



APPROVED: 12/16/2021

MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, December 2, 2021 - City Hall

INVOCATION: REV. ALLEN

PLEDGE OF ALLEGIANCE: COMMISSIONER COBB

CALL TO ORDER: 6:02 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE: NONE

2. APPROVAL OF MINUTES

2.1 November 4, 2021 - 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, Commissioner Hawkins, Vice Mayor Lee, Commissioner LeHeup-Smith and Mayor Holland

3. PRESENTATIONS

3.1 Presentation by Central Florida Expressway Authority regarding 2045 Master Plan

Michelle Maikisch, Central Florida Expressway Authority, provided a presentation on the Authority's 2045 Master Plan preparations and explained the history and purpose of the Authority. She commented on the rapid increase in population in the Central Florida region. She explained nothing is put on their five-year work plan unless they know where the funding is coming from. She further explained that the Authority is only funded by tolls and receives zero tax dollars. She reviewed recently completed projects and those currently underway. She concluded by asking the Commission to take their survey at CFXway.com/master-plan.

The Commission asked that the Authority make sure the exits list Eustis and not just Mount Dora.

4. AUDIENCE TO BE HEARD

4.1 Bonnie Brobst asked the Commission if the 7/11 is in accordance with the land use designations and whether or not the City has a noise ordinance and if the 7/11

would be required to adhere to that. She asked what their deadline is to file an appeal with Derek Schroth, City Attorney, responding they have 30 days which would be Dec. 4th. She noted the residents have circulated a petition to get the City to reconsider.

Mayor Holland responded that they have been instructed on how to appeal and recommended they give their petition to their attorney.

Michael ZuBari addressed the Commission regarding issues he is having with obtaining supplies for construction of his home. He noted that the rent where he is living in an RV is going up by 14%. He asked for permission to move his RV to his property where the home is being built. He noted that the sewer is already in place and stated the property is over nine acres.

The Commission asked Tom Carrino, Acting City Manager, and staff to work with him to see what could be done as long as it could be done according to state laws.

Mr. Carrino indicated that he and Lori Barnes, Development Services Director, could meet with him regarding the issue.

5. CONSENT AGENDA

- 5.1** Resolution Number 21-98: Approving an Additional Purchase of Reclaimed Water Pipe per City Bid Number 007-21
- 5.2** Resolution Number 21-99: Purchase exceeding \$50,000 for Woodward Avenue stormwater improvements
- 5.3** Resolution Number 21-100: Foreclosure Authorization - 221 North Mary Street, Code Enforcement Case 20-01187 and 20-01188

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

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

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 6.1** Resolution Number 21-92: Refuse Collection Rate Increase

Mr. Schroth announced Resolution Number 21-92: 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, 2022.

Mike Sheppard, Finance Director, explained the contract with Waste Management provides for them to increase their rate annually based on the CPI for garbage collection. He commented on the history of the City's relationship with WMI. He stated the rate increase will be 3.93% overall. He explained the breakdown of the rate including disposal, franchise fee and billing fee. He provided a comparison with surrounding cities noting that Eustis is one of the lowest.

The Commission asked when the contract expires with Mr. Sheppard indicating it expires in 2024 and with Mayor Holland noting they have been informed that the City wants to enter negotiations.

Mr. Schroth opened the public hearing at 6:28 p.m. There being no public comment, the hearing was closed at 6:28 p.m.

The Commission commented on the excellent service WMI has provided to the City's residents.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to approve Resolution Number 21-92. Motion carried by the following votes:

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

FIRST READINGS

- 6.2** Explanation of ordinances for property located at 16336 McKinley Road:
Ordinance Number 21-34 – Voluntary Annexation
Ordinance Number 21-35 – Comprehensive Plan Amendment
Ordinance Number 21-36 – Design District Assignment

Mr. Schroth read Ordinance Number 21-34 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 3.89 acres of real property located at 16336 McKinley Road.

Lori Barnes, Development Services Director, reviewed the request from the Perez family to annex 3.89 acres of real property located at 16336 McKinley Road and explained the request to change the future land use designation from Urban Low in Lake County to Suburban Residential in the City and assign a design district designation of Rural Neighborhood. She noted that the annexation will reduce an existing enclave. She explained staff's review of the requests and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:38 p.m. There being no public comment, the hearing was closed at 6:38 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner Hawkins, to approve Ordinance Number 21-34 on first reading. Motion carried by the following votes:

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

- 6.3** Ordinance Number 21-35: Comprehensive Plan Amendment for property located at 16336 McKinley Road

Mr. Schroth read Ordinance Number 21-35 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 3.89 acres of recently annexed real

property located at 16336 McKinley Road from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:38 p.m. There being no public comment, the hearing was closed at 6:39 p.m.

Moved by Commissioner Cobb, seconded by Commissioners Hawkins, to approve Ordinance Number 21-35 on first reading. Motion carried by the following votes:

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

6.4 Ordinance Number 21-36: Assigning a design district designation to property located at 16336 McKinley Road

Mr. Schroth read Ordinance Number 21-36 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, assigning the Rural Neighborhood design district designation to approximately 3.89 acres of recently annexed real property located at 16336 McKinley Road.

Mr. Schroth opened the public hearing at 6:39 p.m. There being no public comment, the hearing was closed at 6:39 p.m.

Moved by Commissioner Hawkins, seconded by Vice Mayor Lee, to approve Ordinance Number 21-36 on first reading. Motion carried by the following votes:

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

6.5 Explanation of Ordinances for property at 2979 South Grove Street:
Ordinance Number 21-37 – Voluntary Annexation
Ordinance Number 21-38 – Comprehensive Plan Amendment
Ordinance Number 21-39 – Design District Assignment

Mr. Schroth read Ordinance Number 21-37 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 0.6 acres of real property at 2979 South Grove Street.

Heather Croney, Senior Planner, reviewed the proposed annexation of 0.6 acres of real property located at 2979 South Grove Street and explained the proposal to change the future land use designation from Urban Low in Lake County to Residential/Office Transitional in the City and to assign a design district designation of Suburban Neighborhood. She explained staff's evaluation of the requests noting that the annexation would reduce an existing enclave. She stated staff's recommendation for approval indicating that it is consistent with the Joint Planning Area, state statute, comprehensive plan and land development regulations.

The Commission confirmed that the intent is to leave it as residential and not further develop it. It was noted that the property has been cleaned up significantly but still needs some additional clean up.

Mr. Schroth opened the public hearing at 6:48 p.m. There being no public comment, the hearing was closed at 6:48 p.m.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve Ordinance Number 21-37 on first reading. Motion carried by the following votes:

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

6.6 Ordinance Number 21-38: Comprehensive Plan Amendment for property located at 2979 South Grove Street

Mr. Schroth read Ordinance Number 21-38 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 0.6 acres of recently annexed real property located at 2979 South Grove Street from Urban Low in Lake County to Residential/Office Transitional (RT) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:49 p.m. There being no public comment, the hearing was closed at 6:49 p.m.

Moved by Commissioner Hawkins, seconded by Vice Mayor Lee, to approve Ordinance Number 21-38 on first reading. Motion carried by the following votes:

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

6.7 Ordinance Number 21-39: Assigning a design district designation to property located at 2979 South Grove Street

Mr. Schroth read Ordinance Number 21-39 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 0.6 acres of recently annexed real property located at 2979 South Grove Street.

Mr. Schroth opened the public hearing at 6:50 p.m. There being no public comment, the hearing was closed at 6:50 p.m.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve Ordinance Number 21-39 on first reading. Motion carried by the following votes:

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

6.8 Ordinance Number 21-40: Amendment to the Land Development Regulations, Section 110-5.13 Portable Storage

Mr. Schroth read Ordinance Number 21-40 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; amending the Land Development Regulations, replacing Section 110-5.13 Portable Storage Units in

its entirety with regulations for short-term, mid-term and long-term storage containers; providing for codification, severability and an effective date.

Ms. Barnes reviewed the proposed changes to the Land Development Regulations regarding portable storage units as previously discussed with the Commission. She commented on issues the City has experienced with the storage containers. She stated staff is recommending the City allow a six month time period for nonconforming containers to be brought into compliance or removed with a deadline of June 16, 2022. She then reviewed the specifications for short term, mid-term and long term containers.

Mr. Schroth opened the public hearing at 6:58 p.m.

Daniel DiVenanzo expressed concern regarding how the containers are maintained noting that some surrounding cities prohibit them. He expressed concern regarding the number of containers that may occur in the City.

Ms. Barnes explained the purpose of the ordinance is to allow an existing business to utilize the storage containers for additional storage. She reviewed some of the limitations and cited locations she has seen where the containers are stacked up and for sale. She indicated that, due to the required block wall for screening, she did not believe that would occur. She added that could only occur through a conditional use permit and the applicant would have to convince the Commission to approve the permit.

George Asbate expressed concern regarding the cost to apply for a permit and the restrictive sizes of the containers. He stated the need to look at properties individually.

There being no further public comment, the hearing was closed at 7:06 p.m.

The Commission discussed the allowable size of the units and the high cost of the CUP application.

Ms. Barnes explained that application fee for an Administrative Review for a developed site is \$200. If it is a modification that would require a waiver, the fee would be \$600. The conditional use permit fee is \$800. She indicated the cost for the CUP is to encourage applications only from serious applicants. She stated that a compliant application is not extremely expensive. She indicated she could look at the allowable sizes prior to second reading and make a suggestion regarding sizes. She indicated that the conditional use request could also be applied to the size of the units. She then stated that further regulations could be incorporated. She noted that sheds and outbuildings can now be constructed in commercial districts when they couldn't be previously. She also cited the number of storage units available within the City. She stated the long-term storage units are not the only option available to property owners. She indicated they could amend the ordinance prior to second reading or they could bring it back on first reading on the 16th. She then confirmed that the masonry wall and screening only applies to long term storage not the short term or mid-term.

Discussion was held regarding what was discussed at the workshop with Ms. Barnes stating a lot of the discussion was about where the City wanted to allow

the units. She noted that the Commission seemed to feel that they should only be allowed in certain districts and should be limited within the Central Business District. She explained that an individual could apply for a Conditional Use Permit to allow the containers within other districts if the Commission wishes.

Mr. Carrino assured the Commission that the ordinance is consistent with what staff presented in October.

Further discussion was held regarding what constitutes long term with Ms. Barnes responding that long term is anything not short term or mid term. She clarified that short term is 30 days one time per year and mid term is an active construction site with an active building permit. Anything else is long term.

Discussion was held regarding amending the fee schedule with Ms. Barnes stating she could not incorporate fees into the LDR amendment before them but she could bring back a change to the fee schedule.

Moved by Commissioner LeHeup-Smith, seconded by Mayor Holland, to approve Ordinance Number 21-40 on first reading with modifications regarding allowable length of the storage units. Motion carried by the following votes:

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

Nays: Commissioner Nan Cobb

7. FUTURE AGENDA ITEMS

- 7.1** Commissioner Hawkins asked to bring back consideration of removing Map #19 from the comprehensive plan stating that the Commission acted previously on erroneous information.

Vice Mayor Lee asked to receive an update on the cemetery.

8. COMMENTS

8.1 City Commission

Mayor Holland asked staff to look at the old Lowe's parking lot stating it has become a truck stop.

Commissioner LeHeup-Smith congratulated the other Commissioners on receiving various Community Awards and commented on how great was the award ceremony. She reported on the Paws Therapy packing for the nursing homes.

Commissioner Cobb thanked Public Works for their work on the medians on State Road 19. She noted the Celebration of Life for former Sheriff Gary Borders at Lifepointe Church would be on Friday.

Commissioner Hawkins commented on the excellent event held on Wednesday with the Police and Fire Departments for the special needs community. He thanked Darius Kerrison for his assistance with the event. He stated his support

for holding additional events. He noted the retirement event being held for Irene O'Malley with Lake Cares.

Vice Mayor Lee reported she had a meeting with the Eustis Community Alliance and noted they are utilizing the Clifford Avenue property. She said they are planning a Christmas party for the community and indicated they will be providing a presentation to the Commission regarding their program.

8.2 City Manager

Mr. Carrino reported that Lake County provided to the City on Monday documents pertaining to the Joint Planning Area working group. He stated that he, the Mayor, the City Attorney and Development Services Director met prior to the Commission meeting and they would like to request a workshop to review the County's documents. He suggested they hold a workshop on December 9th after the CRA Review Committee meeting. He recommended that, if they cannot get a workshop prior to the Dec. 13th working group meeting, that they cancel that meeting until a workshop can be held. He asked the Commission if they would be able to meet on Dec. 9th around 6:00 or 6:30 p.m.

Mayor Holland stated that the documents that were sent do not contain anything of benefit to the City. He indicated that Lori Barnes had reviewed the documents and provided her critique. He expressed concern regarding the County providing the documents less than 24 hours prior to the previously planned working group meeting. He stated what was presented actually hinders the growth of the City. He indicated the City submitted information to the County on Nov. 2nd regarding its proposed transitional designation and they have sent no response to that.

Ms. Barnes reported she forwarded the City's draft transitional land use to Tim McClenden on Nov. 2nd. He acknowledged receipt and said he would forward it to others. She stated there was no further contact by him. On November 20th, she emailed Mr. McClenden and Melanie Marsh to see if they had any comments or anything for the City to review in advance of the next working group meeting (previously scheduled for November 30th). Then on November 29th, the City received their proposed Joint Planning Area agreement and the draft Rural Conservation Design Standards from the County.

Discussion was held regarding scheduling a workshop with Commissioner Hawkins expressing reluctance in holding a workshop. He stated they are working for the citizens of Eustis not for the County. He indicated they began the process back in March and have made no progress. He stated they are not doing anything to move the City forward.

Commissioner LeHeup-Smith agreed that the Commission does not need to sit and hash it out.

Vice Mayor Lee stated that staff has looked it over; therefore, the Commission doesn't need to review the documents. She asked where the City goes from there.

Commissioner Hawkins stated the City can't be timid as to whether or not the County is going to sue.

Mayor Holland asked Ms. Barnes to forward to the entire Commission the documents they reviewed in their meeting that afternoon. Then the Commission can decide where they want to go. He further asked for staff to work out the next steps.

The Commission questioned whether or not to have the land use attorney review the documents and provide input on what the City needs to do.

Mr. Carrino confirmed that the Commission wants staff to respond to the County that the City is not interested in the restated joint planning agreement.

Mr. Carrino then reported that staff is continuing to work on grantwriting. He stated he and staff are looking for companies that work on particular types of grants. He then noted that some major purchases for the Fire Department will be coming before the Commission. He stated that the City has budgeted to replace the tower truck but it may need to be moved up due to probable price increases and the long lead time in receiving the truck. He then explained that the fire boat has been having significant mechanical problems so staff will be proposing to replace the boat.

Mr. Carrino then reported on his work with Vice Mayor Lee and the Eustis Community Alliance regarding them possibly leasing the City building on Clifford which will be brought back to the Commission for consideration.

Commissioner Hawkins asked if staff can see the monitors when they are giving presentations or if there is a glare. Ms. Barnes explained staff doesn't typically look at the screens. They use their notes and look at the Commission.

8.3 City Attorney

Mr. Schroth provided an update on the SpenceTF project. He indicated some of the information they have submitted was not responsive to what was provided to them on Nov. 9th. He indicated they have stated they would be requesting an additional amendment. He explained they have stated they cannot do the two screen drive-in without also doing the storage units. He explained that, if the Commission feels that what they have provided is insufficient to prove they can complete the project, then they can find them in breach and give them ten days to cure the breach.

CONSENSUS: Following discussion, it was a consensus of the Commission to find them in breach.

Mr. Carrino asked if the Commission wanted to consider the fourth amendment with Mr. Schroth recommending that they should hear them out.

CONSENSUS: It was a consensus of the Commission to allow Mr. Follmar to present his request for a fourth amendment.

8.4 Mayor

Mayor Holland thanked everyone that participated in Light Up Eustis and commented on how great it was. He complimented Commissioner Hawkins on the event with the special needs community and expressed support for continuing the

event. He cited the upcoming autism event. He thanked the Chamber of Commerce for the Community Service Awards ceremony and for the Leadership Award he was given.

Commissioner Hawkins thanked Lake News for attending the special needs event and covering it.

Darius Kerrison thanked the Commission for the event on behalf of the attendees and the group homes. He expressed support for continued events and outreach. He cited the wide variety of individuals in the special needs population.

Commissioner Cobb commented on how pleasant and well-mannered everyone was and all the "thank you's" they received. She thanked the Chamber for the Arts and Culture Award.

Mayor Holland further commented on the special needs event and how good it was.

9. ADJOURNMENT: 7:53 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 or verbatim transcript of the meeting can be obtained from the office of the City Clerk for a fee.



MARY C. MONTEZ
City Clerk



MICHAEL L. HOLLAND
Mayor/Commissioner