



APPROVED 1/5/2023

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. Carrino 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. Burkas 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 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; 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 and 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 with 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.

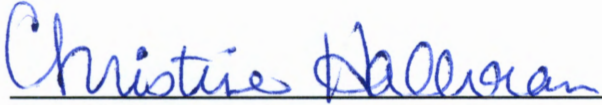
9.4 Mayor

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 wished everyone a happy Thanksgiving.

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

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME LEE - EMILY - A		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE EUSTIS CITY COMMISSION	
MAILING ADDRESS 308 BLUE WATER EDGE DRIVE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY EUSTIS	COUNTY LAKE	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED		NAME OF POLITICAL SUBDIVISION: N/A	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, EMILY A. LEE, hereby disclose that on November 17, 20 22:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, Lake Sumter Community College;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

As a member of the Board of Trustees for Lake Sumter State College, this item coming before the Eustis City Commission is regarding donating property from the City of Eustis to Lake Sumpter State College.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2/16/2023

Date Filed

Emily A. Lee
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.