APPROVED: 5/6/2021

MINUTES
Regular City Commission Meeting
6:00 PM - Thursday, April 1, 2021 - City Hall

INVOCATION: MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: COMMISSIONER COBB

CALL TO ORDER: 6:01 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 L. Holland

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

2.1 March 18, 2021 - Regular City Commission Meeting

Moved by Commissioner LeHeup-Smith, 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. AUDIENCE TO BE HEARD

3.1 Cindy Newton addressed the Commission regarding the extension of the impact fee waiver program and questioned the return on investment. She asked that more information be provided on the website regarding what is covered by the program.

Egor Emory addressed the Commission regarding his prior involvement with a group that encouraged local government to increase the impact fees to fully cover the cost of growth. He expressed opposition to the impact fee waiver program stating that the program results in the current residents paying the full cost for growth. He encouraged the City to implement impact fees at 100% of the cost of growth.

David Serdar addressed the Commission regarding various issues and his activities throughout the County and State.

4. CONSENT AGENDA

4.1 Consideration of the extension of the Development Incentive (Water and Sewer Impact Fee Waiver) Program

4.2 Consideration of the extension of the Annexation Incentive Program

4.3 Resolution Number 21-15: Bid Award for the Eustis Commission Chamber Improvement Project

4.4 Resolution Number 21-21: Approving a purchase in excess of $50,000 for engineering services for the Eastern Wastewater Treatment Facility Pond Liner Improvements

4.5 Resolution Number 21-22: Approving a purchase in excess of $50,000 for engineering services for the Lift Station Number 9 Upgrades

4.6 Resolution Number 21-23: Approving fifth addendum to real estate purchase and sale agreement with CR 437 Land Investments LLC

Commissioner Hawkins pulled Resolution Number 21-15 for discussion.

The Commission questioned how the Request for Proposals was conducted with Project Manager Mike Brisson providing a review of the process and explaining there were three companies that submitted proposals and provided presentations regarding their proposed plans based on the City's needs.

The Commission questioned how many projects the selected company has done for the City.

Daniel DiVenanzo, president of Jacob P. Smith Building Company, explained the project was a "design-build" project. He provided an overview of other design-build projects his company has completed including the elevator for City Hall.

The Commission questioned how the bids are publicized and asked that the City get more minority and women-owned businesses involved. They also asked if the audiovisual system was included with Mr. Brisson and Ron Neibert, City Manager, explaining that is a separate project that was already approved by the Commission; however, the two companies will coordinate the two projects.

Moved by Commissioner LeHeup-Smith, 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

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

5.1 Resolution Number 21-17: Chelsea Square Station Concept Plan

Derek Schroth, City Attorney, announced Resolution Number 21-17: A Resolution of the City Commission of the City of Eustis, Florida, approving a concept plan for Chelsea Square Station, a 124-lot single-family residential subdivision with a 0.71-acre commercial outparcel on approximately 28.12 acres at the northeast corner of E. Orange Avenue and SR 44.

Lori Barnes, Development Services Director, presented the Chelsea Square Station concept plan stating the applicant is proposing a mixed use subdivision with 124 single family detached lots and a .718 acre commercial outparcel. She explained that the applicant requested review by the Commission; however, approval of the concept plan would not provide any entitlements or waivers. She indicated that any development entitlements would follow submittal of the preliminary subdivision plat, final engineering and construction plans and final plat. She provided an overview of the concept plan and reported that the site is the former Pebble Creek development which was previously approved by Lake County in the mid-2000's. She added the underground utilities, stormwater and roads were installed; however, the development was abandoned following the downturn in the economy. She stated the request would remediate and complete the abandoned subdivision which is the true definition of an infill development. She stated the concept plan includes cottage lots, which are 40 foot wide lots, on the southern portion of the site in the Suburban Corridor and house lots on the northern portion of the property in the Suburban Residential area. She indicated that the existing roads constrain the site so that the lot sizes don't necessarily conform with the development regulations so a waiver will be requested. She reviewed the differences in open space between the previously approved Pebble Creek plan and the proposed Chelsea Square Station concept plan. She noted the planned connectivity to the adjoining subdivision which will help distribute trips from the intersection. She stated the cottage lot typology is allowed in the Suburban Corridor under a PUD and those lots are proposed to be 40 feet wide by 105 feet deep. The House Lot typology allows a minimum width of 55 feet and 120 feet deep. The concept plan proposes 55 feet wide lots with 110 feet deep. She explained that the roads and other infrastructure are already in place. She indicated that if the project moves forward to preliminary subdivision plat a waiver will be requested so they can work around the existing infrastructure.

Ms. Barnes then provided an overview of the proposed house styles and the range of square footage per residence. She stated the price points are planned at $252,000 to $307,000. She indicated the applicant has already held a community meeting with four members of the public in attendance. The concerns raised included the location of the dog park with a request for a buffer between the dog park and the resident's home. The applicant has included a 25 foot buffer between the dog park and adjacent property. A property owner to the west also had concerns regarding buffering and fencing. The applicant has agreed to install some type of enhanced buffer and they will work with the adjacent property owner on that. They also agreed to work with the property owner on the location of two story homes that might be able to overlook that property. She stated the maximum density will be 4.68 units per acre which is less that the maximum allowed for both designations. She then stated that connectivity for roads and sidewalks will be provided. She indicated an environmental report will be required for the preliminary subdivision plat. If there are gopher tortoises on site, then the applicant will seek a Fish & Game permit to address that. She explained the existing infrastructure makes it difficult to impose the City's development standards. Resource protection standards would not apply to the infill development. She stated staff did not receive any comments or questions prior to the meeting.

Ms. Barnes then stated the plan is generally consistent with the Comprehensive Plan and Land Development Regulations; however, waivers may be requested at the time of preliminary subdivision plat.

The Commission questioned whether or not the existing infrastructure was accepted by the County with Ms. Barnes explaining that the infrastructure will be required to be reviewed and remediated. She stated it was never accepted by the City.

Mr. Schroth opened the public hearing at 6:31 p.m.

Amber Hardy expressed concern regarding the stormwater. She asked if the City would be liable for any issues that may arise after development. She also asked if the residents would be informed about the infrastructure and when it was developed. She expressed concern regarding safety due to large drops on the property noting that she has walked on the property.

Ms. Barnes responded that stormwater systems are owned and maintained by the homeowner's association. She explained the applicant will have to go to the St. John's River Water Management District to refresh their stormwater permit and any issues would be addressed through the Development Review Committee. She stated that the applicant was advised about missing manhole covers. She indicated there is an open code violation and about half of the issues have been resolved. She stated the roads and utilities may be accepted by the City after final construction and inspection. She explained that Public Works would inspect all of the infrastructure after completion to make sure it meets City standards. If it passes, then the applicant has to file a two-year maintenance bond after which the City can accept the infrastructure.

The Commission suggested that the property be posted "no trespassing" with Greg Beleveaux, representing the applicant, stating it has been posted and it is the intent of the applicant to remediate the infrastructure so that it meets City standards and then dedicate it to the City. He commented on the amount of open space and park space planned and that the development will be family oriented. He stated they are in the process of replacing the missing manhole covers. He commented on issues the property owner has had with trespassing on the site both by individuals and vendors.

Cindy Newton commented on issues when the original infrastructure was installed with pumps running all the time and asked if a sound barrier might be put in place. She noted they would be seeking a modification of the St. John's permit and questioned what that modification would be. She asked what the total impervious surface ratio will be and who will own the 25 foot buffer.

Mr. Beleveaux responded the property has a St. John's permit and explained the permit has to be modified due to the new applicant and to reflect the new plan. He indicated there will be more open space than in the original plan. He stated they do not yet have the total impervious surface calculated as they are only at the conceptual level. He explained that the buffers can either be owned and maintained by the HOA or have the buffers added to the individual lots but maintained by the HOA. He cited issues with having individual property owners maintain the buffers.

Tammy Pena questioned the proposed 4.86 du/acre, how that is calculated and whether that meets City code, in particular the 85% rule. She expressed support for the Commission denying the concept plan.

David Serdar expressed support for the project citing the amount of open space and the dog park.

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

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to approve Resolution Number 21-17. Motion carried by the following votes:

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

5.2 Resolution Number 21-19: Commercial Lease with Lake Eustis Properties, LLC

Mr. Schroth announced Resolution Number 21-19: A Resolution of the City Commission of the City of Eustis, Florida; authorizing the City Manager to execute a commercial lease agreement with Lake Eustis Properties, LLC, a Florida limited liability corporation, for property bounded by Bates Avenue, Grove Street, Hazzard Avenue and Eustis Street.

Tom Carrino, Economic Development Director, explained the proposed lease agreement for use of the helipad property. He stated that the Lake Community Foundation offered it to the City for $1.00 per year. He reviewed the key components of the lease.

The Commission questioned the use of the property with Mr. Carrino stating that nothing is planned to be built there but it would be used for parking during events.

Mr. Schroth opened the public hearing at 6:53 p.m. There being no public comment, the public hearing was closed at 6:53 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to approve Resolution Number 21-19. Motion carried by the following votes:

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

5.3 Ordinance Number 20-32: Voluntary Annexation of property located on north side of CR 44A, east of East Eldorado Lake Drive
Ordinance Number 20-33: Comprehensive Plan amendment assigning future land use designation to above property
Ordinance Number 20-34: Assigning a design district designation to the above property
Ordinance Number 20-35: Voluntary annexation of property located on the south side of CR 44A and west of Thrill Hill Road
Ordinance Number 20-36: Comprehensive Plan amendment assigning a future land use designation to the above property
Ordinance Number 20-37: Assigning a design district designation to the above property
Ordinance Number 20-38: Voluntary annexation of property located on the east side of Thrill Hill Road and north of Reedy Road

Ordinance Number 20-39: Comprehensive Plan amendment assigning a future land use designation to the above property
Ordinance Number 20-40: Assigning a design district designation to the above property

Mr. Schroth stated, based on the discussion at the joint City/County meeting, he assumed the Commission would want to postpone Ordinances 20-32 through 20-40 to a date certain.

Discussion was held regarding how long to continue the ordinances.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue Ordinances 20-32 through 20-40 until the May 6, 2021, regular Commission meeting. Motion carried by the following votes:

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

5.4 Ordinance Number 21-03: Voluntary Annexation - 19701 CR 44
Ordinance Number 21-04: Comprehensive Plan Amendment - 19701 CR 44
Ordinance Number 21-05: Design District Assignment - 19701 CR 44

Mr. Schroth read Ordinance Number 21-03 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately one acre of real property at 19701 County Road 44.

Ms. Barnes explained the proposed annexation, future land use amendment and design district designation for the property located at 19701 County Road 44. She indicated the property is being processed pursuant to a developer's agreement which required annexation of the property in exchange for utility service. She stated the proposed future land use designation is General Commercial and the design district is Suburban Corridor. She noted that it is next door to the proposed Chelsea Square development. She added that the City's General Commercial is consistent with the existing auto repair use and also consistent with the surrounding area. She stated the proposal is generally consistent with the comprehensive plan and land development regulations and staff's recommendation for approval. She then explained that, since the property is being annexed under the development agreement signed by a previous owner, the City sent a certified letter to the property owner and posted the site.

Mr. Schroth opened the public hearing at 7:03 p.m. There being no public comment, the hearing was closed at 7:03 p.m.

The Commission expressed concern regarding not hearing from the owner with Mr. Schroth indicating that, since this is first reading, staff could contact the property owner between hearings.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve Ordinance Number 21-03 on first reading. Motion carried by the following votes:

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

5.5 Ordinance Number 21-04: Comprehensive Plan Amendment - 19701 CR 44

Mr. Schroth read Ordinance Number 21-04 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 one acre of recently annexed real property at 19701 County Road 44 from Rural Transition in Lake County to General Commercial (GC) in the City of Eustis.

Mr. Schroth opened the public hearing at 7:05 p.m. There being no public comment, the hearing was closed at 7:05 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to approve Ordinance Number 21-04 on first reading. Motion carried by the following votes:

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

5.6 Ordinance Number 21-05: Design District Assignment - 19701 CR 44

Mr. Schroth read Ordinance 21-05 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Corridor design district designation to approximately one acre of recently annexed real property at 19701 County Road 44.

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

Moved by Commissioner Hawkins, seconded by Commissioner Cobb, to approve Ordinance Number 21-05 on first reading. Motion carried by the following votes:

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

6. OTHER BUSINESS

6.1 Discussion regarding Fire Assessment Fee

Mayor Holland expressed concern regarding implementing a fire assessment fee. He asked the City Manager to explain the status of the assessment report.

Mr. Neibert explained the City has incurred approximately $14,000 expense of the anticipated $30,000 for completion of the report. He explained that, if the City decides not to proceed, the report is still valid for three years.

The Commission discussed whether or not to proceed with completion of the report and then make a final determination about implementation.

CONSENSUS: It was a consensus of the Commission for the fire assessment analysis report to be completed prior to the Commission making a final decision on implementation.

7. FUTURE AGENDA ITEMS

7.1 Commissioner Hawkins reported he was contacted by someone from the high school regarding the need for speed bumps. They indicated that they had contacted the City but had not heard back.

Mr. Neibert stated staff had completed a study concerning that but he would determine where they were in the process.

Commissioner Hawkins commented on an email received from Gary Ashcraft regarding a noise complaint with Mayor Holland concurring. He reported that he asked Mr. Ashcraft to give the City time to get the new police chief in place.

Mr. Neibert indicated he would send copies of the noise ordinance to all of the Commissioners for review.

Commissioner Hawkins noted he received a complaint about nothing being put up after the Georgefest banners were taken down with Mr. Neibert responding that staff was working on getting new banners.

Commissioner Hawkins asked Mr. Schroth how the process will move forward with the County.

Mr. Schroth stated it is complicated by the first property owner filing a lawsuit against the County. He stated he, Melanie Marsh, the Mayor and Chairman Parks will meet to discuss what the subdivision may look like. However, the Commission would not be able to approve that as there is an existing application under the City's existing rules. He explained they will have to bring in the property owners to see if they will agree to any suggestions. If they don't, then the City will have a hard time imposing new rules on an applicant that submitted under the old rules.

Commissioner Hawkins commented on the number of fatalities that have occurred on Thrill Hill Road. He asked if anyone has spoken to Lake County regarding that issue.

Commissioner Cobb indicated she had discussed with Chairman Parks the need for the County to address that road regardless of what happens.

Commissioner Hawkins expressed concern regarding everyone expecting the City to resolve the issues and wondered if they made the same demands of the County. He then expressed concern regarding the state of some of the enclaves and the need for Lake County to enforce code enforcement or improve roads within the enclaves.

Discussion was held regarding holding a joint workshop with Lake County regarding enclaves.

Mr. Neibert suggested first holding a Eustis-only workshop regarding the enclaves and then it could be discussed between the Mayor and County Chair.

CONSENSUS: It was a consensus to hold the workshop in conjunction with the next regular Commission meeting.

Commissioner Hawkins reported he received a call regarding a young man who ran into one of the basketball poles and knocked himself out. They asked for padding to be placed on the poles with Mr. Neibert stating it is already in process.

Commissioner Hawkins asked about Wall Street and Virginia Road with Mr. Neibert indicating staff needs to determine if it is City or County maintained.

Commissioner Cobb indicated the awning at Customer Service needs replacing or cleaning.

Vice Mayor Lee reported that volunteers from the community would like to revitalize the Resource Center once they have completed their agreement with Pastor Buddy. She also cited the need for maintenance at the cemetery.

Mayor Holland noted that both individuals that work at the cemetery are preparing to retire. He commented that the City loses approximately $125,000 per year on it. He stated he would be meeting with the City Manager regarding how to make the cemetery break even and then would bring a proposal back to the Commission.

8. COMMENTS

8.1 City Commission

Commissioner LeHeup-Smith complimented staff on the Buskers Festival.

Commissioner Cobb reminded everyone that the Lake County Fair was coming up.

Commissioner LeHeup-Smith announced that LEASH would be hosting a microchipping clinic at the Animal Control office that would be free to County residents.

8.2 City Manager

Mr. Neibert stated that the Commission had asked for a more indepth budget presentation. He explained that the budget is prepared incrementally. He asked if they want a number of small presentations or one three-hour presentation. He suggested that staff first provide a budget overview and the Capital Improvement Plan (CIP).

Mayor Holland explained that in the past the Commission took a two or three day period to hear presentations by individual department heads about their budget. He cited the need due to the number of new commissioners.

CONSENSUS: It was a consensus of the Commission for staff to first provide an overview of the budget and CIP and then do the individual department budget presentations.

8.3 City Attorney

Mr. Schroth provided an update on the Panuska lawsuits. He noted that Mr. Panuska and his lawyer had submitted a settlement proposal; however, the City was not in a position to accept the proposal since it does not own the property. He indicated that Cecelia Bonifay and the property owner would be negotiating on that and then he would bring it to the Commission.

8.4 Mayor

Mayor Holland commented on the Busker Festival and noted the additional donation that allowed the grand winner to receive $4,000. He asked everyone to know that they need to be realistic about the budget while not overtaxing the residents in the process. He asked everyone to keep the Fire Dept. in their prayers as they were working an active fire. He announced that the new police chief would be sworn in Monday at 5 p.m. in the Commission Room. He reminded everyone about the April First Friday event.

9. ADJOURNMENT

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording or verbatim transcript of the meeting can be obtained from the office of the City Clerk for a fee.*

Mary C. Montez

MARY C. MONTEZ
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner