



APPROVED: 2/17/2022

MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, February 3, 2022 - City Hall

INVOCATION: MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: COMMISSIONER COBB

CALL TO ORDER: 6:02 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

EXCUSED: Commissioner Willie Hawkins

1. AGENDA UPDATE: NONE

2. PRESENTATIONS

2.1 Proclamation declaring February as Black History Month and recognizing the 29th Annual African-American Heritage Celebration

Mayor Holland presented a proclamation to the African-American Heritage Celebration Committee declaring February as Black History Month. Carla Miller Mitchell, president of the Committee, thanked the Commission for their assistance and support. She commented on the founding of the committee in 1995. She introduced the following members of the committee: Nicie Allen Parks, Treasurer; Tanya Wilder, Assistant Secretary; Sandra Perdue, Financial Secretary; Cynthia Blunt, Secretary; Julie Carter, Vice President; Theresa Jackson, Committee Member, and Kim Garry, Business Manager. She distributed flyers to the Commission regarding the upcoming festival.

Tanya Wilder addressed the Commission and presented thank you certificates to Mayor Holland, the Commission and Parks and Recreation.

Mayor Holland thanked Ms. Mitchell and the rest of the committee for their work and stated their festival is one of the best run events in the state.

3. APPROVAL OF MINUTES

3.1 January 20, 2022 - Regular City Commission Meeting

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to approve the Minutes as submitted. Motion carried by the following votes:

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

4. APPOINTMENTS

4.1 Appointment to Eustis Memorial Library Board of Trustees - Dr. Betsy Dokken

Mayor Holland welcomed Dr. Dokken and she stated that literacy is a passion of hers and she is excited to serve on the Board.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve the appointment of Dr. Betsy Dokken to the Library Board of Trustees. Motion carried by the following votes:

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

4.2 Appointment of west CRA Representative to Community Redevelopment Agency

Tom Carrino, Interim City Manager, explained that the CRA Board includes two community representatives with Gail Isaac-Thomas serving as the east CRA representative. He reviewed the history of the representatives for the west side. He stated that two applications have been received for that position - Aaron Belaire and Lori Pittsley.

Commissioner Cobb explained she had encouraged and assisted Mr. Belaire with submitting his application; however, she didn't think about the fact that he leases from the City which might create a conflict.

Lori Pittsley introduced herself and stated that she owns and operates Jeannie's Place. She thanked the Commission for their consideration.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to appoint Lori Pittsley as the west CRA representative. Motion carried by the following votes:

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

4.3 Appointment to CRA Review Committee - Nicie Allen Parks

Mayor Holland explained that Bryan Broomfield was originally appointed to the CRA Review Committee as the designee by Commissioner Willie Hawkins; however, he had to resign. Commissioner Hawkins has requested that Nicie Allen Parks be appointed to take his place.

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to approve the appointment of Nicie Allen Parks to the CRA Review Committee. Motion carried by the following votes:

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

5. AUDIENCE TO BE HEARD

- 5.1** Gessner Harris thanked the Commission for the recent community input meeting and complimented Mr. Carrino for his attitude and decorum during the meeting.

Christine Cruz reported that Chief Capri assisted with a community cleanup on January 18th on Palmetto. She announced that they have scheduled Clean Up with a Cop for March 15th on Getford Avenue and Palmetto Plaza.

Chief Capri thanked Public Works for their assistance with the cleanup.

Commissioner Cobb indicated she would contact the Sheriff's Office to try and get some assistance from the County as well.

Anne Ivey, Library Director, introduced Jasmine Wilkins, one of the reference librarians. She noted that the Library is still conducting its survey. She explained that if they answer five questions about the library, their name goes into a drawing for \$50.

Ms. Wilkins reported on the local history files they have been able to compile and that are available on the website. She noted she has been working on oral histories and stated she is always open to suggestions for further research.

Tanya Wilder thanked the Commission for putting up the bear signs.

6. CONSENT AGENDA

- 6.1** Resolution Number 22-09: Request for extension of time - North Eustis Ace Hardware
- 6.2** Resolution Number 22-10: Eleven Oaks - Extension of Time for Completion of Improvements per Conditions Contained in Resolution Number 21-70

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to approve the Consent Agenda as submitted. Motion carried by the following votes:

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

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 7.1** Explanation of Ordinances for property on Suanee Avenue:
Ordinance Number 22-01 - Voluntary Annexation - Approved on first reading
Ordinance Number 22-02 - Comprehensive Plan Amendment - Approved on first reading
Ordinance Number 22-03 - Design District Assignment - Denied on first reading

Lori Barnes, Development Services Director, reported on the Commission's actions at the previous Commission meeting. She explained that Ordinances 22-01 and 22-02 were approved; however, Ordinance 22-03 was denied. She indicated that if the other two ordinances are approved tonight on second reading, the property will be undevelopable. She stated that the applicant has requested

that the Commission postpone the second readings of Ordinances 22-01 and 22-02 to the March 3rd next meeting and bring back Ordinance 22-03 for reconsideration.

CONSENSUS: It was a consensus of the Commission to postpone second reading of Ordinances 22-01 and 22-02 to the date certain of March 3rd and bring back Ordinance 22-03 for first reading at the next meeting.

7.2 Ordinance Number 22-04: Amendment to Chapter 102 and 115 of the Land Development Regulations - First Reading

Derek Schroth, City Attorney, read Ordinance Number 22-04 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the Land Development Regulations, Chapter 102-Administration and Enforcement, Section 102-21, and Chapter 115-General Building and Site Standards, Section 115-1 of the Land Development Regulations, to exempt homestead lot residential subdivisions containing no more than four lots, each lot containing a minimum of 1.5 acres of gross land area, and which do not include establishment of new streets and alleys, from certain submittal requirements and site design standards; providing for codification, severability and an effective date.

Ms. Barnes reviewed the proposed amendments to Section 102.21 and Section 115-1 of the Land Development Regulations stating that the changes would exempt Homestead lot residential subdivisions from certain submittal requirements and site design standards if the subdivision is equal or less than four lots and all lots are equal to or greater than 1.5 acres and no new streets are created. She then explained that Florida Statutes define a subdivision as the subdivision of land that creates three or more lots. The City code allows a lot split of a lot-of-record only one time. If an individual wants to create another lot after that, it triggers the subdivision requirements in the Florida statutes and the requirements under the City's Land Development Regulations for a preliminary subdivision plat, as well as application of all the site design standards in Chapter 115. She then explained that for a small lot subdivision with large tracts, the application of those regulations is burdensome.

Ms. Barnes then reviewed the amendment to Section 102-21 (a) stating it would exempt the Homestead lot subdivision applications from certain submittal requirements; i.e. stormwater calculations, geotechnical soil borings and utility demand calculations. She explained that for a small, large (1.5 acre) lot, subdivision, those studies are not necessary for staff to evaluate the impact on the natural resources, transportation and surrounding neighborhood. She indicated to require those does not provide for fair and cost effective development decisions. Therefore, the amendment proposed would be consistent with the Comprehensive Plan, Future Land Use Element, as it would reduce the burden on the property owner and applicant to create unnecessary and expensive reports and studies. She stated that the general information - aerial map, soil map, vegetative cover and topo survey - would still be required as well as the chart of calculations that includes the gross and net acreage and density.

Ms. Barnes then explained the amendment to Chapter 115 strikes out language under subparagraph (b) which are references to the 1991 Comprehensive Plan and are not consistent with anything in the current Comprehensive plan. She added that Chapter 98 of the Land Development Regulations specifically outlines

the purpose and intent of the whole set of Land Development Regulations so those are unnecessary in Chapter 115. She stated subparagraph (b) would now provide for the exemption for the Homestead lot subdivisions containing no more than four residential lots of 1.5 acres or larger.

Ms. Barnes stated that every subdivision application is reviewed by staff in accordance with the regulations contained in Chapter 115 and cited the purpose of those regulations. She reviewed various requirements included in Chapter 115 that would be excessive for a subdivision of minimal intensity. She indicated that imposing those requirements would be a burden on the applicant and property owner as well as result in the need to request and justify multiple waivers during the preliminary plat review.

Ms. Barnes summarized stating that staff felt like implementing the exemption would be preferable to bringing back a preliminary subdivision plat with a large number of waiver requests. She indicated the ordinance is consistent with Florida statutes and recommended approval

Mr. Schroth opened the public hearing at 6:36 p.m. There being no public comment, the hearing was closed at 6:36 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Ordinance Number 22-04 on first reading. Motion carried by the following votes:

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

8. OTHER BUSINESS

8.1 Colonial Inn Motel: Discussion Regarding Potential Memorandum of Understanding and Conditions to Require Specific Performance Prior to Withdrawal of Pending Lien Foreclosure Lawsuit

Ms. Barnes reviewed the history of the code enforcement violations, lien and foreclosure proceedings including the Commission's willingness to hold off on the foreclosure with the requirement that the Patels obtain an inspection report which was done by Universal Engineering and submitted to staff on January 18th which was within the 60-day window allowed. She commented on the report stating that the recommended repairs are estimated to total approximately \$7,000. She indicated that estimate does not include the additional improvements the City recommended including the security cameras, signing up with the trespass/arrest program with the Eustis Police Department, installing an interconnected fire alarm system and abandoning gas lines to the tenant rooms. She added that staff has since noticed that the freestanding sign in front is also deteriorating and they are recommending that it be improved. She stated the City's options are as follows: 1) Move forward with the Memorandum of Understanding (MOU). She explained that would include outlining the conditions and timelines for completion of all required improvements and no consideration of a lien reduction request would be brought to the Commission until all of the required improvements were made and verified complete by the City. She added that, if the Commission moves forward, staff recommends that the MOU specify that the motel will be responsible for obtaining all necessary permits and complete all the repairs and recommendations

contained in the Universal Engineering report. She noted there is some confusion in the report regarding the replacement of an electrical box. She recommended that the City have the building official examine the boxes and include his recommendation in the memo to come back to the Commission. She further stated that staff recommends the MOU also include all previous staff recommendations for improvement including those by the police chief, fire chief, code enforcement and the improvements to the freestanding sign.

Ms. Barnes then stated that if the Commission decides not to move forward with an agreement then no further Commission action would be necessary except to direct the City Attorney to proceed with the foreclosure action.

The Commission asked what would be the cost for the additional work staff is recommending with Ms. Barnes indicating that staff has not checked on costs for those items. She stated that Ms. Patel may have gotten some estimates.

The Commission then asked what is the total of the lien amount with Ms. Barnes responding that, as of that day, the total is \$127,750.

Mr. Schroth indicated that does not include the actual filing costs would be approximately \$2,000.

The Commission expressed surprise at the low cost of the estimate for the improvements.

Police Chief Craig Capri stated that there have been zero calls and zero issues since they met with the Patels. He indicated they have already signed up for the trespass program and commented on how easy they have been to work with.

Niyanna Patel came forward to answer questions and cited her surprise that the inspection report was so good. She indicated she had not gotten any estimates yet for the fire suppression system or security cameras. She commented on how they have been handling customers and the maintenance.

The Commission discussed moving forward but retaining the fines and lien until the repairs have been completed.

CONSENSUS: It was a consensus of the Commission for staff to move forward with preparing the Memorandum of Understanding (MOU).

Discussion was held regarding the timeframe with Ms. Barnes noting there are supply chain issues. She asked that staff be allowed to bring back the MOU with timeframes for each segment. She indicated the City Attorney would work with Code Enforcement on the MOU and it would be brought back to the March 3rd meeting. After completed, the Patels would have to submit a request for reduction of the fines. She indicated staff's recommendation would include a request to cover the hard costs.

The Commission thanked Ms. Patel for her cooperation.

Ms. Patel asked if the additional fines are still accruing or on pause with Mayor Holland indicating they are paused. She then confirmed she can go ahead with getting estimates and begin getting the work done.

Mayor Holland emphasized that the City does not want their property but they do need to protect the community. He thanked her for the progress they've made and the Code Enforcement Board for their work.

9. FUTURE AGENDA ITEMS

- 9.1** Vice Mayor Lee asked for the "mow to own" program to be brought back with Mr. Carrino stating that when it was tabled it was stated they would take it to the CRA Review Committee. He suggested that it be discussed at the next committee meeting.

Commissioner Cobb asked to revisit the sign and littering ordinances. She noted that she picked up over 65 signs out of the right-of-way within ten days. She acknowledged they can't pick up signs that are on personal property. She emphasized the need to enforce the laws.

Mr. Carrino reminded the Commission that they are in transition with the Development Services Department; however, staff will bring something back.

Mayor Holland commented on the entrance to the City at 441 and 19 and the need to get FDOT to clean it up.

Vice Mayor Lee commented on how bad some of the enclaves are and the need for them to be cleaned up. She suggested that residents go to the County Commission meetings and ask them to clean up the County enclaves that are in the City.

Mayor Holland commented on a post on Facebook regarding an area on Bates Avenue that is in the County. He indicated it is still a mess. He agreed that the residents need to contact the County to get those areas cleaned up.

Commissioner Cobb commented on the proliferation of shopping carts and noted that there are state laws against removing shopping carts from the stores.

The Commission thanked Gary Ashcraft for picking up the shopping carts from around the community.

10. COMMENTS

10.1 City Commission

Commissioner LeHeup-Smith commented on her attendance at the Eustis TedX the previous Saturday. She announced that the LEASH Spay-ghetti Dinner would be February 19th.

Vice Mayor Lee reported on her attendance at the Fire Department's burn training. She thanked the Eustis Community Alliance and Hope with a Purpose for their work.

Mayor Holland commented on how well the Eustis, Tavares, Mount Dora and Umatilla fire departments worked together during the training.

10.2 City Manager

Mr. Carrino reported on his attendance at a County Commission meeting and cited a program discussed called LEAD which consists of a public/private partnership for economic development. He stated the group indicated they also intend to work with municipalities. He asked if the Commission would be interested in a presentation from the group. He stated there would probably be forthcoming a request for financial support.

CONSENSUS: It was a consensus of the Commission to hear a presentation from the group.

Mr. Carrino then indicated that the next CRA Review Committee meeting needs to be scheduled. He stated the previous meetings were all on Thursdays and noted that the next available dates are February 10th and March 10th.

CONSENSUS: It was a consensus of the Commission to schedule the next committee meeting for March 10th.

Mr. Carrino then reported that the County is hosting a countywide workshop on conservation design and have invited all of the municipalities. He indicated that he and the mayor have been invited to attend and asked for a consensus for only them to attend and then report back.

CONSENSUS: It was a consensus of the Commission for only the Mayor and the City Manager to attend the workshop.

Mr. Carrino then suggested holding a mini-design charette for a review of Palmetto Plaza and the resource center and inviting the public to attend and provide input. He also suggested reaching out to the designer for Palmetto Plaza, Ramone Murray, to see if he would facilitate such a meeting.

CONSENSUS: It was a consensus of the Commission for Mr. Carrino to proceed with planning the suggested meeting.

Commissioner Cobb thanked Rick Gierok for all of the work he and his department have been doing.

10.3 City Attorney

Mr. Schroth commented on the County's recent action to donate approximately half of the park to the Friends of the Wekiva organization. He asked that, if the Community Trust agenda item is concerning the second action rather than their original, if he and the Mayor should cancel their trip to Tallahassee. He noted that the property owner and their attorney are also lobbying behind the scenes. He indicated that how the agenda item is written would determine the City's chance of prevailing.

CONSENSUS: It was a consensus of the Commission for the trip to be cancelled depending on how the Trust's agenda item is prepared.

10.4 Mayor

Mayor Holland thanked everyone for attending and urged everyone to attend the African-American Heritage Festival. He noted that the 120th Georgefest would be occurring after that. He stated that the headliner would be Thomas McClary, a Eustis native, and the founder of the Commodores. He announced that on Saturday would be the "Running of the Georges", the children's bicycle parade and the chili cook-off. He indicated additional information is available on the City and Chamber websites.

11. ADJOURNMENT: 7:20 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 can be obtained from the office of the City Clerk for a fee.



MARY C. MONTEZ
City Clerk



MICHAEL L. HOLLAND
Mayor/Commissioner