



APPROVED: 3/4/2021

MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, February 4, 2021 - City Hall

NOTICE: DUE TO REQUIRED SOCIAL DISTANCING, THERE WILL BE LIMITED SEATING FOR ALL CITY COMMISSION, COMMUNITY REDEVELOPMENT AND LOCAL PLANNING AGENCY MEETINGS

Due to a recent uptick in Covid-19 cases, the City of Eustis has determined the need to re-impose limited seating in order to meet recommended social distancing standards. Therefore, please note that seating will be limited for all City meetings for the foreseeable future. Seating will be closed five minutes prior to any meeting whether the meeting room is full or not due to no staff member being available to monitor the entrance. Anyone who is not able to obtain seating is encouraged to watch the livestreaming of the meetings from home and submit any comments or questions to the City Clerk via email at cityclerk@eustis.org. Please note that anyone attending the meeting must sit in the designated seats and cannot sit in clusters in order to maintain the CDC recommended six feet. Thank you for your cooperation.

INVOCATION: MAYOR HOLLAND

PLEDGE OF ALLEGIANCE: COMMISSIONER COBB

CALL TO ORDER: 6:15 P.M.

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

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

2. AGENDA UPDATE

3. APPROVAL OF MINUTES

3.1 January 21, 2021 - Regular City Commission Meeting

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, 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

4. PRESENTATIONS

4.1 Presentation of fundraising checks from the 2nd Annual VetFest Lake County

Erin Bailey, City Events and Tourism Manager, reported on the 2nd Annual Vet Fest Lake County. She introduced the Vet Fest Committee as follows: Jan Wiseman, Gator Harley Davidson; Keith Totten, One Team One Fight for PTSD; Sherrie Hutchinson, Exit Real Estate Results; and Tony Rofrano with Last Ride.

She noted the addition of the Patriot Guard Riders who brought the Wall on Terrorism into Ferran Park. The Committee presented \$2,000 to the Patriot Guard Riders. She introduced Ron "Lucky" Cleary, Donna "Lulu" Shaffer and Doyle "Goofy" Schwab from the Patriot Guard Riders. They presented \$4,000 to Tony and Sue Rofrano for Last Ride and \$4,000 to Keith Totten for One Team One Fight for PTSD.

The Commission thanked the Committee for their work on the Vet Fest and expressed the hope that it will be another signature event for the City.

4.2 Presentation by City Attorney regarding Sunshine Law and ethics in the State of Florida

Derek Schroth, City Attorney, provided a presentation to the Commission regarding the Sunshine Law, public records and the Florida ethics code. He noted many of the Commissioners would be taking the State mandated training on February 24th which is required to be four hours.

Mr. Schroth explained the Sunshine Law, who it applies to and what it requires. He cited three Sunshine Law requirements as follows: 1) Reasonable notice must be given; 2) Meetings must be open to the public; and 3) Minutes must be prepared of the meeting. He commented on the challenges to the open meetings caused by Covid-19 and how the City had addressed those challenges.

Mr. Schroth then commented on issues pertaining to the use of social media and the need to be cautious when responding to comments through that medium. He provided examples of various Sunshine Law violations. He provided some precautions such as not hitting "reply all". He advised that if they have questions about a meeting to only contact the appropriate staff member and to express any comments or opinions only at a public hearing. He commented on the use of an "evasive device" constituting a Sunshine Law violation.

Mr. Schroth then commented on social networking and the Sunshine Law. He cited a recent court case that indicated an entity could remove off-topic comments. He reviewed the penalties for inadvertent and deliberate violations.

Mr. Schroth then reviewed what constitutes a public record and advised the Commission that, if they receive anything pertaining to City business on their personal email, they forward it to the City Clerk for archiving and to forward to the City any regular mail they receive at home. He cited the penalties pertaining to public records violations.

Mr. Schroth then discussed the ethics laws stating that the guiding principal is that they not use their public position for private gain. He provided examples of various ethics violations. He cautioned them about situations that may involve family members or employers and recommended they check with him or the City Clerk if they question whether or not they have a conflict of interest. He explained that, if they do not have a conflict, they have to vote on an issue.

Mr. Schroth then reviewed the rules pertaining to the acceptance of gifts. He emphasized no gift, regardless of value, is allowed that the intent of the gift is to

obtain favor. He reviewed what constitutes a gift. He explained anti-nepotism regulations and prohibition of doing business with the City.

5. AUDIENCE TO BE HEARD

- 5.1 Vance Jochim commented on the City's website and expressed concern regarding the lack of information available. He encouraged the City to expedite the implementation of its new website. He commented on the Georgefest parade and asked why each group is only allowed three vehicles in the parade.

Stephanie Carder, Lake Eustis Area Chamber of Commerce, announced the Running of the Georges 5K would be held Saturday along with the chili cookoff. She noted there would also be live entertainment. She explained that the Chamber did not solicit door prizes for the Georgefest raffle due to Covid-19. She stated they are only raffling off an aquamarine and diamond ring donated by Merry Jewelers.

Mary Montez, City Clerk, went to determine if anyone waiting on the steps of City Hall wanted to address the Commission under Audience to be Heard. No one wanted to address the Commission at that time.

While waiting, Mayor Holland reminded the audience about the upcoming Georgefest activities and encouraged everyone to wear masks and maintain social distancing during the events.

6. CONSENT AGENDA

- 6.1 Resolution Number 21-06: Foreclosure Authorization - 1007 South Eustis Street, Code Enforcement Case 19-00971

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, 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

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 7.1 Resolution Number 21-07: Assignment of the Sun Terra Communities III, LLC purchase agreement to CR 437 Land Investments LLC

Derek Schroth, City Attorney, announced Resolution Number 21-07: A Resolution of the City Commission of the City of Eustis, Florida; authorizing the City Manager to execute an assignment of the purchase agreement with Sun Terra Communities III, LLC to CR 437 Land Investments LLC for completion of the sale of the City's 197.3 acre sprayfield property.

Ron Neibert, City Manager, explained Richard Jerman is the manager of both entities and just wants to transfer the rights to the other entity which will be the development corporation for the project.

Mr. Schroth opened the public hearing at 7:00 p.m. There being no public comment, the hearing was closed at 7:00 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to approve Resolution Number 21-07. Motion carried by the following votes:

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

- 7.2 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 announced that staff is again requesting continuance to a date certain of Ordinances 19-32 through 19-40.

Mayor Holland asked how negotiations are proceeding with Lake County with Mr. Neibert responding that staff has met with the City Attorney to draft an agreement which would then be reviewed by City staff.

Mr. Schroth opened the floor to public comment on the postponement at 7:02 p.m.

Vance Jochim expressed concern regarding the staff reports not including the financial impact on the City. He recommended that the City's reports include a formal analysis of the cost to the City along with any additional revenue.

Tom Carrino, Economic Development Director, went to ask the public outside if anyone wanted to comment on the recommended postponement.

Rick Jordan asked what the negotiations with the County consist of with Mr. Neibert stated they are discussing with the County densities, fire service and related issues.

Mr. Schroth advised Mr. Jordan that he could obtain all the communications between the City and County regarding the negotiations.

Mr. Carrino confirmed no one outside wanted to speak on the postponement.

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

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to continue Ordinances 20-32 through 20-40 until the February 18, 2021, meeting.
Motion carried by the following votes:

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

- 7.3 Ordinance Number 20-41: Voluntary Annexation of property located north and south of Pine Meadows Golf Course Road
Ordinance Number 20-42: Comprehensive Plan Amendment for property located north and south of Pine Meadows Golf Course Road
Ordinance Number 20-43: Design District Assignment for property located north and south of Pine Meadows Golf Course Road

Mr. Schroth read Ordinance Number 20-41 by title only on second reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 226.826 acres of real property located on the north and south sides of Pine Meadows Golf Course Road, as more particularly described herein.

Mr. Schroth opened the public hearing at 7:09 p.m.

Terri Roher commented on another property posted with Hanover Land Builders who is the developer interested in the Pine Meadows property. She quoted an article from the Orlando Business Journal. She expressed support for Mr. Jochim's comments regarding analyzing if the City would lose money on the development.

Walter Gross addressed the Commission in opposition to the annexation and expressed concern regarding the anticipated increase in traffic.

Ms. Montez noted there was one email concerning the ordinance from Major Stacey stating that he was available to answer any questions; however, due to Covid he was watching the livestreaming.

Dee Gretzler encouraged the Commission to think about the people who already live there and who appreciate the rural nature of the community. She expressed concern regarding the existing traffic.

There being no further public comment, the hearing was closed at 7:16 p.m.

Mayor Holland expressed support for also continuing Ordinances 20-41 through 20-43 until the City has completed the negotiations with Lake County.

Moved by Mayor Holland, seconded by Commissioner LeHeup-Smith, to continue Ordinances 20-41 through 20-43 until the February 18, 2021, Commission meeting.
Motion carried by the following votes:

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

7.4 Ordinance Number 20-47: Voluntary Annexation of Royal Brothers property

Mr. Schroth read Ordinance Number 20-47 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 10.04 acres of real property lying west of Kurt Street and east of David Walker Drive.

Mr. Schroth opened the public hearing at 7:18 p.m. There being no public comment, the hearing was closed at 7:18 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Ordinance Number 20-47 upon first reading. Motion carried by the following votes:

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

7.5 Ordinance Number 20-48: Comprehensive Plan Amendment assigning future land use designation to Royal Bros. property

Mr. Schroth read Ordinance Number 20-48 by title on second and final 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(1) F.S.; changing the future land use designation of approximately 10.04 acres of recently annexed real property lying west of Kurt Street and east of David Walker Drive from Urban Low in Lake County to Mixed Commercial/Residential (MCR) in the City of Eustis.

Mr. Schroth opened the public hearing at 7:19 p.m. There being no public comment, the hearing was closed at 7:19 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to adopt Ordinance 20-48 on second and final reading. Motion carried by the following votes:

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

7.6 Ordinance Number 20-49: Assigning Design District designation to Royal Bros. property

Mr. Schroth read Ordinance Number 20-49 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood design district designation to approximately 10.04 acres of recently annexed real property lying west of Kurt Street and east of David Walker Drive.

Mr. Schroth opened the public hearing at 7:19 p.m. There being no public comment, the hearing was closed at 7:19 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to adopt Ordinance Number 20-49 on second and final reading. Motion carried by the following votes:

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

8. FUTURE AGENDA ITEMS: NONE

9. COMMENTS

9.1 City Commission

Commissioner LeHeup-Smith congratulated Vice Mayor Lee for being selected Georgefest Queen and Lance Pauli for being selected Georgefest King. She also congratulated the Fire Dept. for winning the table decoration contest. She encouraged the rest of the Commission to sign up for the February 24th ethics training. She stated her happiness at the City's decision to proceed with Georgefest.

Commissioner Cobb reported on efforts to publicize the Gateway Grant program. She noted the meeting on the program to be held February 9th at the Chamber. She thanked the City Manager, Tom Carrino and Kristina Rosenberg for their efforts. She announced that she and Commissioner Hawkins would be walking in the 5K and the Commission would be having a team in the chili cookoff.

9.2 City Manager

Mr. Neibert reminded the Commission of the discussion at the retreat to hold a workshop on the Strategic Plan and suggested the workshop be held on Thursday, March 11th at 5:30 p.m. in the Commission Room.

CONSENSUS: It was a consensus of the Commission to schedule the Strategic Plan workshop as proposed.

9.3 City Attorney

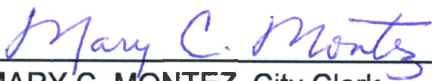
Mr. Schroth announced that he previously requested direction from the Commission regarding the two Panuska lawsuits. He noted a private attorney-client meeting was noticed for 7:00 p.m. but it would probably start closer to 7:30 p.m. following the close of the Commission meeting.

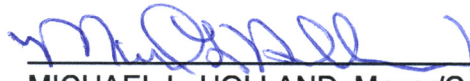
9.4 Mayor

Mayor Holland encouraged everyone to attend the Georgefest events, wished everyone a happy Valentine's Day and thanked them for attending.

10. ADJOURNMENT: 7:26 P.M.

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


MARY C. MONTEZ, City Clerk


MICHAEL L. HOLLAND, Mayor/Commissioner