



APPROVED: 12/17/2020

MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, December 3, 2020 - City Hall

INVOCATION: MOMENT OF SILENCE WAS HELD

PLEDGE OF ALLEGIANCE: COMMISSIONER LEHEUP-SMITH

CALL TO ORDER: 6:01 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Commissioner Karen LeHeup-Smith, Commissioner Robert Morin,
Commissioner Marie Aliberti, Vice Mayor Emily Lee and Mayor Michael Holland

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

- 2.1 November 5, 2020 - Regular City Commission Meeting
November 19, 2020 - 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 LeHeup-Smith, Commissioner Morin, Commissioner Aliberti,
Vice Mayor Lee and Mayor Holland

3. PRESENTATIONS

3.1 Recognition of 2020 Miss Eustis Winners

Mayor Holland presented Certificates of Recognition to all of the 2020 Miss Eustis pageant winners and thanked them for their service to the community. The winners were as follows: Miss Eustis Mackenzie Mulligan, Teen Miss Eustis Emma Betancourt, Junior Miss Eustis Chloe Seebree, Little Miss Eustis Ella Liles and Tiny Miss Eustis Ariyah Waters.

3.2 Recognition of City Employee West Williams Jr. for his 45 years of service to the City

Mayor Holland presented City employee West Williams with a proclamation recognizing his over 45 years of service to the City.

4. APPOINTMENTS

4.1 Appointment to Eustis Memorial Library Board of Trustees - Gwendolyn Manning

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve the reappointment of Gwendolyn Manning to the Library Board of Trustees. Motion carried by the following votes:

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

5. AUDIENCE TO BE HEARD

- 5.1** Gertrude Cobbs addressed the Commission regarding an incident where her car hit one of the City curbs. She explained that the City's insurance company denied her claim and tried to indicate she had lied. She noted that the City had to repair the curb twice.

Ron Neibert, City Manager, explained he had spoken with Ms. Cobbs about the incident. Ms. Cobbs stated she wanted the claim withdrawn and the record expunged so it did not imply she had lied. Mr. Neibert indicated he would contact the City's insurance company regarding her request.

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 6.1** Resolution Number 20-87: Approval of contract for purchase of City sprayfield property

Derek Schroth, City Attorney, announced Resolution Number 20-87: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; approving the reinstatement and third addendum to the real estate purchase and sales agreement with Sun Terra Communities III, LLC for the purchase of City-owned property located east and south of Cardinal Lane; authorizing the City Manager to execute said agreement.

Mr. Neibert explained the purchaser previously withdrew their offer due to an issue with negotiations on additional property; however, they are now moving forward with the other purchase and would like to reinstate the agreement for the same purchase price of \$1.75 million with a 90-day due diligence period and increasing the earnest money to \$100,000.

Mr. Schroth opened the public hearing at 6:13 p.m. There being no public comment, the hearing was closed at 6:13 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Resolution Number 20-87. Motion carried by the following votes:

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

- 6.2** Explanation of Ordinances for property located on the north side of CR 44A, east of East Eldorado Lake Drive:
Ordinance Number 20-32: Voluntary Annexation
Ordinance Number 20-33: Comprehensive Plan amendment assigning future land use designation
Ordinance Number 20-34: Assigning design district designation

Mr. Schroth read Ordinance Number 20-32 by title on final reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 20.691 acres of real property located on the north side of County Road 44A, east of East Eldorado Lake Drive.

Mr. Schroth commented on the amount of interest in the annexation and the filing of a lawsuit concerning the annexation. He reviewed the history of the initial approval of the annexation and the recent actions by the County Commission to deed a portion of the County park to a third party if the City did not continue the second reading. In response, the applicant filed a lawsuit and requested a temporary injunction to stop the County from signing and recording a deed which was subsequently denied. He stated the County proceeded with recording the deed on Tuesday which severs the contiguity until a judge determines otherwise or until the County has the deed revert back to the County. He stated his opinion that the City is now legally prevented from approving the annexation until either a court declares the deed invalid or the County implements the reversion clause even though the request met all legal requirements at the time of application. He recommended that the Commission postpone second reading until the December 17th meeting. He noted that action would then effect all of the other ordinances.

Mr. Schroth opened the public hearing at 6:17 p.m. pertaining to the continuance to December 17th.

Mr. Neibert confirmed that the individuals that had submitted "request to speak" cards did not want to speak on the continuance. There being no public comment, the hearing was closed at 6:18 p.m.

The following individuals submitted emails or phone calls in opposition to the various annexations: 1) Williams Bales (also signed by Connie Pattee, James Pattee and Jaelyn Bales; 2) Karen Berryman; 3) James Calvin and Marcia Pease (email and phone call); 4) Candy from Candylandfarm; 5) Bridget Comeaux; 6) Harold W. Confer; 7) Darrell Coval; 8) James R. Cox and Winifred M. Begley; 9) Karen Dean; 10) Elizabeth L. Delker; 11) Kristen Duffield; 12) Jeffrey and Nancy Dunlap; 13) Ed and Mollie Duvall; 14) Bonnie Figliolia; 15) Floyd and Lucy Fincher; 16) Charles Fitch; 17) Fuertes family and Sea Bree'z Farm; 18) Unincorporated Eustis resident; 19) Thomas Grayford; 20) Melanie Griffey; 21) Deborah K. Hardy; 22) Taylor Griffey (phone call); 23) Marvin Reese Holt; 24) Cameron Jacobs; 25) Glynrie Mallery; 26) Prue Maxon; 27) Diana McGowin; 28) John and Diana McGowin; 29) Carrie Meredith; 30) Kelly Meredith; 31) Douglas Miner and Korena Monoski; 32) Mike and Pat Mynatt; 33) Cindy Newton; 34) Charles and Cindy Newton; 35) Sharon Oughterson; 36) Corey and Vanessa Ouellette; 37) Pamela Jacobs; 38) Jonathan T. Pasco; 39) Alea Prevatt; 40) Tom Ratliff; 41) Wayne Roberts; 42) Laura and Bruce Rottman; 43) Dr. Frank Rudden; 44) Don Semento; 45) Jim Smith; 46) Pamela Sonne and family; 47) Krescenda Strew; 48) Mark, Allison, Jean and Jane Thomas; 49) Sandra Watson; 50) J. W. Wieser; 51) Ronald H. Williams; 52) Lloyd Kennedy; 53) Daniel Arceneaux; 54) Jenny Born; 55) James and Elizabeth Byrd; 56) Bill and Mary Cadiz; 57) Katie S. Caldwell; 58) Rebecca Davidson; 59) Anonymous (deadsleep@gmail.com); 60) Paul Galley (phone call); 61) Adrian Griffey; 62) Hugh Kent; 63) Carol Kessinger; 64) Kari Lara-Murabito; 65) Tammy Pena; 66) James E. Smith Sr.; and 67) William and Henderika Strew.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue second reading of Ordinance Number 20-32 to the December 17th meeting because the County's actions prevented us from having a hearing and finalizing approval.
Motion carried by the following votes:

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

6.3 Ordinance Number 20-33: Assigning future land use designation to 20.691 acres

Mr. Schroth opened the public hearing for continuance of Ordinance 20-33 to December 17th at 6:19 p.m. There being no public comment, the hearing was closed at 6:19 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue second reading of Ordinance Number 20-33 to the December 17th meeting because the County's actions prevented us from having a hearing and finalizing approval.
Motion carried by the following votes:

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

6.4 Ordinance Number 20-34: Assigning design district designation to 20.691 acres

Mr. Schroth opened the public hearing for continuance of Ordinance 20-34 at 6:19 p.m. There being no public comment, the hearing was closed at 6:19 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue second reading of Ordinance 20-34 to the December 17th meeting because the County's actions prevented us from having a hearing and finalizing approval.
Motion carried by the following votes:

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

6.5 Explanation of Ordinances for property located on the South side of CR 44A and West of Thrill Hill Road:

Ordinance Number 20-35: Voluntary Annexation

Ordinance Number 20-36: Comprehensive Plan Amendment assigning future land use designation

Ordinance Number 20-37: Design district designation

Mr. Schroth opened the public hearing for the continuance of Ordinance 20-35 at 6:20 p.m. There being no public comment, the hearing was closed at 6:21 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue second reading of Ordinance 20-35 to the December 17th meeting because the County's actions prevented us from having a hearing and finalizing approval.
Motion carried by the following votes:

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

6.6 Ordinance Number 20-36: Assigning a future land use designation to 104.066 acres

Mr. Schroth opened the public hearing for continuance of Ordinance 20-36 at 6:21 p.m. There being no public comment, the hearing was closed at 6:21 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue second reading of Ordinance 20-36 to the December 17th meeting because the County's actions prevented us from having a hearing and finalizing approval.

Motion carried by the following votes:

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

6.7 Ordinance Number 20-37: Assigning a design district designation to 104.066 acres

Mr. Schroth opened the public hearing on the continuance of Ordinance 20-37 at 6:22 p.m. There being no public comment, the hearing was closed at 6:22 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue second reading of Ordinance 20-37 to the December 17th meeting because the County's actions prevented us from having a hearing and finalizing approval.

Motion carried by the following votes:

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

6.8 Explanation of Ordinances for property located on the East side of Thrill Hill Road and north of Reedy Road:

Ordinance Number 20-38: Voluntary Annexation

Ordinance Number 20-39: Comprehensive Plan Amendment assigning future land use designation

Ordinance Number 20-40: Assigning design district designation

Mr. Schroth opened the public hearing on the continuance of Ordinance 20-38 at 6:22 p.m.

Sharon Oughterson addressed the Commission and asked what it would take to change their minds. She commented on her efforts to live in the country and expressed concern regarding growth.

There being no further public comment, the hearing was closed at 6:24 p.m.

Following the motion and second, Commissioner Morin asked if the Commission could have open discussion after the continuation.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue second reading of Ordinance 20-38 to the December 17th meeting because the

County's actions have prevented us from having a hearing and finalizing approval. Motion carried by the following votes:

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

6.9 Ordinance Number 20-39: Assigning a future land use designation to 39.1691 acres

Mr. Schroth opened the public hearing on the continuation of Ordinance 20-39 at 6:26 p.m. There being no public comment, the hearing was closed at 6:26 p.m.

Mr. Schroth then advised the Commission that due to the existing lawsuit any comments regarding the properties should be made during the public hearing on either Ordinance 20-39 or 20-40.

Following the motion and second, Commissioner Morin stated he has read all of the emails regarding the proposed annexations and commented on the difficulty the Commission has in making decisions based on the information provided. He cited previous issues regarding other developments and explained the need to have density in order to pay for utilities. He expressed support for the City establishing a separate Land and Zoning Board and commented on the need for additional professional expertise. He commented on the process and the need for the City to determine what is best for both City residents and nonresidents. He encouraged audience members to continue to provide their comments.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue second reading of Ordinance Number 20-32 to the December 17th meeting because the County's actions prevented us from having a hearing and finalizing approval. Motion carried by the following votes:

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

6.10 Ordinance Number 20-40: Assigning a Rural Neighborhood design district to 39.1691 acres

Mr. Schroth opened the public hearing on the continuance of Ordinance Number 20-40 at 6:35 p.m. There being no public comment, the hearing was closed at 6:35 p.m.

Following the motion and second, Mayor Holland announced that the City and County staff will be meeting on Friday to discuss joint planning. He indicated the property owners have rights too. He emphasized that the City has not received a development plan at this time. He cited the need for the City of Eustis and the County to work together and stated that it needs to be fair on both sides. He further stated his intent to hold meetings with the new City and County Commissions to discuss joint planning. He expressed opposition to having something forced upon the City residents. He commented on the City's process and encouraged residents to continue providing comments.

Vice Mayor Lee noted that the emails keep stating there will be five units per acre and emphasized that has not been determined. She commented on the need for

the City, County and residents to work together. She asked that everyone listen and work together to resolve differences. She thanked the audience for taking the time to send the emails.

Commissioner Morin expressed support for the City changing the land use designation to not have the five units per acre and for developers being more forthcoming about their plans.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue second reading of Ordinance Number 20-32 to the December 17th meeting because the County's actions prevented us from having a hearing and finalizing approval.

Motion carried by the following votes:

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

7. OTHER BUSINESS

7.1 Acceptance of 2020 City Commission Election Results

Mary Montez, City Clerk, stated the Commission has before them the results of the 2020 City Commission election as certified by the Lake County Canvassing Board. She asked for a motion to accept the results as presented.

Moved by Commissioner Morin, seconded by Commissioner Aliberti, to accept the 2020 City Election results as certified by the Lake County Canvassing Board.

Motion carried by the following votes:

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

8. FUTURE AGENDA ITEMS

8.1 Commissioner Aliberti asked to be part of the post-Light Up review committee and encouraged that the downtown merchants be provided more input on plans for events.

9. COMMENTS

9.1 City Commission

Commissioner Morin stated that the annual education concurrency meeting was coming up and cited the need to have someone else involved since he will be going off the committee. He reiterated the need for a land and zoning board. He noted he found a bayonet in one of his trees they just had removed.

Mr. Neibert clarified that a second Commissioner could not participate in the concurrency conference call due to the Sunshine Law.

Commissioner Aliberti noted she missed the last meeting due to having Covid-19.

Commissioner LeHeup-Smith commented on how wonderful the Light Up event was.

Vice Mayor Lee commented on how much she also enjoyed Light Up.

9.2 City Manager - None

9.3 City Attorney - None

9.4 Mayor

Mayor Holland congratulated the winners of the Chamber Community Service Awards and noted that Tom Carrino received an award. He expressed the need for communication and the need to work with the County to make sure things work for both City and County residents. He recognized Commissioners-elect Nan Cobb, Willie Hawkins and Emily Lee. He noted that Commissioners Morin and Aliberti will be given the opportunity to provide parting comments at the next meeting.

10. ADJOURNMENT: 6:47 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