APPROVED: 2/3/2022

MINUTES
Regular City Commission Meeting
6:00 PM - Thursday, January 20, 2022 - City Hall

INVOCATION: MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: COMMISSIONER LEHEUP-SMITH

CALL TO ORDER: 6:01 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

Tom Carrino, Interim City Manager, announced that the Lake Cares presentation was being rescheduled at their request to February 17, 2021. He also announced that the See-Click-Fix presentation was also being postponed to a future meeting.

2. APPROVAL OF MINUTES

2.1 April 14, 2021 City Commission Workshop
January 6, 2022 Regular City Commission Meeting

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

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

3. PRESENTATIONS

3.1 Presentation by Lake Cares - Kelsey Gonzalez

At the request of Kelsey Gonzalez, this item was rescheduled to the February 17th meeting.

3.2 Update on use of See-Click-Fix application

This item was postponed to a future meeting.

4. AUDIENCE TO BE HEARD

4.1 Mayor Holland announced that public comment would not be taken during the "Other Business" portion of the meeting. He stated that if someone wanted to speak on one of those items they need to address the Commission during "Audience to be Heard".

Monica Buggs addressed the Commission regarding the "other business" item pertaining to the former Waterman Hospital site. She stated the staff report does not mention public concern regarding the lack of affordable housing on the site and the use of CRA funds. She asked the report be amended to reflect the concern of the East Town Community Redevelopment Inc. She then asked about the Bates Wastewater Treatment Plant extension and its connection to Umatilla. She asked who is receiving what from who and what is the funding for the project.

Mayor Holland asked her to contact Mr. Carrino and the Public Works Director Rick Gierok for that information.

Stephanie Carder addressed the Commission regarding the Waterman site and expressed support for putting the project back out to bid. She commented on why the property may have sat vacant for 15 years.

Keith Ware requested that all of the Commissioners speak into the microphones to assist the public in hearing the livestreaming or watching the video afterwards.

Gail Isaac-Thomas addressed the Commission regarding the proposed scoreboard for Corey Rolle Memorial Field. She noted that Cecelia Covey Carmichael, one of the coaches, passed away. She indicated that is why Coach Saunders was not present at the meeting.

5. CONSENT AGENDA

5.1 Resolution Number 22-08: Abandonment and Termination of a portion of a Blanket Utility Easement on Property Outside the City Limits at the NE Corner of SR 44 and Meadenhall Boulevard

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 LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins Vice Mayor Lee and Mayor Holland

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

6.1 Explanation of Ordinances for property on Suanee Avenue on First Reading:
Ordinance Number 22-01 - Voluntary Annexation
Ordinance Number 22-02 - Comprehensive Plan Amendment
Ordinance Number 22-03 - Design District Assignment

Derek Schroth, City Attorney, read Ordinance Number 22-01 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 0.494 acres of real property on Suanee Avenue (Alternate Key Numbers 1064309 and 1427118).

Heather Croney, Senior Planner, reviewed the requested annexation and related future land use and design district designations. She stated that the Commission needs to determine if the property is appropriate for annexation and whether or not the land use and design districts are appropriate. She stated the applicant is Envisage Homes LLC and the property is currently designated Urban Low in Lake

County. She indicated the applicant is requesting Suburban Residential land use and Suburban Neighborhood design district designations. She reviewed the location, surrounding properties, contiguity and staff's analysis of the request. She stated the request is consistent with the comprehensive plan and land development regulations. She indicated water is available but no sewer connection and that no opposition was received to the request. She stated staff's recommendation for approval and confirmed the request is consistent with the City's comprehensive plan and Land Development Regulations.

Mr. Schroth opened the public hearing at 6:18 p.m.

Madelyn Love, a Suanee Avenue resident, expressed concern regarding the possibility of five homes being placed on the property and noted that Suanee is a dead-end street. She commented on the number of children in the vicinity.

The Commission questioned the size of the property and the number of units that could be put on the site.

Lori Barnes, Development Services Director, explained that the Land Development Regulations allow development on lots that do not meet the minimum lot width requirements if they were platted before 2008; therefore, they can build on that lot if they can comply with all of the other regulations. She stated the property is not currently served by sewer and indicated that, if they are not able to extend the sewer to serve the lots, they will not be able to build five dwelling units because of the lot size requirements from the Health Department for septic systems. She further explained that the lots are deemed lots of record and those property owners have the right to develop a designated lot of record that was platted in the 1950's.

The Commission asked who makes the decision on the sewer with Ms. Barnes explaining that sewer is not currently available; however, if the developer is willing to invest in a sewer extension they may work with the City to extend the sewer service. She indicated that the closest sewer is 600 feet away; therefore, it would be costly to extend the sewer. She further stated her belief that the Health Department restricts septic systems to four units per acre and they have to meet certain distance requirements. She indicated that the most they probably could get on the site using a septic system would be two or three units.

The Commission asked what it would cost to extend the sewer with Rick Gierok, Public Works Director, indicating that it would cost approximately $50 per foot to extend the sewer line for a total of approximately $30,000.

The Commission asked if waivers would be required with Ms. Barnes indicating that if the annexation and designations are approved and they can meet the setbacks and other requirements they would only be required to pull building permits for the single family residences. She further explained that the use is permitted by right, the lot is a lot of record and the question before the Commission is if the annexation is appropriate and are the land use and design district designations compatible with the surrounding area.

Brian Broomfield commented on the lack of clarity in the notices that were sent out. He further commented on the possibility of the developer constructing five houses on a dead-end street and the possibility of getting a density bonus by constructing affordable housing. He further commented on the density of homes being built in the east town portion of the City and expressed opposition to the property being grandfathered in due to it being a platted lot.

Dorothy Stevenson expressed concern regarding the type of homes planned for the property. She expressed support for nicer homes to be built in the community instead of the smaller homes. She also expressed concern regarding the impact on traffic on Bates Avenue.

Fritzner Mondesir expressed concern regarding an issue he is having with his property on Suanee Avenue with Mr. Carrino indicating he would give him his card and ask him to contact him during business hours.

Keith Ware asked which lots are under consideration noting that there were three signs on the property with Ms. Croney explaining that three signs were provided because there has to be signs on both road frontages so two were placed on one frontage and one on the other.

Mr. Ware expressed additional concern regarding the quality of the homes to be placed on the property.

There being no further public comment, the hearing was closed at 6:37 p.m.

The Commission asked for further explanation about the platted lots of record with Ms. Barnes responding that, not only does the City have the pre-platted substandard lots that are undeveloped, there are also a number of homes that are already built on substandard lots which are pre-existing nonconformities. If the exemption were eliminated, the City may have issues with challenges based on private property rights and, for the homes already built on the lots, if there is a fire and the home burns down, the property owner cannot rebuild on their lot.

Nestor Diaz, developer, stated the last homes they built in the City were on Johnson Avenue and Palmetto and recommended that the residents go and look at them to see the quality. He noted they are on 33 foot lots. He added they also constructed a duplex on Bates. He said now they are trying to see if they can annex into the City but they will build on the site either way. He also confirmed they are a local business.

Mayor Holland recommended that Mr. Diaz pay attention to the concerns of the community and build accordingly. He indicated he would vote for the annexation and noted that the developer would be able to do whatever they want in the County.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to approve Ordinance Number 22-01 on first reading. Motion carried by the following votes:

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

Nays: Commissioner Hawkins

6.2 Ordinance Number 22-02 - Future land use designation of recently annexed real property on Suanee Avenue

Mr. Schroth read Ordinance Number 22-02 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3187 F.S.; changing the future land use designation of approximately 0.494 acres of recently annexed real property on Suanee Avenue (Alternate Key Numbers 1064309 and 1427118) from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:44 p.m. There being no public comment, the hearing was closed at 6:44 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to approve Ordinance Number 22-02 on first reading. Motion carried by the following votes:

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

Nays: Commissioner Hawkins

6.3 Ordinance Number 22-03 - Assigning a design district designation to property located on Suanee Avenue

Mr. Schroth read Ordinance Number 22-03 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood design district designation to approximately 0.494 acres of recently annexed real property on Suanee Avenue (Alternate Key Numbers 1064309 and 1427118).

Mr. Schroth opened the public hearing at 6:45 p.m.

Gessner Harris asked if the developer has built any homes in Mount Dora and they responded negatively.

Mr. Broomfield indicated he agreed that the developer's homes are nice and good quality but the problem is the number of homes being built.

Mr. Diaz explained that they have not built in Mount Dora as they do not have an interest in building $300,000 or $400,000 homes. He noted lots there would cost him at least $80,000. He stated they could reduce the number of homes; however, they have to be able to get a return on their investment after purchasing the lots. He noted that Habitat for Humanity sells their homes for $190,000 to $200,000; however, they don't have to pay for employees or for the land. He stated that he can't do that and noted that his company only makes approximately $15,000 to $20,000 per home.

Ms. Love indicated there are a number of children on that street and it is difficult for the garbage trucks and delivery trucks to get down the street. She stated that more traffic on the street will endanger the children.

Mr. Diaz responded that they are not building an apartment community and indicated they don't have a problem with reducing the project from five homes to four.

Ms. Harris noted that the homes on Bates are duplexes with Mr. Diaz indicating the homes on Suanee will not be duplexes.

The Commission indicated that the project will be built whether they are in the City or not and that if they are in the City, then the City has some control. It was stated that they will most likely not get to build five homes due to the Health Department requirements.

Mr. Diaz stated they won't know what they can build until they go to Health Department.

Alice Hopkins expressed confusion regarding whether he is building duplexes or not. It was confirmed he is building homes, not duplexes.

There being no further public comment, the hearing was closed at 6:56 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to approve Ordinance Number 21-03 on first reading. Defeated by the following votes:

Ayes: Commissioner LeHeup-Smith and Commissioner Cobb

Nays: Commissioner Hawkins, Vice Mayor Lee and Mayor Holland

7. OTHER BUSINESS

7.1 At the request of Mayor Holland, Mr. Carrino introduced Attorney Derek Bruce who will be assisting the City with the Waterman site and other land use issues with the County.

Derek Bruce explained his background as a land use and public procurement lawyer. He noted he first worked with the City on a litigation issue in 2013-14. He commented on his support staff and noted that he has asked Jack Rice to assist with the land use issues and stated that he has expertise in planning and land use.

7.2 Review of Conditional Use Permit Process and Fees

Ms. Barnes explained the City's conditional use process and affiliated fees as requested by the Commission. She reviewed Sec. 102-30 of the Land Development Regulations pertaining to conditional uses and modifications. She stated that the purpose of a conditional use permit is to address uses that may be compatible but due to their intensity, configuration, impact on public facilities, traffic or other issues may require individual review and possibly the imposition of additional conditions to insure compatibility with the surrounding area. She further stated that the section gives the Commission the authority to approve the conditional uses in accordance with those identified in Chapter 109-3 and 109-4. She cited the permitted uses, limited uses and conditional uses as shown in Chapter 109-4 and provided examples of various allowed conditional uses and how those uses may be evaluated.

Ms. Barnes then reviewed the conditional use process and general procedures for application. She noted that conditional uses are approved by ordinance which requires two public hearings before the Commission. She then reviewed the related fees for conditional use applications and reported that she reviewed what surrounding cities and the county charge and indicated that, in most cases, the City's fees are lower. She noted that some of the cities and the county also have pass through charges.

Ms. Barnes then explained that in some cases it may make more sense to look and see if the land use designation should be changed to something more compatible and which would allow the use to be permitted by right. She indicated that would also be less expensive for an applicant. She then reviewed the purpose of the Development Review Committee and noted that the City does use an outside traffic consultant which requires an additional fee. She explained the amount of staff review time and advertising costs required for a conditional use application. She further stated that the City's fee is also intended to discourage numerous applications for the conditional use permit. She commented on how an increase in conditional use permit applications would impact the department's ability to process other applications.

The Commission expressed support for leaving the fees as is noting the amount of staff time involved.

7.3 Direction on City Presence and Involvement at the Florida Communities Trust Meeting Scheduled for February 16, 2022

Mr. Carrino explained that the City has inquired and found out that the City may participate in the meeting either in person, by phone or online. He asked for direction from the Commission regarding how they want the City to participate and who do they want involved.

Mr. Schroth reported that Jerry Brown's attorney will be attending and stating their position. Major Stacey or another representative for the Harpers will be attending. County Attorney Melanie Marsh and possibly a County Commissioner will be attending in person.

Commissioner Cobb expressed support for the Mayor and the City Attorney to represent the City in Tallahassee in person.

The Commission discussed who should represent the City and what they should say.

CONSENSUS: It was a consensus of the Commission for the Mayor and City Attorney to attend the meeting in person on February 16th.

7.4 Discussion on scoreboard for Corey Rolle Memorial Field

Mr. Carrino noted the history of the request for a scoreboard. He indicated he has discussed this with Coach Saunders and recommended that he meet with the Parks and Recreation Director Craig Dolan to determine what should be done. He stated that there is $18,000 budgeted and that does not require any additional Commission approval. He stated that if additional funding is required that may need further Commission approval.

The Commission suggested that they also look at improving the field itself.

Craig Dolan, Parks and Recreation Director, stated it depends on how much they want to spend. He indicated they need to overseed the field and then implement a maintenance plan.

Mr. Gierok explained that the previous sod that was put down was not maintained properly. He indicated that it needs to have a reel mower which costs about $100,000. He stated they looked at trying to get it outsourced. He recommended taking out the existing sod and installing a more durable sod which can take the wear and drought better. He indicated that two years of maintenance would cover the price to re-sod.

The Commission asked about using artificial turf with Mr. Dolan indicating it is a very high upfront cost but it lasts 25 years.

CONSENSUS: The Commission directed staff to bring back prices for better sod and artificial turf.

It was noted that whatever is done needs to be something that won't injure the players.

CONSENSUS: It was a consensus of the Commission to move forward with the scoreboard.

7.5 Direction on the former Florida Hospital Waterman site

Mr. Carrino indicated that staff is asking for direction on what Commission wants to do with the project noting that the Commission had asked for staff to bring the item back to this meeting.

The Commission discussed rebidding the project and opening it up to other developers. It was noted that did not mean they would not use Atrium but that they would like to hear other ideas. It was also noted that residents have asked the City to rebid the project so they can see what else might be done with the property. It was also suggested that anytime this type of RFP is put out the Commission should provide input.

Mr. Carrino indicated he would provide everyone with a copy of the RFP that was previously released and see if they want to change anything before putting out the new RFP. He asked that the Commission also look at the timeline as to when another RFP will be released and how long it should be left open.

CONSENSUS: It was a consensus of the Commission for Mr. Carrino to send out the previous RFP to the Commissioners for input and schedule individual meetings as well as bring it back for discussion at a Commission meeting.

8. FUTURE AGENDA ITEMS

8.1 Commissioner Lee asked the Commission consider improving the property next to the Resource Center.

Commissioner Cobb asked about the status of the cover at the Customer Service Department with Mike Sheppard, Finance Director, reporting that staff is looking at putting a metal roof on it. He indicated that the previous covering has fallen apart twice.

9. COMMENTS

9.1 City Commission

Commissioner Hawkins reported that he and the City Manager had met with Mr. Lowe from LCAA and looked at one of the completed homes. The homeowner was very happy with the results and informed them her electric bill went from $400 per month to $200. He indicated that Michael Roberson has left LCAA; therefore, Tim Bridges will now be over the City's program. He indicated that he emphasized to them the lack of communication in the past. He then thanked Police Chief Craig Capri, Fire Chief Mike Swanson, Craig Dolan and Tom Carrino for their assistance with the "Miracle" football game for Tyler. He stated they raised $5,600 which was donated to the Runway for Hope. He then issued a challenge to the rest of the Commissioners, City Manager and City Attorney to help the Fire Department beat Mount Dora and Tavares in the food drive. He indicated they can either donate food or money. He added that 15 cents buys a pound of food.

Chief Swanson announced they will be at Station 22 from 10 a.m. to 2 p.m. on Saturday to accept donations.

Mayor Holland thanked Commissioner Hawkins for his work on the football game.

Commissioner LeHeup-Smith reported that the Spay-ghetti Dinner would be held on February 19th at the Service Center to assist with spay and neutering of dogs.

Vice Mayor Lee noted her attendance at the groundbreaking for the women's veterans home and encouraged everyone to support their efforts.

Commissioner Cobb apologized for not being able to attend the groundbreaking and football game and thanked everyone for their efforts.

Commissioner Hawkins announced there was a group working at the garden last weekend with about seven families present. He indicated they would be building some raised gardens. He thanked Sean Jenness for his work there and cited his assistance with his disabled nephew.

Commissioner Cobb noted there are also raised beds at the 4-H garden and thanked a local business for their assistance in powder coating the beds white so the roots wouldn't get burned.

9.2 City Manager

Mr. Carrino announced that the CRA Review Committee would be hosting a community input meeting on Tuesday, January 25th at 6:00 p.m. at the Curtright Center. He indicated there would be a brief presentation by staff and then it would be opened up to community input followed by a "dot exercise" so the audience can vote on the projects most important to them. He then announced that the Commission would hear a presentation by Randall Arendt at 5:30 p.m. on Monday, January 24th, in the Commission Room by videoconferencing. He indicated that the Commission would have the opportunity to ask questions of Mr. Arendt.

Mr. Carrino then reported on the Block Party/Health Fair that was to be held Saturday, January 22nd but needed to be postponed due to forecasted rain and cool temperatures. He indicated a new date has not yet been set noting that it may have to be postponed until March. He then noted the resignation of Brian Broomfield from the CRA Review Committee who was Commissioner Hawkins' appointee to the committee. He indicated another appointment would have to be scheduled for a future meeting.

Commissioner Cobb asked about an appointee for the West CRA representative with Mr. Carrino indicating that Aaron Belair, the operator of El Marie Pizzaria, had applied and staff is doing the required background check. He stated that the appointment should be on the Feb. 3rd agenda.

Mr. Carrino then reported on staff's efforts regarding grantwriting and that the position should be advertised in the near future. He then stated that staff is looking at the old Lowe's site noting the issues with the site. He indicated that they have been successful in getting the clothing donation bin removed. He then reported on the issues with the site on Abrams stating that staff is working on processing any code violations.

The Commission noted the increase of similar activity at 44 and the bypass. It was also noted that the trucks are also interfering with visibility.

Mr. Carrino then noted the new mount on his dais monitor and asked for Commission input. If they like it, then new mounts will be ordered for the rest of the monitors.

9.3 <u>City Attorney</u>

Mr. Schroth indicated they would need to schedule a closed session in the next month regarding the litigation that was forwarded to them.

9.4 <u>Mayor</u>

Mayor Holland thanked Pastor Kelly for his Martin Luther King Day event. He encouraged everyone to wear their masks and maintain social distancing.

10. ADJOURNMENT

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 or verbatim transcript of the meeting can be obtained from the office of the City Clerk for a fee.

Mary C. Montez

MARY C. MONTEZ
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner