEB), questioned if there would be an issue due to only four Commissioners being present with Attorney Garcia explaining how that would be addressed.

Mr. Paczkowski reviewed a history of the code enforcement case, approval by the CEB to reduce the fine to \$13,230 and the discussion held at the City Commission meeting. He noted the home was completely renovated but only a reroof permit was obtained. He commented on the Board's reasoning in the reduction of the fine. He reported that Mr. Zadra is a licensed and practicing attorney in the State of Florida which was not known at the time of the CEB hearing. He stated his belief that, as such, Mr. Zadra should have known that the lien was not extinguished by the sale. He expressed his belief that, had that been known, the CEB would have denied the request.

The Commission asked what work may have required a permit with Mr. Martin responding that he is not aware of any work being done without a permit.

Discussion was held regarding the applicant possibly having lied under oath, whether or not building permits were required and supporting the recommendation of the Code Enforcement Board.

Attorney Garcia and Mr. Martin both confirmed they had no knowledge regarding Mr. Zadra's status as an attorney.

Mr. Paczkowski confirmed that Mr. Zadra did not attend the CEB hearing but submitted a written request for the reduction.

Attorney Garcia opened the public hearing at 8:23 p.m.

Brian Broomfield expressed support for leaving the fine at \$28,000.

Blake Griswold stated that the applicant did get a roof permit but only because he turned him in. He expressed support for not reducing the fine.

Mr. Paczkowski reiterated that had they known all the facts, the CEB likely would not have reduced the fine.

There being no further public comment, the hearing was closed at 8:25 p.m.

Attorney Garcia conducted a straw poll with three Commissioners expressing support for the full amount of \$28,750 option and one recommending zero.

Mr. Martin recommended denying the resolution which would leave the fine at \$28,750.

Attorney Garcia explained the reason for approving the resolution with the selected option.

Mr. Martin confirmed that he has had no contact with the applicant since he submitted the application.

Motion made by Commissioner Holland, Seconded by Commissioner Asbate, to approve Resolution Number 25-11 with Option #2 - leaving the lien at the full amount of \$28,750. Motion passed on the following vote:

Voting Yea: Commissioner Asbate, Commissioner Holland, Mayor Hawkins

Voting Nay: Vice Mayor Ashcraft

Attorney Garcia noted the lateness of the hour and it was agreed to hear Resolution Number 25-18 and continue the remaining items to the next agenda.

5.3 Resolution Number 25-18: Fine Reduction/Release of Lien - 2260 Suanee Avenue, Code Case 24-00370

Attorney Garcia read Resolution Number 25-18 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 real property located at 2260 Suanee Avenue upon full payment of the reduced fine.

Mr. Martin reviewed the request for the reduction of outstanding fines and release of lien against property located at 2260 Suanee Avenue reducing the lien from \$11,100 to \$3,700 and releasing the lien upon payment. He stated staff's recommendation for approval.

Attorney Garcia opened the public hearing at 8:30 p.m. There being no public comment, the hearing was closed at 8:30 p.m.

Motion made by Commissioner Holland, Seconded by Commissioner Asbate, to approve Resolution Number 25-18. Motion passed on the following vote:

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

5.4 FIRST READING

Ordinance Number 25-02: Comprehensive Plan Amendment 2024-CPLUS-12 – Charles W. Leonard III – future land use assignment for Parcel with Alternate Key 1658641

Not heard due to action of Local Planning Agency to postpone item to allow staff to work out another way to handle the applicant's issue with impervious surface area. Applicant is not restricted to waiting nine months to reapply.

6. Other Business

6.1 Discussion Utility Lien Process

Postponed to March 20, 2025 Commission meeting.

6.2 Discussion Credit Card Fees

Postponed to March 20, 2025, Commission meeting.

7. Future Agenda Items and Comments

7.1 City Commission

Commissioner Asbate asked to have a discussion regarding backyard chickens on the next agenda. He indicated that he would be recommending they allow up to seven chickens for one acre or less and up to 14 chickens for more than one acre and not charging any fee.

Commissioner Holland thanked staff for the tremendous Georgefest. He asked staff to look at the July 3rd Commission meeting and recommended either rescheduling or cancelling that meeting.

Commissioner Asbate asked to schedule a workshop to further discuss looking forward. He commented he was approached by several people downtown about City staff taking up parking on Magnolia Street. He recommended City staff either park in the garage or, possibly, discussing with George Warren to allow staff to park in the parking lot behind Bay Pharmacy.

Vice Mayor Ashcraft also thanked staff for the Georgefest event. He complimented the Eustis High School basketball team for their appearance at the state competition. He noted other teams at the high school that have been doing well.

Commissioner Holland commented on the great time the Commissioners had traveling to the basketball game. He also congratulated everyone that won Community Service awards.

Commissioner Asbate asked about a group that had contacted the City about possibly installing seaplane infrastructure with Mr. Carrino responding there would be a discussion item on the March 20th agenda. He suggested they could provide a presentation and commented on how heavy that agenda would be due to postponement of the two items.

Commissioner Asbate indicated he would speak to the group about presenting at the first meeting in April.

7.2 City Manager

Mr. Carrino announced that the tour of Reworld would be Friday, March 21st. He reported that the Fire Department A Unit did ratify the City's offer and the union contract is now being finalized and should be on the agenda on March 20th.

Commissioner Asbate asked about scheduling a workshop to discuss the master plan.

Mr. Carrino stated that Commissioner Lee has indicated she wants to have a workshop to discuss implementation of the master plan. He explained his intent was to have the master plan on the March 20th agenda for inclusion in the CRA master plan. He asked if the workshop is to discuss whether or not to adopt the master plan or for the implementation of the master plan. He indicated they could adopt the plan and then discuss implementation.

Mayor Hawkins asked Mr. Carrino to come up with a date for a workshop and then let the Commission know.

7.3 City Attorney: None

7.4 Mayor

Mayor Hawkins thanked staff for the Commission being able to attend the basketball game. He commented on the need to be more focused on the downtown project and the need to get it moving. He expressed support for a workshop to discuss what they want and hear what the others want. He commented that the Commissioners argue and disagree but they do it because they want the best for the City.

8. Adjournment: 8:44 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