APPROVED: 9/23/2021

MINUTES
Regular City Commission Meeting
6:00 PM - Thursday, August 19, 2021 – Community Building
601 Northshore Drive, Eustis

INVOCATION: MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: COMMISSIONER HAWKINS

CALL TO ORDER: 6:41 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE: NONE

2. APPROVAL OF MINUTES

2.1 June 28, 2021 - City Commission Workshop
August 5, 2021 - Regular City Commission Meeting

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

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

3. APPOINTMENTS

3.1 Appointment to Deferred Compensation Plans Committee - Laurie Huebsch

Ron Neibert, City Manager, explained the purpose of the Deferred Compensation Plans Committee.

Bill Howe, Human Resources Director, further explained the committee is made up of three employees - the Finance Director, the Human Resources Director and one regular employee. He introduced Laurie Huebsch as the proposed appointee.

Moved by Commissioner Cobb, seconded by Commissioner LeHeup-Smith, to approve the appointment of Laurie Huebsch as a member of the Deferred Compensation Plans Committee. Motion carried by the following votes:

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

4. AUDIENCE TO BE HEARD

4.1 Craig Capri, Police Chief, announced they are honoring Ann Nelson who just retired from the City after 35 years. He commented on the difficulty of being a police dispatcher and emphasized their value to the department and the amount of stress they experience. He read a plaque which was presented to Ms. Nelson.

Ms. Nelson thanked everyone for their support and expressed appreciation for her service with the City.

Pandora Jackson addressed the Commission regarding her organization, "Hope with a Purpose Inc.". She provided a history of the organization and explained their purpose noting they provide their services free of charge. She cited their intent to re-open their youth program - Youth 3D - which was closed down due to the pandemic. She expressed support for partnering with the City on some of their programs.

Mayor Holland asked Commissioner Hawkins to continue working with Ms. Jackson and for them to bring back a proposal to the Commission.

Gail Isaac-Thomas asked about the progress on the scoreboard with Mayor Holland responding that there were stipulations set on the Junior Panther program and there are funds in the budget for a scoreboard; however, there needs to be a viable program before they spend the money on the scoreboard. He stated they have not brought back anything to the City. He further explained that the organization was not incorporated properly and they had no insurance which would leave the City open to liability.

Tom Carrino, Economic Development Director, confirmed that the Corey Rolle Field is outside the CRA so CRA funds could not be used for the scoreboard.

Gessner Harris thanked the Parks and Recreation Director Craig Dolan for getting the Woman's Club for the Golden Seniors summer meetings. She also thanked the Commissioners who have assisted with their meetings. She asked about the budget for the Golden Seniors and expressed concern about the high sugar level of the snacks provided.

Mayor Holland asked Chief Swanson to provide a Covid update.

Mike Swanson, Fire Chief, reported that the fifth variant is now out there but it is not as contagious. He commented on the high level of the delta variant and noted that other cities' EMS have been covering the City due to numerous personnel being out sick. He cited locations for testing and encouraged everyone to stay home if they are sick. He commented that the flu virus is also going around. He stated that the latest date for the booster shot is September 20th. He stated the Health Dept. is not currently giving those; they have to be received from your primary care physician.

5. CONSENT AGENDA

5.1 <u>Resolution Number 21-59: Approval of Memorandum of Understanding with Lake County Sheriff for hosting of Spillman C.A.D. software</u>

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

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

6.1 Resolution Number 21-61: Pine Meadows Concept Plan

Derek Schroth, City Attorney, announced Resolution Number 21-61: A Resolution of the City Commission of the City of Eustis, Florida; approving a concept plan for Pine Meadows, a proposed residential subdivision (single family detached and attached townhouse lots) on approximately 239.8 acres of property located on the north and south sides of Pine Meadows Golf Course Rd., with frontage on CR 44.

Lori Barnes, Development Services Director, reviewed the proposed concept plan for Pine Meadows as follows: 1) Appian Engineering on behalf of PMCCC LLC, applicant/property owner; 2) Concept plan for a proposed mixed-product single-family residential subdivision with approximately 578 units. She explained Section 102-18 of the Land Development Regulations provides for an optional review of a conceptual plan by either the DRC or both the DRC and Commission. She stated approval of the concept plan does not provide any entitlements. She explained the site location for the development. She stated it currently has a Suburban Residential future land use designation within a Rural Neighborhood design district. She provided a map showing the location of the Wekiva Study Area and confirmed that the site is not within the study area; however, portions of the site are wetlands.

Ms. Barnes then reviewed the rural neighborhood design district, site design standards and explained the site design process for rural design districts. She stated the concept plan includes 43.43 acres of open space which includes 29.3 acres of park space including a bike trail, nature trails, and amenity center. She stated that 46% of the project area will not be developed due to being either open space or wetlands totaling 109.53 acres. She presented a rendering of the proposed landscape plan and the landscape buffer for Fairway Drive. She then stated the primary connection will be from CR 44. She noted that Pine Meadows Golf Course Road bisects the property. She added that a bike trail will run from CR 44 north through the development to just south of the Pine Meadows Conservation Area. She stated the plan includes 578 single family attached and detached lots with a net density of 3.32 dwelling units per acre. She presented a map of the passive park to the northeast of the trail and a map showing the locations of the wetlands and open space areas.

Ms. Barnes provided an overview of the proposed building lot types and cited the proposed price points for the different products. She then reported on the community meeting held by the developer with 18 residents in attendance. She stated the primary concerns were traffic, Pine Meadows Golf Course Road condition and drainage. She then stated the concept plan as shown is consistent with the City's rural site design standards, the open space is consistent with the City's requirements as well as the general location and layout of the stormwater areas and park space exceeds the requirements in the City's regulations. She reviewed the internal and external connectivity noting they have two points of connection and the future plan may have an additional emergency access point on the north.

Ms. Barnes indicated that the proposed density is less than the maximum that would be allowed under the comprehensive plan. She then explained the use of a planned unit overlay which provides for a diversity of land uses to create a planned, sustainable community and provides an opportunity for flexibility and innovation. She further explained that for a planned unit development master plan the standards developed for the specific project are unique to the project and are designed to provide for a unique community with a higher level of amenity than would be seen under the standard regulations. She stated that, if they proceed with development, they would go through the regular development review process with more in-depth review to include a transportation master plan and impact study. She indicated that three comments were received that afternoon which primarily expressed concern regarding the effect on water quality.

Ms. Barnes then explained how the drainage issues and water quality issues would be addressed. She stated that clustering the lots toward the center will reduce the amount of runoff due to reduced impervious area. She indicated the engineer for the project will insure that the development complies with all state and local regulations. She stated staff's recommendation for approval and reiterated that approval of the concept plan would not grant any entitlements to the project. She introduced the following individuals representing the applicant: Tony Iorio and Ben Schneider with Hanover Land Company, Heather Irweiler with LPG Urban and Regional Planning and Major Stacey with Appian Engineering. She stated they reserved the right to respond to any public input received.

The Commission discussed the concept plan with the following concerns: 1) The large number of homes proposed; 2) runoff; and 3) the density.

Ms. Barnes stated that the City has a fertilizer ordinance and the use of fertilizer is restricted to help reduce the possibility of contamination from runoff. She emphasized that the development will be designed to insure that no additional runoff can occur beyond what is already occurring. She confirmed that the proposed density is 3.3 units per acre; however, the land use designation allows up to five units per acre. She added that the project has been designed specifically to meet the City's rural design standards and provides 46% of the site as combined open space and wetland which meets the intent of the City's regulations.

The Commission questioned the phrase "generally consistent with City regulations" with Ms. Barnes responding that means that the project is almost entirely consistent with the land development regulations. She further explained that through the PUD master plan, they can propose their own development standards. She stated that where the plan has some departures is in the lot sizes. She stated that some of the lot widths are lesser than the City's regulations while some of the lot widths are larger. She added that as they move further into full engineering their street type may have to differ from what is allowed in the code and there may be some departures in the landscape buffering.

The Commission asked about the density bonus with Ms. Barnes explaining that is primarily used by low income tax credit developments and is not proposed for use by this developer. She stated that with the 46% open space there would not be a way for them to get the 5 units per acre much less a density bonus for more.

The Commission then asked what are the higher level of amenities with Ms. Barnes responding that most City developments will only provide the minimum required open space and the minimum required park space. She stated this design does provide the higher level including the 29 plus acres of park space, the passive park and trails, the pool and cabana, and the bike trail that connects to Pine Meadows Golf Course Road. She indicated at the community meeting they also spoke about Water Star programs.

The Commission asked if the topography, soil and environmental studies had been completed yet with Ms. Barnes indicating she does not have them yet but has been in contact with their professionals conducting the studies. The Commission expressed concern about approving the concept plan without the studies being completed.

Ms. Barnes indicated the studies are not required at this stage. She explained that the purpose of the concept plan is strictly to say whether or not the proposed project is conceptually acceptable. She explained how things might change between the concept plan and development of the master plan. She reiterated that the concept plan does not grant entitlements.

The Commission questioned the situation with the existing wells onsite with Ms. Barnes responding that she was unsure if the wells could be used. She indicated it was possible that wells might be used for irrigation until such time as re-use water is available.

The Commission expressed concern regarding some vagueness in the resolution and staff report with Mr. Schroth responding that, if they like the concept, they can add some language to the resolution indicating that says the approval is nonbinding or is approved conceptually.

The Commission questioned how the City addresses the area in the floodplain with Ms. Barnes explaining that the Comprehensive Plan limits density in a floodplain to less than two dwelling units per acre. She noted that the developer has paid special attention to the floodplain areas to insure any development in the floodplain does not exceed the maximum. She added that the Comprehensive Plan also requires no more than 25% impervious surface area for those lots within a flood zone. She stated that the developer has acknowledged in the submittal documents that regulation and confirmed that, as long as that regulation applies when they moved forward, those lots will not exceed the percentage provided for in the Comprehensive Plan. She further stated that the City's model floodplain ordinance will require minimum finished floor elevations and a minimum elevation above the crown of the road. She explained that the floodplain requirements will be reviewed whenever a building permit is pulled for one of those lots.

The Commission asked if it would be better to have the resolution brought back.

Mr. Schroth indicated they need to open the public hearing first. He stated they could then, if the majority directs, postpone and revise the resolution.

Ms. Barnes stated that the Land Development Regulations clearly state that the concept plan approval does not grant any entitlements. She suggested they could change the wording in the resolution for future concept plans.

Mr. Schroth opened the public hearing at 7:45 p.m.

Egor Emory asked the Commission to find the plan not in compliance. He expressed concern regarding nutrients in runoff going into lakes.

Cindy Newton questioned whether or not City sewer will be available and, if not, what would be the onsite septic.

Mr. Neibert responded that there is sewer available on CR 44 and the plan is to run it to the development from 44.

Jeremy Brown asked how the fertilizer ordinance is enforced and whether or not the "nutrients' includes chemicals such as Round up.

There being no further public comment, the hearing was closed at 7:53 p.m.

Ben Schneider, Hanover, introduced Major Stacey to respond to the stormwater questions.

Mr. Stacey commented on the field studies. He indicated that whatever runoff occurs will result in lower pollutants than what is currently occurring. He noted the property was previously a golf course and had agricultural uses. He stated that the discharge rate will be less than what is occurring now. He added that any impacts on the flood plain will be addressed by the City's building official. He confirmed there will be no homes in the flood plain.

The Commission asked if they would create the HOA documents with Mr. Schneider responding affirmatively and stating they would run the HOA.

The Commission confirmed with Mr. Schroth that they can add "nonbinding" in the motion rather than bringing it back.

The Commission further discussed the following: 1) The vague wording of the staff report; 2) whether they were approving the specific number of houses or just the concept; and 3) when the master plan is brought back, could the number of houses have changed.

Ron Neibert, City Manager, explained that all of the specifics will be in the final plan. He indicated they may have to adjust the number of lots based on what is actually found in the studies.

Further discussion was held regarding what other items may not be in compliance including lot widths, landscape buffers and street profiles.

Mr. Schroth explained that the Commission would have full discretion to deny if the master plan deviates from either the LDR's or the comprehensive plan.

Moved by Commissioner LeHeup-Smith, seconded by Mayor Holland, to approve Resolution Number 21-61 with the addition of "nonbinding approval". Motion carried by the following votes:

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

6.2 Resolution Number 21-62: Approving a development and acquisition agreement by and 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

Mr. Schroth announced Resolution Number 21-62. He noted the CRA action which would indicate the need to postpone the resolution to September 9th.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue Resolution Number 21-62 to the September 9, 2021, Commission meeting. Motion carried by the following votes:

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

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

Mr. Schroth indicated the need to also continue Resolution Number 21-63.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue Resolution Number 21-63 to September 9th. Motion carried by the following votes:

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

6.4 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 first 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.

Ms. Barnes explained the purpose of the ordinance was to update the code to the current editions of the Florida and National building codes to be enforced. She stated they also are amending the demolition portion of the code so it is more easily applied. She explained that the current code separates the responsibilities between the contractor and the property owner which created conflicts when trying to close out a demolition permit. The amendment changes the code to match the

Florida Building Code requirements and to allow a six-month stay for removal of all improvements on a site if redevelopment was proposed. She stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 8:10 p.m. There being no public comment, the hearing was closed at 8:10 p.m.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to approve Ordinance Number 21-23 on first reading. Motion carried by the following votes:

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

7. OTHER BUSINESS

7.1 Discussion regarding Post Office property

Commissioner Cobb explained that it was brought to her attention that the Post Office property was up for sale. She added that the owner is Linda Owens, who is present, and that she is the sister of her husband's late wife. She noted information was distributed to the Commission several weeks prior regarding the property.

The Commission discussed the existing lease on the property, amount of monthly rent, repairs that may be needed on the property and who would be responsible for those repairs.

Ms. Owens stated that the original lease from 1960 requires the landlord to only be responsible for the exterior loadbearing walls, the flashing and the roof and the Post Office is responsible for any further repairs.

Discussion was held regarding whether or not they have any plans for expansion with Ms. Owens indicating her reluctance to do any expansions and her reasons for wanting to sell the property.

Ms. Owens commented on her experience with the post office as her tenant.

The Commission asked how firm the price is with Ms. Owens responding that the price was just "off the top of her head" during the last lease negotiation. The Commission confirmed that the property consisted of a full City block.

The Commission asked about the proposed combination of the Eustis and Mount Dora post office with Ms. Owens stating she was told that would never happen. They then asked about the possibility of the post office being relocated with Ms. Owens responding that has never been discussed but she was under the impression there was an agreement with the City that it could not be moved.

The Commission further commented on the need to see how that property would coordinate with plans for the downtown.

Mayor Holland confirmed what direction staff is looking for with Mr. Neibert indicating he would need to look for the referred to agreement between the City and the Post Office.

The Commission discussed whether or not to proceed with negotiations for the property with four Commissioners indicating interest in researching with Ms. Owens indicating she wants to sell the property by the end of the year.

Ms. Owens indicated she has two private investors interested; however, she indicated she told them she would not negotiate with them until she determined the City's interest.

CONSENSUS: It was a consensus of the Commission for staff to proceed with exploration of the possible purchase of the property.

7.2 Discussion: Potential Amendment to Established Policy regarding Annexation and Outside Utility Agreements

Mr. Neibert explained that the City sent to Lake County a draft development agreement along with the standard annexation agreement back in February. He stated that the Commission has the discretion to waive the annexation agreement. He stated staff has received an approved development agreement for utilities but the County is requesting that the City waive the annexation requirement. He noted that the City previously approved an interlocal agreement for the elementary school for provision of utilities. He stated the Commission has previously indicated its desire to continue to require an annexation agreement. He commented on the possibility of unannexed properties blocking the ability of other properties from being able to annex when they want to.

Commissioner Hawkins expressed concern regarding the County's request to waive the annexation requirement.

Commissioner LeHeup-Smith asked if the City could add language that would allow the City to still use the property to provide contiguity.

Mr. Neibert explained only park property can be used for contiguity. He noted they have had the agreement since February and have proceeded with building the fire station but waited until they were ready to connect to ask for the waiver. He expressed concern about granting to a government entity something they would not grant to a private entity.

Discussion was held regarding what the County will do if the Commission says "no".

Discussion was held regarding whether or not the fire station would answer City calls with Chief Swanson stating they do not regularly run calls for the City but might if the City expands to the east. He indicated they respond more to Mount Dora calls.

Discussion was further held regarding whether or not to grant the waiver.

Mr. Neibert offered to put the agreement on the September 9th agenda to allow the Commission more time to think about it. If the Commission decides to not grant the waiver, the City will send back the agreement in the same form it was originally sent to the County.

CONSENSUS: It was a consensus of the Commission for the agreement to be placed on the September 9th agenda for consideration.

8. FUTURE AGENDA ITEMS

8.1 Vice Mayor Lee commented on items from the budget minutes that she indicated have not been done. She cited a request by the Mayor for the Commissioners to be sent the cemetery fees with City Clerk Mary Montez indicating they were e-mailed to the Commissioners the next day. She added she would provide hard copies to everyone.

Vice Mayor Lee then commented on the intent to talk about the grants with Mr. Neibert indicating he will place it on the next agenda as a discussion item. She also asked about the See-Click-Fix software with Mr. Neibert indicating that is in the next fiscal year's budget.

Vice Mayor Lee then asked about funding for the airport billboard with Mr. Neibert indicating that will be cancelled as soon as the contract expires. She then cited discussion regarding all bids being placed on the website.

Vice Mayor Lee asked about the $460,000 difference in the budget noted by Commissioner Hawkins with Commissioner Hawkins stating the question was answered and with Mr. Neibert indicating questions from the first meeting were answered at the second budget workshop.

Vice Mayor Lee asked about Eleven Oaks stating that Public Works was supposed to video their stormwater infrastructure to make sure it was repaired properly with Mr. Neibert responding the lines were reviewed and were repaired to the City's satisfaction. He added that he was going to report on that under his comments.

Commissioner Hawkins noted he saw an orange water fountain at the League of Cities Conference stating he would like to see one like it in Ferran Park not necessarily orange. He explained that it had a spigot for filling water bottles and one for providing water for pets.

Mr. Neibert responded that if the Commission wants to spend $3800 to add that type of fountain to the park, they can make it happen.

Commissioner Hawkins asked about the Colonial Inn with Mr. Schroth indicating that due to Covid 19 the courts are concentrating on criminal trials so it will probably be 18 months before the foreclosure is finalized. He stated another option is to file for an injunction but it is expensive.

Commissioner Hawkins stated he would like to see a presentation on how Tom Carrino sells the City with Mr. Neibert confirming he wants to see the City's marketing and branding materials.

Commissioner Hawkins asked the Commission and staff if they want to help him in the high school concession stand.

Vice Mayor Lee asked the City to consider adding some senior citizen exercise equipment.

9. COMMENTS

9.1 City Commission

Commissioner LeHeup-Smith reported on her experience at the League of Cities conference and noted the in-the-ground dumpster.

Commissioner Cobb reported on a Northshore Neighborhood Watch meeting she attended. She commented on a suggestion for them to do a community clean-up. She stated they will be holding a clean-up on September 18th and Kristina Rosenburg will be posting information on the City's Facebook page.

Mr. Neibert indicated he would get that coordinated so the residents can put large items out for pickup.

Vice Mayor Lee also commented her attendance at the conference.

9.2 City Manager

Mr. Neibert announced that the agreement for the rescue act funds will be on the next agenda and the amount the City is receiving has increased. He stated that they have reached a three-year agreement with the Police union and the union will be voting on it. The hope is to have the agreement on the September 9th agenda. He stated staff has also reached a tentative agreement with Bay State South which should be on the September 23rd agenda for consideration.

9.3 City Attorney - None

9.4 Mayor

Mayor Holland commented on the League of Cities conference and expressed concern regarding the State legislature's efforts to infringe on Home Rule. He indicated the City also needs to make sure the County knows they will protect their rights as well. He encouraged residents to write their legislators and County commissioners. He reminded everyone about the workshop on August 26th.

Rick Gierok, Public Works Director, reported they should be back in the Commission Room for the September 23rd meeting.

10. ADJOURNMENT: 8:56 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