APPROVED: 10/21/2021

MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, September 9, 2021 - Community Building
601 Northshore Drive, Eustis

INVOCATION: A MOMENT OF SILENCE WAS HELD

PLEDGE OF ALLEGIANCE: VICE MAYOR LEE

CALL TO ORDER: 7:22 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

Ron Neibert, City Manager, announced that Item 5.1 Discussion of possible litigation would be moved up to prior to Presentations, Items 4.5 and 4.6 (Resolutions 21-62 and 21-63) are deleted from the agenda and Item 4.14 (Ordinance 21-22) needs to be continued to a date certain.

2. OTHER BUSINESS

2.1 Discussion regarding possible annexation litigation against Lake County

Commissioner Hawkins reported on discussions he had with the City Manager and County Commission Chairman Sean Parks. He cited a letter sent to the County Commission on October 1, 2020, which detailed some of the issues and was signed by the previous City Commission. He reviewed five issues detailed in the letter as follows: 1) 2015-2016: A complete denial of any proposed annexation rights; 2) 2016: Request for authority to annex enclaves was rejected; 3) 2019: Certain elements of the County negotiated, without the City's involvement, an agreement to unilaterally grant exclusive rights to the City of Mount Dora to provide utilities (in an area where Eustis had been serving for almost 20 years); 4) Continued opposition to Developer Agreements with the requirement of annexation; and 5) There has been concerted and overt actions by elements of Lake County regarding the City's Land Development Regulations.

Commissioner Hawkins then stated that the City received a request from Lake County to provide water to the Fire Department. He added that the City has constantly tried to be a good party when dealing with Lake County. He cited a joint meeting in March at which both parties agreed they would try to come to some resolution and some compromise regarding the east side of the City. He noted joint planning working group meetings and stated his opinion that the County is operating in bad faith. He cited an email from one of the County Commissioners to a constituent from the east side of the City. He then read the email as follows omitting the names: "I am opposed to an application for the annexation and I will be asking the other County Commissioners to express opposition to the City of Eustis as well. Sadly, the City of Eustis is the agency considering the request and the County Commissioners cannot stop them. If Eustis decides to move forward with this absurd request for annexation, I urge residents to ask Eustis to deny the request."

Commissioner Hawkins continued stating that the park property was deeded over by the County and it was not done as it was supposed to be. He stated the City is constantly being asked to work with the County. He emphasized that the Commission is elected by the citizens and part of their job is for the City to grow; however, the County is handicapping them. He continued stating his belief that the County is acting in bad faith and stated the City needs to stand up to the County. He stated that Eustis is not being allowed to grow; however, every other City has been allowed to grow. He cited the number of homes the City of Leesburg built in the last year versus the number that were built in the City of Eustis.

Commissioner Hawkins then stated that the Commission needs to consider moving forward with a lawsuit and obtaining a summary judgment unless the County wants to do the right thing and pull back the property that was improperly deeded. He expressed his thanks to Commissioner Parks for attending the meeting. He ended stating his belief that the Commission needs to discuss moving forward with litigation.

Mayor Holland requested that County Commission Chair Sean Parks respond.

Chairman Parks emphasized that he is committed to working in good faith with the City. He stated he is dedicated to working through the planning process concerning the Thrill Hill area. He apologized for missing the previous joint planning meeting due to being ill. He stated his belief that they can work through a plan that will work for both the residents and the City within a few months. He emphasized his belief in the Commission's ability to lead the City. He then reported that he recently put forth a proposal to invite all the cities in the County to work together on a new joint planning area. He concluded stating his belief that there are some basic planning principals that they all can agree upon. He stated that he believes the County is working in good faith.

Commissioner Hawkins responded that the County's past actions do not show the County is acting in good faith. He cited instances where the County has purposely tried to keep the City out of things. He further cited the deeding of the park property was not operating in good faith. He stated that trying to bring in a consultant would further slow down the process. He commented on discussion held at the CRA meeting regarding growth and the downtown. He emphasized that at some point the City needs to stand up to the County.

Chairman Parks asked about his reference to hiring a consultant and confirmed he meant for the countywide negotiations. He stated his belief that would not slow down the process and emphasized his intent to continue to meet with the City.

Mayor Holland asked for comment from the other commissioners with the following comments: 1) Commissioner LeHeup-Smith expressed support for researching the possibility of litigation; 2) Commissioner Cobb asked the City Attorney what are the odds and estimated cost.

Derek Schroth, City Attorney, responded that, the big unknown is what the State of Florida is going to do, but absent that issue the City has good odds. He explained the City could initiate the litigation and then the Dept. of Environmental Protection could ratify the conduct or allow the County to convey the property to the Friends of the Wekiva, which would be eligible, while the current grantee is not eligible under the restrictions. Without that issue, the City's chances are good but that unknown is a realistic possibility. He indicated the City really wouldn't have much discretion or influence on that decision which is to take place in February.

Commissioner Cobb commented on previous lawsuits and the cost to the City taxpayers due to property not being annexed into the City. She expressed concern regarding what the State will do and noting the possibility they will allow the County to re-deed the property to another entity.

Vice Mayor Lee asked to have the Thrill Hill annexation ordinances placed on a future agenda sooner. She expressed support for working together with the County to resolve the differences rather than moving toward litigation.

Mayor Holland expressed support for continuing to try to work with Lake County on the issues. He acknowledged the possibility of future litigation but noted the cost to the City. He encouraged people to contact the State regarding the issue with the deed.

Mr. Neibert further commented on the City's various options.

Mayor Holland noted an instance where the City of Mount Dora had a similar situation and was allowed to annex the subject property. He emphasized that one City should not be treated differently than another. He stated that he is hearing a three to two to continue to work with the County but with a reservation to bring the issue of litigation back.

3. PRESENTATIONS

3.1 <u>Presentation by Spencer Follmar on the status of the SpenceTF Project on CR 44</u>

Spencer Follmar, Spence TF, introduced Kristin Rizatto from Flagship Companies Group to provide the quarterly update on the development of the Eustis drive-in theater project. She explained her position with the company and the purpose of her company. She stated that Flagship Companies Group is a "local, diverse, real estate and investment company with land development and general contracting specialties with interests in residential and commercial real estate, self-storage and studio salons." She added that their focus is to invest in real estate sectors where market area metrics indicate demand for new supply and further explained how they achieve their intended results.

Ms. Rizatto then stated that Flagship is actively working through due diligence items and have spent or committed to spend nearly $250,000 on environmental, geotechnical and ecological assessments, land planning and civil engineering and surveying and traffic studies. She added that those reports reveal several major problem areas that require additional assessment, planning, mitigation and engineering. She reviewed the current concept plan and then the Phase II Environmental Site Assessment Report. She cited background information regarding why the Phase II assessment was required and stated that the presence of the uncontrolled fill on the property is considered an environmental concern.

Ms. Rizatto then reviewed the conclusions and recommendations from the Phase II assessment report citing the following: 1) Excessive debris found in ten out of fourteen test pits; and 2) Two contaminants over target cleanup levels including TRPH (total recoverable petroleum hydrocarbons) and benzopyrene, a carcinogen. However, preliminary testing did not indicate leaching or contamination in the groundwater. She stated the conclusion that additional testing is recommended to establish the scope of contamination and recommendations for remediation.

Ms. Rizatto then reviewed the Ardaman Geotechnical Report and cited the following: 1) There is a high groundwater level with a recommendation to install piezometers to monitor those levels; and 2) Three soil groundwater, geotechnical issues that will require extraordinary costs for development including the presence of debris in the uncontrolled fill areas, the presence of shallow clayey soil and the shallow groundwater conditions. She explained the issues pertaining to the presence of clayey soil and commented on the amount and type of fill that may be necessary.

Ms. Rizatto then reviewed the ecological site assessment performed by Austin Environmental Consultants. She stated the purpose of the assessment was to delineate the jurisdictional wetland boundaries and identify any protected species. She referred to "wetlands and other surface waters" stating that the approximate acreage available will be 45 acres outside of the wetland boundaries. She cited the protected species identified of a possible gopher tortoise burrow. Ms. Rizatto then highlighted the waters ID map, compiled by Austin Environmental, which shows the delineation of the jurisdictional wetland boundaries as well as the ditches that connect several of the larger wetlands. She summarized that there are six major property conditions requiring extraordinary costs for development including the following: 1) an expansive dump site; 2) carcinogenic contamination that needs remediation; 3) floodplain elevation; 4) high groundwater levels; 5) widespread clayey soil; and 6) extreme amount of infill required. She stated they have authorized additional testing with results expected within a few weeks.

The Commission questioned the change from the original presentation consisting of five screens which was then changed to two screens and a storage facility.

Ms. Rizatto responded that when Mr. Follmar brought the idea to Flagship back in January 2021, they looked for a way to fund the project knowing that the drive-in was not a bankable deal. They determined that the property is ideally located within the City to meet the demand for a state-of-the-art storage facility with high-end RV and boat storage. She explained that the development plan uses the storage project, which is bankable, to fund the drive-in project.

The Commission questioned whether or not the storage facility is allowed under the contract with Mr. Neibert responding that at least the two-screen drive-in is required to be constructed first.

Discussion was held regarding the proposed construction of a storage facility with all of the Commissioners expressing concern and questioning the relationship between SpenceTF and Flagship.

Ms. Rizatto further explained her company is providing the funding for the project. She stated that, while they liked the idea of the project, they had trouble determining the financial feasibility for such a large scale project. She added they tried to find a way to satisfy the contract requirement for the two screens while still providing a bankable asset that can then fund the theater. She emphasized that the movie theater by itself would be very difficult to get bank funding for so they would have to put up the capital themselves. Therefore, they needed some assurances to be able to provide that and was why they recommended construction of the storage facility. She ended stating that the proposal is what Flagship has envisioned since it joined the project.

The Commission commented on the additional change of the additional partner for the project.

Mr. Neibert explained that the contract does not preclude having another use on the property; however, it does require the completion of a two-screen drive-in theater before any other improvements can be made.

Further discussion was held regarding the original proposed project versus what was being proposed at that time with additional objections regarding construction of a storage facility.

The Commission did thank Ms. Rizatto for her presentation and the submittal of the reports.

Ms. Rizatto stated that the next step is installation of the piezometers to assess the groundwater and the contamination assessment for the benzopyrene and the recommendations for remediation. She also indicated that Traffic and Mobility Consultants have completed two traffic methodologies for both uses that have been submitted to Lake County. Able Surveying has been onsite and are working on completion of the survey. After those are completed, then they will determine if any additional testing is required. She stated she would send the completed reports as soon as available.

The Commission asked what would occur if the storage units are removed from the project with Ms. Rizatto indicating that Flagship probably would not be comfortable risking the capital without something to give them a safety net.

Mr. Neibert reiterated that, while other secondary uses may be allowed on the site, it is required that the drive-in be completed prior to that.

The Commission re-emphasized their lack of support for storage facilities.

4. AUDIENCE TO BE HEARD

4.1 Gail Isaac Thomas introduced James Golden Jr. who addressed the Commission regarding the death of his sister. He explained they requested a special event permit; however, they have an issue with the tent. He stated that due to Covid they wanted to be out in the open space in Ferran Park with a suggestion that they use a tent to keep the attendees and deceased in the shade.

Chief Capri reported that he met with the Funeral Director Mr. Hayes and explained that the problem is the requirement for inspections and other safety issues. He stated he recommended that they use the shade structure in front of the bandshell and noted that the PD would be escorting the family. He further explained the safety issues with the size of tent they have requested. He stated they could put up a 10x10 tent but not the larger tent. He cited the various other services the department was providing with no charge.

The Commission recommended that he speak with Mr. Hayes about providing a smaller tent that can meet the safety requirements.

Daniel DiVenanzo introduced Angel Stedman who is opening a new shop in downtown Eustis - LaBelle Ange, a woman's hair salon. He announced her grand opening would be held on Sunday. He then reported that the new chairs for the Commission Room had arrived in the port in South Carolina and they are expected to be in the warehouse by Monday and should be delivered in time for the September 23rd meeting.

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

5.1 Resolution Number 21-12: Annexation Agreement and Developers Agreement to Provide Water Service Outside the City Limits (LCBCC Fire Station 39)

Mr. Schroth announced Resolution Number 21-12: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; approving an annexation agreement and developer's agreement to provide for City water service to Lake County, owner of real property located at 24815 Wallick Road (a/k/a Fire Station 39), Sorrento, Florida, outside the City limits.

Lori Barnes, Development Services Director, explained that the annexation and developer's agreements were prepared according to standard City procedures and submitted to Lake County staff in February 2021 for consideration by the County Commission. She stated that on March 9, 2021, the County Commission tabled the item for reconsideration until their first meeting in August. On August 10, 2021, the County Commission approved the developer's agreement only, striking language referencing the annexation agreement, and returned the signed developer's agreement with edits to the City Clerk's office. At the August 19th meeting, the City Commission discussed the possibility of changing the City's policy of requiring annexation agreements for providing outside utilities; however, no decision was made.

Ms. Barnes reminded the Commission stated that, while the language in Ordinance 08-09 may seem to be permissive, there are potential consequences if the City Commission decides to waive annexation agreements associated with outside utilities. She explained the following: 1) It could set a precedent for application of an annexation agreement waiver for other unincorporated property owners; 2) It could result in future unincorporated enclaves; or 3) It could result in a situation where the City has a voluntary annexation application from a property owner that wishes to annex but the enclave created by the lack of an annexation agreement blocks contiguity and therefore the City could not move forward with the requested annexation.

Ms. Barnes then reviewed the Commission's options as follows: 1) The Commission could approve Resolution Number 21-12 with the requested modification from the Lake County Commission to waive the annexation agreement and approve the modified developer's agreement only; 2) The Commission could move to approve the resolution, the annexation and the developer's agreement as originally presented to Lake County and return it back to the County Commission for consideration; or 3) The Commission can deny Resolution 21-12. She noted that the Commission does have another outside utility agreement on the agenda under Resolution 21-68 for an unincorporated property owner in the Dona Vista area.

Mr. Schroth confirmed that the Commission has the discretion to postpone consideration of the item; however, it was his understanding that the fire station was completed and waiting for the utilities.

Mr. Schroth opened the public hearing at 8:34 p.m. There being no public comment, the hearing was closed at 8:34 p.m.

Ms. Barnes stated that the resolution as presented addresses the annexation agreement and developer's agreement as originally prepared. She re-stated their options as follows: 1) Approve Resolution 21-12 as is and send it back to the County Commission for reconsideration; 2) Approve Resolution 21-12 eliminating the annexation agreement requirement and approving the developer's agreement striking the annexation agreement language; or 3) Deny the resolution in its entirety.

The Commission asked how the City considers the annexations with Ms. Barnes explaining that since 2008 the City has required the annexation agreement.

The Commission discussed considering the applications on a case-by-case basis.

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to approve Resolution Number 21-12 without the annexation requirement while making it clear this is not a wholesale waiver of the annexation requirement for future applications. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner Cobb and Mayor Holland

Nays: Commissioner LeHeup-Smith and Commissioner Hawkins

Recess: 8:40 p.m. Reconvene: 8:44 p.m.

5.3 <u>Resolution Number 21-55: Textile Recycling Collection Bin at 2601 E. Orange Avenue</u>

Mr. Schroth announced Resolution Number 21-55: A Resolution of the City Commission of the City of Eustis, Florida; approving placement of a textile recycling collection bin at 2601 E. Orange Avenue pursuant to Ordinance Number 21-07; providing for conditions of approval.

Ms. Barnes noted this item was previously considered on August 5th and continued to a date certain of September 9th to allow the applicant to address the Commission's concerns. She reviewed the application including the proposed bin location noting that the original bin was removed on August 11, 2021, in order to come into compliance prior to Commission consideration of the request. She reviewed the requirements for placement of the donation bins and staff's analysis of the request. She reviewed the relationship between ATRS (American Textile Recycling Services) and Orla Recycled Clothing and stated her belief that the provided contract satisfies the requirement.

Ms. Barnes then addressed Commission's question regarding how much of the proceeds go to Libby's Legacy and stated the applicant has provided Libby's Legacy's 2019 Annual Report which shows ATRS as a donor at the $10,000 to $39,999 dollar amount level. She further reviewed the analysis of the request highlighting the requirements regarding maintenance of the bins and responsibility for keeping area around the bins free of trash and other debris. She stated that Brian Papenfuss and Gary Tolley were present to answer any questions.

The Commission thanked Mr. Tolley for removing the bins until the Commission could consider their application. The Commission expressed further concern regarding lack of a signature by the property owner and the business tax receipt still not matching the applicant name.

Mr. Tolley responded that it was his understanding that everything presented answered the City's questions.

Mr. Papenfuss explained that David is the CEO/Owner of ATRS and Gilbert is the Chief Operating Officer at ATRS. Gilbert is also the president of Orla Recycled Clothing Inc. in this operating market. He explained Orla handles the operations and collections for all of the donation bins. He further explained that when the donations are placed in the bins, at that point they become the property of Libby's Legacy. Libby's then sells the collected items to ATRS and that is how they raise the funding provided to them. He summarized stating that ATRS contracts with Orla Recycled Clothing to handle the local collections.

The Commission responded that the ordinance states that everything has to match with Mr. Papenfuss indicating that all of the paperwork has Orla Recycled Clothing Inc. and that the only thing that has ATRS is the sponsorship with the signature pages.

The Commission then questioned the lack of signature by the property owner with Mr. Papenfuss insisting that the signature on AAA Storage is the property owner.

Discussion was held regarding whether or not the company donates money to Libby's Legacy with Mr. Papenfuss explaining how their contract works stating they are contracted to provide to Libby's Legacy two cents per pound for everything collected whether they are able to make a profit off the collections or not.

Mr. Papenfuss confirmed that they could correct all of the paperwork but stated his impression that, at the last meeting, it was permissible for the representative of the property owner to have a notarized statement regarding their authority. He then asked about the AAA Storage site with the Commission indicating the spelling needed to be corrected.

Mr. Tolley asked if there were any additional questions they would need to address for their next submittal.

Mr. Papenfuss confirmed that all of the bins were removed by August 9th. He noted there are other bins still existing in the City but they are not theirs.

Mr. Schroth stated the Commission could either continue the resolutions or they could just deny them and allow them to re-submit.

Moved by Commissioner Cobb, seconded by Commission Hawkins, to deny Resolution Number 21-55. Motion carried by the following votes:

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

5.4 Resolution Number 21-56: Textile Recycling Collection Bin at 256 W County Road 44

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to deny Resolution Number 21-56. Motion carried by the following votes:

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

5.5 Resolution Number 21-57: Textile Recycling Collection Bin at 1905 North Hwy 19

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to deny Resolution Number 21-57. Motion carried by the following votes:

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

5.6 Resolution Number 21-62: Approving and ratifying a development and acquisition agreement between Waterman Square LLC, the Downtown and East Town Redevelopment Agency and the City of Eustis for the redevelopment of the former Florida Hospital Waterman site

Removed from agenda due to CRA Resolution Number 21-02 being denied by the Community Redevelopment Agency.

5.7 Resolution Number 21-63: Approving and ratifying a parking facility easement agreement with Waterman Square LLC to support the redevelopment of the former Florida Hospital Waterman site

Removed from the agenda due to CRA Resolution Number 21-02 being denied by the Community Redevelopment Agency.

5.8 Resolution Number 21-64: Preliminary Subdivision Plat with Waivers - Royal Brothers Subdivision (Grafton Ridge)

Mr. Schroth announced Resolution Number 21-64: A Resolution of the City Commission of the City of Eustis, Florida; approving a preliminary subdivision plat (Phase I) with waivers for the Royal Brothers Subdivision, a 77-lot single family residential subdivision, on approximately 14.8 acres on the east side of David Walker Drive, approximately 1,000 feet north of Mount Homer Road.

Ms. Barnes provided an overview of the proposed preliminary subdivision plat for the Grafton Ridge Subdivision. She stated the applicant is S&ME Inc. on behalf of the Royal Brothers and the Unitarian Universalist Congregation of Lake County, Inc. She stated the request is for a 77-lot single-family detached dwelling subdivision and presented a map showing the location on the east side of David Walker Drive. She indicated the site has a future land use designation of Mixed Commercial/Residential with a Suburban Neighborhood design district. She explained the proposed subdivision has a density of 5.2 du/ac with 58% open space and 1.14 acres of parks and 37% impervious surface. She noted the amount of open space exceeds the 25% required and the amount of park space exceeds the required one acre while the impervious surface is less that the maximum of 40%. She indicated they are requesting a modified house lot typology with most of the lots being 40x120 but there would be some waivers for the depth of some of the lots.

Ms. Barnes presented a plan showing the proposed layout of the subdivision. She explained that the 66-ft. wide lot still must be annexed as part of Phase II; however, it is delayed due to the delay in adopting the Property Rights Element. She indicated that there would be certificate of completion given until the required emergency access is constructed. She then stated that the only full access entrance would be off of David Walker Drive and cited various amenities including a dog park and picnic area.

The Commission questioned if a turn lane would be required with Ms. Barnes explaining that the traffic study resulted in a de minimis impact so they were not required to complete a full traffic impact analysis. She added that Lake County has reviewed the project and had some comments that they indicated could be finalized during the final construction plan phase.

Ms. Barnes then presented a plan showing the northeast corner of the subdivision and which reflected a dry retention pond and a plan showing the southeast corner showing the remainder of the lots and the Phase II emergency access only to Seminole Avenue. She indicated there would be a gate only accessible by emergency services.

Ms. Barnes then reported on the modified house lot typology they are requesting citing the various lot sizes resulting from various site constraints. She added that the modified house lot typology is more in keeping with an urban house lot or cottage lot. She indicated that the mixed commercial/residential land use designation could allow a mixed use development at up to 12 du/ac with up to 480,000 square feet of commercial. She cited the surrounding land uses most of which were multi-family developments at 10 or 12 units per acre. She provided some samples of the proposed products noting that the proposed price point will be $250,000 to $300,000.

Ms. Barnes noted that the original advertisement for the subdivision was a 79-lot development; however, due to some changes what is now proposed is a 77-lot development. She stated staff finds the proposal consistent with the Comprehensive Plan and generally consistent with the Land Development Regulations and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 9:20 p.m. There being no public comment, the hearing was closed at 9:20 p.m.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve Resolution Number 21-64. Motion carried by the following votes:

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

5.9 Resolution Number 21-65: Approving an agreement with the State of Florida, Division of Emergency Management allowing the City of Eustis to participate in the American Rescue Plan Act (ARPA) Local Recovery Funding agreement

Mr. Schroth announced Resolution Number 21-65: A Resolution approving and ratifying an American Rescue Plan Act Coronavirus Local Fiscal Recovery Fund Agreement, and related matters; authorizing the Mayor to execute an agreement for funding for the City of Eustis through the American Rescue Plan Act and distributed through the State of Florida; and to authorize Finance to make the appropriate budget amendments necessary once the funding is received.

Mike Sheppard, Finance Director, explained that under the CARES Act funding the City originally received approximately $1.2 to 1.3 million. In February/March of 2021, the federal government decided to do the American Rescue Plan with the City expecting to receive a total of $10,669,685 most of which will be used for two projects. He indicated the contract needs to be approved in order to receive the funding.

Mr. Schroth opened the public hearing at 9:22 p.m. There being no public comment, the hearing was closed at 9:22 p.m.

The Commission cited another city that indicated they were going to allow their Commissioners to select some individual projects with Mr. Sheppard indicating that there are certain criteria for use of the funds with it primarily being earmarked for infrastructure. He indicated that half of the funds would be received in the current fiscal year and the other half in the next fiscal year.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to approve Resolution Number 21-65. Motion carried by the following votes:

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

5.10 Resolution Number 21-66: Tentative Millage rate for 2021

Mr. Schroth announced Resolution Number 21-66: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the tentative millage levy of ad valorem taxes for the City of Eustis, Lake County, for Fiscal Year 2021-2022; providing for an effective date.

Mr. Sheppard stated the resolution would hold the City's millage rate at 7.581. He indicated the City's property values went up approximately 6.97% over the past year some of which was new construction. He stated the proposed rate exceeds the rolled back rate of 7.1548 by 5.96%.

Mr. Schroth opened the public hearing at 9:26 p.m. There being no public comment, the hearing was closed at 9:26 p.m.

Moved by Commissioner Hawkins, seconded by Vice Mayor Lee, to approve Resolution Number 21-66. Motion carried by the following votes:

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

5.11 Resolution Number 21-67: Adopting a tentative budget for Fiscal Year 2021-2022

Mr. Schroth announced Resolution Number 21-67: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the tentative budget for Fiscal Year 2021-2022; providing for an effective date.

Mr. Sheppard cited the various workshops held on the budget. He provided an overview of the budget summary noting the addition of six new firefighters and increased funding for parks and recreation.

Mr. Schroth opened the public hearing at 9:29 p.m. There being no public comment, the hearing was closed at 9:29 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner Hawkins, to approve Resolution Number 21-67. Motion carried by the following votes:

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

5.12 Resolution Number 21-68: Annexation Agreement and Developers Agreement to Provide Water Service Outside the City Limits (37326 Chicago Avenue, Umatilla)

Mr. Schroth announced Resolution Number 21-68: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; approving an annexation agreement and developer's agreement to provide for City water service to Ray E. Hayes, owner of real property located at 37326 Chicago Avenue, Umatilla, Florida, outside the City limits.

Ms. Barnes explained the applicant's existing well is failing. The agreement will require annexation upon contiguity and also requires abandonment of the well.

Mr. Schroth opened the public hearing at 9:31 p.m. There being no public comment, the hearing was closed at 9:32 p.m.

Moved by Commissioner Hawkins, seconded by Vice Mayor Lee, to approve the Resolution Number 21-68. Motion carried by the following votes:

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

5.13 Resolution Number 21-69: Approval of collective bargaining agreement with Eustis Police Benevolent Association

Mr. Schroth announced Resolution Number 21-69: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, approving a modification of the Collective Bargaining Agreement between the City of Eustis and the Police Benevolent Association for the period October 1, 2021 through September 30, 2024, as set forth in Exhibit "A" and authorizing the City Manager to sign said agreement.

Bill Howe, Human Resources Director, reported on the City and PBA negotiations over the past few months. He reviewed the proposed changes to the agreement as follows: 1) Article 11 - Grooming will permit members of the bargaining unit to grow trimmed beards up to 1/2"; 2) Article 23 - Compensation will provide bargaining unit members a 3% wage increase each year for the next three years; 3) Increases the minimum and maximum of the pay ranges for sworn officers during each of the next three fiscal years; 4) Changes how Field Training Officers are compensated to be a flat rate of $20 for each Daily Observation Report completed; and 5) Increases the footwear allowance from $100 to $125 annually. He added that the new agreement is for a three year period from October 1, 2021 through September 30, 2024.

Mr. Schroth opened the public hearing at 9:33 p.m. There being no public input, the hearing was closed at 9:34 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner Hawkins, to approve Resolution Number 21-69. Motion carried by the following votes:

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

5.14 Ordinance Number 21-23: Amendment to Chapter 118, Construction Standards, of the Land Development Regulations

Mr. Schroth read Ordinance Number 21-23 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the Land Development Regulations, Section 118 Construction Standards; providing for codification, severability and an effective date.

Mr. Schroth opened the public hearing at 9:34 p.m. There being no public comment, the hearing was closed at 9:35 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner Hawkins, to adopt Ordinance Number 21-23 on second reading. Motion carried by the following votes:

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

5.15 Ordinance Number 21-22: Comprehensive Plan Text Amendment

Mr. Schroth stated that based on the Local Planning Agency's decision, the Commission needs to continue first reading to October 21, 2021.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to postpone first reading of Ordinance Number 21-22 to a date certain of October 21, 2021. Motion carried by the following votes:

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

6. FUTURE AGENDA ITEMS

6.1 Commissioner Hawkins asked if the City was still going to move forward with the parking garage with Mr. Neibert indicating his intent to bring that up under his report.

Vice Mayor Lee asked to move up consideration of the Thrill Hill annexation ordinances instead of waiting until February.

It was a consensus to wait until after the next JPA working group meeting.

7. COMMENTS

7.1 City Commission

Vice Mayor Lee reported she is working with Horace Jones on a project.

7.2 City Manager

Mr. Neibert indicated he is still obtaining information regarding the possible post office property purchase. He then reported on the progress on the proposed City parking garage with a consensus for staff to continue working on the project and bring it back for consideration.

7.3 City Attorney

Mr. Schroth commented on the Commission's options regarding the SpenceTF contract and stated that the Commission could find him in anticipatory breach. He noted that the $10,000 deposit is nonrefundable; however, the City may want to offer to refund it.

CONSENSUS: It was a consensus of the Commission for Mr. Schroth to bring back consideration of the anticipatory breach.

7.4 Mayor

Mayor Holland cited Patriot's Day as the 20th anniversary of the 9/11 attack. He stated there would be a multi-city and county memorial service in Tavares in front of the old Courthouse on Saturday at 8 a.m. He thanked everyone for their attendance.

8. ADJOURNMENT: 9:42 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

MARY C. MONTEZ
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner