



City of Eustis, Florida

City Hall
10 North Grove Street
Post Office Drawer 68
Eustis, FL 32727-0068

Meeting Minutes – Final* City Commission

Thursday, September 20, 2018

6:00 PM

City Hall

INVOCATION: Pastor John Christian, City of Leesburg

PLEDGE OF ALLEGIANCE: Commissioner Bob

CALL TO ORDER: Mayor Morin - 6:09 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: 5 - Commissioner Linda Bob; Commissioner Carla Gnann-Thompson; Commissioner Michael Holland; Vice-Mayor Marie Aliberti; and Mayor Robert Morin

I. AGENDA UPDATE

II. APPROVAL OF MINUTES

18-0228 August 9, 2018 - City Commission Workshop
September 6, 2018 - Regular City Commission Meeting

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Holland, that the Minutes of the August 9, 2018, City Commission Workshop be Approved. On a voice vote, the motion passed unanimously.

A motion was made by Commissioner Holland, seconded by Vice Mayor Aliberti, that the Minutes of the September 6, 2018, City Commission Meeting be approved. On a voice vote, the motion passed unanimously.

III. APPOINTMENTS

18-0218 Reappointment to Code Enforcement Board - Joanne Rittenhouse

Joanne Rittenhouse addressed the Commission to request reappointment to the Code Enforcement Board. She noted that she is a volunteer with Paws for a Cause.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Aliberti, that Joanne Rittenhouse be reappointed to the Code Enforcement Board. On a voice vote, the motion passed unanimously.

18-0217 Appointment of Alternate to Historic Preservation Board - Larry Turnbow

A motion was made by Commissioner Holland, seconded by Commissioner Gnann-Thompson, that Larry Turnbow be appointed as an Alternate to the Historic Preservation Board. On a voice vote, the motion passed unanimously.

IV. AUDIENCE TO BE HEARD

Scott Ales addressed the Commission regarding rental of the community center and noted they were told there is a 30-day advance rental period and asked that they reconsider that policy.

Monica Buggs addressed the Commission regarding the Palmetto Plaza project. She expressed her disappointment that the community was told that the permitting for the project may extend

into next year. She commented about how the area has been torn up for at least six weeks and expressed dismay about the amount of time the area has been and will be disturbed. She noted that the Sunset Island project was started and is almost completed in a much shorter period of time.

Edwin Hernandez, owner of an auto repair shop in Eustis, addressed the Commission regarding holding a Toys for Tots program in Eustis and asked for the Commission to consider helping to sponsor the event.

Mayor Morin noted Mr. Hernandez has three jeep clubs that are going to participate. He encouraged Mr. Hernandez to speak with the City's Events Coordinator Erin Bailey.

V. CONSENT AGENDA

- 18-0219 Resolution No. 18-74: Acceptance of Cobb Commerce Park Subdivision Infrastructure and Associated Actions**
- 18-0220 Resolution No. 18-77: Water Service/Annexation Agreement for Property Located at 3216 E CR 44, Outside the City Limits**
- 18-0236 Resolution No. 18-81: Purchase in Excess of \$25,000 for Emergency Network Radios**

A motion was made by Commissioner Holland, seconded by Commissioner Gnann-Thompson, to Approve the Consent Agenda. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 18-0214 Resolution No. 18-78: Final Millage Rate for FY2018-19**

Derek Schroth, City Attorney, announced Resolution No. 18-78: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the final millage levy of ad valorem taxes for the City of Eustis, Lake County, for fiscal year 2018-2019; providing for an effective date.

Rob Visser, Deputy Finance Director, announced the following: 1) The taxing authority is the City of Eustis; 2) The rolled back rate is 7.1350; and 3) The tentative millage rate is 7.5810 which exceeds the rolled back rate by 6.25%. He provided a comparison of the property values and tax collections from 2008 to 2018. He then provided a comparison of changes in taxable property values with other Lake County cities. He also provided a ranking by millage rate of the Lake County cities and noted other cities that also have fire and/or solid waste assessment which the City does not have. He stated staff's recommendation for setting the millage rate at 7.5810.

Mr. Schroth opened the public hearing at 6:23 p.m. There being no public comment, the hearing was closed at 6:24 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 18-78. The motion carried by the following vote:

Aye: 4 - Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

Nay: 1 - Commissioner Bob

18-0213 Resolution No. 18-79: Adopting a Final Budget for FY 2018-2019

Mr. Schroth announced Resolution No. 18-79: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the final budget for Fiscal Year 2018-2019; which shall include the Capital Improvement Program for the City of Eustis; providing for an effective date.

Mr. Visser provided an overview of the FY2018-19 final budget and reviewed the significant factors effecting development of the budget and cited the anticipated revenue loss in the next year due to the passage of the additional homestead exemption. He cited the Capital Improvement Plan for FY2018-19 and reviewed the future challenges facing the City's budget including funding for the police and fire pensions, increasing insurance costs, providing competitive compensation, aging infrastructure and the additional homestead exemption.

The Commission asked about the increase in Events and Tourism with Colleen Scott, Finance Director, explaining that the City has gone from 34 events annually to 74 events. She further explained that the increase in expenditures is offset by revenues from those events and is not funded from the General Fund.

Mr. Schroth opened the public hearing at 6:31 p.m. There being no public comment, the hearing was closed at 6:31 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 18-79. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

18-0216 Resolution No. 18-80: Expressing Opposition to Placement of Kirby Smith Statue in Lake County Historical Museum

Mr. Schroth announced Resolution No. 18-80: A Resolution of the City Commission of the City of Eustis, Florida, opposing placement of the Edmund Kirby Smith statue in the Lake County Historical Museum and transmitting the resolution to the ad hoc committee of the Great Floridian's Program – Statue Location Selection Committee, Board of Lake County Commissioners and the Lake County Historical Museum.

Bill Howe, Acting City Manager, explained that the resolution was prepared at the direction of the Commission and was prepared based on the City of Leesburg resolution.

Mayor Morin read the resolution in its entirety.

Mr. Schroth opened the public hearing at 6:34 p.m.

The following individuals addressed the Commission regarding the resolution: 1) Darius Kerrison; 2) Cathy Benton; 3) Mae Hazelton; 4) Sue Hooper; 5) Eric Filken, pastor of Bridges Covenant Church; and 6) Michael Watkins, Friendship A.M.E. Church.

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

The Commission expressed their individual feelings in opposition to bringing the statue to Lake County.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Aliberti, to Approve Resolution No. 18-80. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

18-0221 Resolution No. 18-82: Adopting FY 18/19 Non-Exempt and Exempt Pay Plans and Employee Pay Increases

Mr. Schroth announced Resolution No. 18-82: A Resolution by the City Commission of the City of Eustis, Lake County, Florida; adopting a non-exempt and exempt pay plan for FY18/19 and authorizing employee pay increases for FY18/19.

Mr. Howe reviewed the proposed pay plans for FY18/19 and stated staff's recommendation for adoption of the pay plans and proposed employee pay increases. He announced that the hourly employee pay plan was last amended in 2014 and the pay plan for the salaried employees was last amended in 2008. He commented on the difficulty in competing with surrounding cities and the private sector due to that. He stated staff is recommending a 5% increase in the minimums and maximums and a 5% salary increase for all employees with satisfactory annual evaluations. He explained the negotiations with the IAFF which will be considered under the next resolution. He added that the police union has declared an impasse so no agreement has been met with them as yet; however, additional negotiations have been scheduled. He emphasized the need to attract competent employees and stated the total cost increase for FY18-19 for the General Fund is \$327,000.

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.

A motion was made by Commissioner Holland, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 18-82. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

18-0235 Resolution No. 18-84: Approval of IAFF Collective Bargaining Agreement

Mr. Schroth announced Resolution No. 18-84: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, approving a modification of Article 7 – Hours of Work and Overtime, Article 16 – Pay Schedule, Article 18 – Holidays, Article 20 – Pay Increases, Article 22 – Sanitation Maintenance, Upkeep and Clothing Allowance, Article 23 – Health, Life and Dental Insurance, Article 24 – Payment for Temporary Upgrades, and Article 28 – Entire Agreement/Duration of the Collective Bargaining Agreement between the City of Eustis and the International Association of Firefighters (IAFF) for the period October 1, 2018 through September 30, 2021, as set forth in Exhibit "A" and authorizing the City Manager to sign said agreement.

Mr. Howe provided an overview of the IAFF collective bargaining agreement and stated it would be for a three-year period to run from October 1, 2018 through September 30, 2021. He indicated the agreement also includes a new pay schedule and a "me too" clause which provides a corresponding increase should the police bargaining unit receive a higher increase than the 5%. He reviewed the changes made to the agreement and stated staff's recommendation for approval.

The Commission asked how the firefighter salaries compare with other cities with Mr. Howe indicating the City is low. He commented on the City's low turnover rate.

Mr. Schroth opened the public hearing at 7:09 p.m. There being no public comment, the hearing was closed at 7:09 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Aliberti, to Approve Resolution No. 18-84. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

SECOND READING**18-0205 Ordinance No. 18-19: Annexation of property at 2307 Coolidge Street and 2250 Dixie Avenue**

Mr. Schroth read Ordinance No. 18-19 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 0.62 acres of real property located at 2307 Coolidge St. and 2250 Dixie Ave., Eustis, FL.

Mr. Schroth opened the public hearing at 7:10 p.m. There being no public comment, the hearing was closed at 7:10 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Aliberti, to Adopt Ordinance No. 18-19 on second reading. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

18-0204 Ordinance No. 18-20: Future Land Use Map Amendment to the Comprehensive Plan-2307 Coolidge Street and 2250 Dixie Avenue

Mr. Schroth read Ordinance No. 18-20 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 0.62 acres of recently annexed real property located at 2307 Coolidge St. and 2250 Dixie Ave., from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis.

Mr. Schroth opened the public hearing at 7:11 p.m. There being no public comment, the hearing was closed at 7:11 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Aliberti, to Adopt Ordinance No. 18-20 on second reading. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

18-0206 Ordinance No. 18-21: Design District Assignment - 2307 Coolidge Street and 2250 Dixie Avenue

Mr. Schroth read Ordinance No. 18-21 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 0.62 acres of recently annexed real property located at 2307 Coolidge St. and 2250 Dixie Ave., Eustis, FL.

Mr. Schroth opened the public hearing at 7:11 p.m.

Caroline Wilson expressed concern regarding the state of the area around her home and the lack of street lights and paved sidewalks. She asked what are the plans for the area.

The Commission explained that much of the area is in the County and now it will be in the City.

Ms. Wilson stated that her property is in the City and commented on issues she has had including her home being broken into. She commented on lack of sewer in the area as well despite being told they would be connected to the sewer.

The Commission recommended that she meet with the City Manager to discuss the issues.

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

A motion was made by Commissioner Gnann-Thompson, seconded by Commissioner Holland, to Adopt Ordinance No. 18-21 on second reading. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

FIRST READING

18-0223 Ordinance No. 18-25: Voluntary Annexation - 2201 Dixie Avenue

Mr. Schroth read Ordinance No. 18-25 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 0.28 acres of real property located at 2201 Dixie Ave., Eustis, FL.

Roland Magyar, Senior Planner, provided an overview of the three related ordinances for the requested annexation, future land use designation and design district designation for the property located at 2201 Dixie Avenue. He stated the requested FLUM is to change the use from Urban Low in the County to Mixed Commercial Residential in the City. He explained staff's analysis of the requested annexation, land use designation and design district designation. He stated the request is consistent with the Joint Planning Area, comprehensive plan, state statute and land development regulations and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 7:35 p.m. There being no public comment, the hearing was closed at 7:35 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner Gnann-Thompson, to Approve Ordinance No. 18-25 on First Reading. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

18-0225 Ordinance No. 18-26: Comprehensive Plan Amendment - 2201 Dixie Avenue

Mr. Schroth read Ordinance No. 18-26 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(1) F.S.; changing the Future Land Use Designation of 0.28 acres of recently annexed real property located at 2201 Dixie Ave., from Urban Low in Lake County to Mixed Commercial Residential (MCR) in the City of Eustis.

Mr. Schroth opened the public hearing at 7:36 p.m. There being no public comment, the hearing was closed at 7:36 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Aliberti, to Approve Ordinance No. 18-26 on First Reading. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

18-0227 Ordinance No. 18-27: Design District Assignment - 2201 Dixie Avenue

Mr. Schroth read Ordinance No. 18-27 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood Design District Designation to approximately 0.28 acres of recently annexed real property located at 2201 Dixie Ave., Eustis, FL.

Mr. Schroth opened the public hearing at 7:37 p.m. There being no public comment, the hearing was closed at 7:37 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Aliberti, to Approve Ordinance No. 18-27 on First Reading. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

18-0232 Ordinance No. 18-28: Small-Scale Future Land Use Map Amendment to the Comprehensive Plan - Northshore Drive

Mr. Schroth read Ordinance No. 18-28 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 (1) F.S.; changing the Future Land Use Designation of approximately 1.7 acres of real property located east of Northshore Drive between Wilt Ave. and Pendleton Ave. from Residential Office Transitional (RT) to Public Institutional (PI).

Mr. Magyar explained the request to change the future land use designation of the property located east of Northshore Drive, between Wilt Avenue and Pendleton Avenue, from Residential Office Transitional (RT) to Public Institutional (PI). He stated the proposed use is for an assisted living facility and confirmed the request is compatible and generally consistent with the Eustis Comprehensive Plan, Land Development Regulations and Downtown Master Plan. He stated staff's recommendation for approval.

The Commission questioned how large the facility would be with Mr. Magyar stating they have proposed 86,000 sq. ft.

Daniel Kennerly, the applicant, stated there would be three stories at the front of the property on the east side of Northshore. The potential name is The Lake House and would be approximately 90 rooms with some being two rooms for couples. He explained that this type of development requires a feasibility study to insure the need exists. He also explained how the facility would be operated.

The Commission noted there are a number of old oak trees in that area and asked if they will try to save what oak trees they can with Mr. Kennerly noting there are large oaks on the edges of the property and, if possible, they will be saved.

Mr. Schroth opened the public hearing at 7:52 p.m.

Jeff Lafrate expressed concern regarding the size of the proposed facility, the high density and gun ranges being allowed in the Public Institutional designation.

Mr. Magyar concurred that the density is higher than what would be allowed in Residential Transitional. He stated that the code does require setbacks and landscaping and other design requirements to protect adjoining property owners.

There being no further public comment, the hearing was closed at 7:54 p.m.

The Commission discussed the possible need to review the land use issues in more depth and suggested tabling the ordinance to a later meeting with Mr. Schroth indicating that, if postponed, it would need to be postponed to a date certain.

A motion was made by Commissioner Gnann-Thompson, seconded by Commissioner Bob, to Continue Ordinance No. 18-28 to the October 4, 2018, City Commission meeting. The motion carried by the following vote:

Aye: 3 - Commissioner Bob; Commissioner Gnann-Thompson; and Commissioner Holland

Nay: 2 - Vice-Mayor Aliberti; and Mayor Morin

18-0222 Ordinance No. 18-22: Voluntary Annexation of 64.47 acres on Interlaken Lane/Old Mount Dora Road

Mr. Schroth announced he has a conflict of interest under the Florida Bar rules so the City has selected Attorney Derek Bruce to represent the City for the issue. He also disclosed that multiple people from the area had contacted him to represent them and he declined.

Derek Bruce, Acting City Attorney, read Ordinance No. 18-22 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 64.47 acres of real property located on the private road known as Interlaken Lane, south of East Crooked Lake.

Lori Barnes, Development Services Director, provided an overview of the three ordinances for the annexation, future land use designation and design district designation of approximately 64.47 acres located on the private road known as Interlaken Lane. She stated the applicant, M3 Development LLC, has applied to annex two parcels totaling 64.47 acres and to change the future land use designation from Urban Low in Lake County to Suburban Residential (SR) in the City. She noted that staff notified Lake County of the requested annexation. The City has not received a formal opinion from the County Administration; however, the City Manager received a personal letter from Commissioner Leslie Campione. She stated that water supply and capacity is available. She explained that sewer is not currently available; however, the applicant has expressed willingness to extend the sewer to the project. She provided an overview of the City development patterns within the area and the land use designations in the surrounding area. She reviewed the developments in the area around the lake and the amount of dedicated open space in each. She provided an evaluation of the requested future land use and the design district designations. She stated staff's recommendation for approval and stated the requested annexation is consistent with the Joint Planning Area and state statute requirements. The proposed designations are compatible and consistent with the Eustis Comprehensive Plan and Land Development Regulations.

The Commission questioned how many homes are being considered.

Ms. Barnes responded that the applicant is present and can address that. She noted that the City's Comprehensive Plan provisions do not guarantee a maximum density and many of the City's regulations will restrict the density further than the maximum five units per acre. She introduced Kathy Hattaway, representing the applicant who is with Hollis and Bennett.

Scott Baker, attorney for M3 Development LLC, indicated the applicant representatives are Peter McDaniel and Kathy Hattaway who is their planning professional. He requested that they be allowed to provide their presentation and then be provided the opportunity to rebut any comments.

Mayor Morin recommended that the Commission hear the applicant's presentation, then the opposition presentation and then open the floor to public comment with Mr. Howe noting that there are thirteen audience members signed up to speak.

The Commission questioned how many residents from within the 500 ft. zone contacted the City.

Ms. Barnes responded that two inquiries were received from within the 500 feet proximity expressing concern about the concept plan posted on Facebook. The President of the Crooked Lake Terrace HOA requested that the developers contact him to discuss buffering. The remainder were part City residents and part non-residents. She stated there were 17 total contacts which some were duplicates and two from within 500 feet, four City residents and the remaining were County residents.

Kathy Hattaway, Pullis and Bennett, commented on the future land use request to change from Urban Low to Suburban Residential. She noted that the County designation allows for four d/u/a and the City's allows for five d/u/a. She cited the requirements for comprehensive plan review standards and stated that their request meets all the standards for general public facilities and services, natural resources and features, comprehensive plan review, transportation and

water supply. She stated the proposal also meets all of the standards contained in the City's Land Development Regulations. She stated that the bottom line is whether the request is consistent and compatible with the surrounding land uses. She presented a map showing both the City and County existing land uses and noted that it is consistent to have County Urban Low adjacent to the City Suburban Residential. She reviewed other areas with similar development patterns. She stated their confidence that the request meets all of the state and city's requirements for the annexation and future land use and design district designations. She explained the further process including review by the state prior to final adoption by the City. She added that the City Commission would then have to consider the actual site plan through the preliminary subdivision plat review process which would answer a number of the questions.

Daniel Langley, Fishback-Dominick law firm, addressed the Commission representing Scott Ales, a resident of 2461 East Crooked Lake Club Blvd. He introduced a binder of documents to be entered into the record and provided a Powerpoint presentation. He cited the documents to be submitted into evidence as follows: 1) Powerpoint presentation; 2) Summary of comprehensive plan policies that relate to the application and which the application is not consistent with; 3) Three correspondence to the Mayor and Commission regarding the annexation being unlawful and on the density issue - one on Sept. 14th, one on Sept. 15th and one on Sept. 18th; 4) Warranty deed and property record card for Scott Ales showing that he has standing; 5) An aerial map of the property; 6) Topography map submitted by the applicant showing the steep drop off to the lake; 7) An aerial map showing the jurisdiction boundaries of Eustis, Mount Dora and Lake County; 8) An aerial map showing the jurisdiction boundary of Mount Dora bounding on unincorporated lands of which the subject property is a part; 9) City of Mount Dora future land use map and council district map showing jurisdictional boundaries along US 441; 10) City of Eustis future land use map; and 11) District Commissioner from Lake County letter of objection delivered 9/20/2018. He presented the binder of information to the City Clerk.

Mr. Langley stated his client's request that the Commission vote no on the annexation. He stated that the annexation will create an unlawful enclave. He noted that staff has issued the opinion that the annexation will reduce an existing enclave and stated his disagreement and why. He indicated that the City's future land use map contains an error which means there is not an existing enclave. He reviewed FSS Section 171.046 cited in the staff report and stated that it is not relevant to the property. He stated the intent of the statute is to eliminate an entire enclave at one time.

Mr. Langley commented on the higher cost to a city for a residential development versus a commercial development. He further noted that larger homes on large lots generate more tax revenue and less cost due to fewer residents to serve. He cited Policy FLU 3.1.1 of the City's comprehensive plan pertaining to neighborhood compatibility. He stated the developer's conceptual plan showing 96 homes is not compatible with the existing neighborhood. He then stated that the Rural Residential (RR) designation which has a maximum density of one dwelling unit per acre is the only appropriate Future Land Use Map designation for the subject property. He emphasized the surrounding properties can never be developed at higher densities regardless of whether or not they are currently at less than one acre lots. He summarized his client's request that they vote no on the ordinances and emphasized that it would not be legal to annex the property.

The Commission asked Mr. Bruce if it is legal for the City to annex the property.

Mr. Bruce responded that the annexation legality issue is based on the creation or extension of an enclave. He cited an Attorney General Opinion 85.58 that defines an enclave "is a territory enclosed entirely within a foreign territory or an outlying portion of a country entirely or mostly surrounded by the territory of another jurisdiction". He stated his opinion that the City would not be creating an enclave that would be prohibited under the statute. He then stated that the Commission has three options: 1) They can deny the annexation; 2) They can transmit it to the State for their review; or 3) They could continue it. He reviewed the objective determinations of contiguity, compactness and notice requirements. He stated the issue boils down to whether or not the annexation creates an enclave.

Mr. Langley responded that the statute on enclaves and the definition has changed since 1985. He indicated that it is dangerous to rely on the old Attorney General Opinions. He stated that the statute is much clearer now and noted that the Attorney General Opinions are nonbinding.

The Commission discussed the difficulty in determining which attorney is correct and whether or not a workshop would be beneficial. It was suggested that the City continue the issue hold a closed door session with the attorney.

Scott Ales explained his intent in hiring the attorney was to have a better understanding of the proposed project. He indicated their intent was not to sue the City. He emphasized they are not opposed to development. He stated that the current County zoning is R-1 and that the current owner could only develop at one unit per acre. He asked for confirmation of that from Ms. Barnes. He agreed that now is not the time to discuss exact number of homes, roads, open space, etc. He emphasized that what is built next door needs to be in keeping with what they have. He noted their attorney provided all of their information to the developer's attorney.

The Commission recessed at 9:05 p.m. Commissioner Gnann-Thompson left the meeting at 9:05 p.m. The Commission reconvened at 9:12 p.m.

Mayor Morin opened the public hearing at 9:13 p.m.

The following individuals addressed the Commission in opposition to the annexation: 1) Patricia Sullivan; 2) Kevin Gribbon; 3) Brian Iaquinto; 4) John Hoechst; 5) Candace Huber; 6) Dr. Joseph Gruensky; 7) John Benton; 8) Nancy Baker; 9) Joyce Johnston; and 10) Christina Mowers.

The following individual addressed the Commission in support of the annexation: 1) Brian Mitnik.

There being no further public comment, the hearing was closed at 9:46 p.m.

Ms. Hattaway confirmed that the property is currently zoned R-1. She emphasized that any property owner has the right to petition their local government to change that zoning. She stated the Commission has heard how the residents love their neighborhood but they have not stated how they would be harmed by the development. She cited the state statute definition of "compatibility" in Chapter 163. She added that the developer will be extending the sewer.

Ms. Barnes responded to Mr. Ales question about what could be developed in the County. She explained that the County has traditional Euclidian zoning and they have a future land use designation coupled with a zoning district. For this property, the future land use designation of Urban Low would allow up to 4 units per acre. The overlay zoning is R-1 which allows one unit per acre. She explained that Urban Low allows zoning designations of R1, R2, R3 or R4. She further explained a property owner could petition the County for an R4 designation. She then explained the City's form based code. She stated that the requested land use would allow up to 5 units per acre but the Suburban Neighborhood design district only allows certain lot typologies. She further explained that townhouse and apartment lot typologies are not permitted in the Suburban Neighborhood designation. She further stated that the densities will be further limited by the park and open space and lake setback requirements.

Mr. Ales attempted to tell the Commission that the City could be subject to a lawsuit if discussion continued regarding aspects that are not part of the determination.

Following a question by the Commission, Mr. Bruce indicated there was no need for Ms. Barnes to stop her explanation.

Ms. Barnes responded to comments by Mr. Langley and explained that the Comprehensive Plan states that the definitions and uses provided in the future land use appendix are descriptive definitions only. She added that the definition of Rural Residential in the Comprehensive Plan and the definition of Rural Residential in the Land Development Regulations are not duplicates. She

noted that in the descriptive definitions in the Comprehensive Plan there is discussion about principal locations. However, that descriptive definition is not included in the proscriptive Land Development Regulations definition. Though that language exists in the Comprehensive Plan it does not mandate the application of a Rural Residential designation in this area. She then explained that a higher density development in the area will likely facilitate sewer extension for the property and eliminate the possibility of additional septic tanks on East Crooked Lake.

The Commission discussed the following: 1) whether or not the City has the legal right to move forward with the annexation under state law; 2) the previous lawsuit the City endured; 3) the short amount time the Commission had to review the information; 4) the letters received from Rep. Sullivan and Commissioner Campione; 5) the probability the higher density will facilitate the sewer extension and eliminate the possibility of additional septic tanks in the area; 6) whether or not the City could request an Attorney General's opinion; 7) where one owner's property rights supersede someone else's; and 8) continuing the annexation to allow time to obtain an Attorney General's Opinion (AGO).

Ms. Barnes noted the high cost of the advertisements and asked if any continuance could be to a date certain. She noted that approving the ordinances on first reading would only provide for transmittal to the state and final approval wouldn't be until December.

The Commission responded that any cost of advertising would be cheaper than a lawsuit. They discussed various development issues the City has faced over the years.

Mr. Bruce indicated he would send in a request for an AGO the next week. He noted that there will be a changeover in the office due to the November election which may delay the opinion.

A motion was made by Commissioner Holland, seconded by Commissioner Bob, to Defer Ordinance No. 18-22 until the City Attorney obtains an opinion from the Attorney General on the legality of annexing the subject property. The motion carried by the following vote:

Aye: 4 - Commissioner Bob; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

Excused: 1 - Commissioner Gnann-Thompson

18-0226 Ordinance No. 18-23: Large-Scale Future Land Use Map to the Comprehensive Plan - Interlaken Lane/Old Mount Dora Road

Mr. Bruce read Ordinance No. 18-23 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 163.3184 F.S.; changing the future land use of approximately 64.47 acres of recently annexed real property located on the private road known as Interlaken Lane, south of East Crooked Lake, from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis.

A motion was made by Commissioner Holland, seconded by Commissioner Bob, to Defer Ordinance No. 18-23 until the City Attorney obtains an opinion from the Attorney General regarding the legality of annexing the subject property. The motion carried by the following vote:

Aye: 4 - Commissioner Bob; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

Excused: 1 - Commissioner Gnann-Thompson

18-0229 Ordinance No. 18-24: Design District Assignment - Interlaken Lane/Old Mount Dora Road

Mr. Bruce read Ordinance No. 18-24 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood Design District Designation to approximately 64.47 acres of recently annexed real property located on the private road known as Interlaken Lane, south of East Crooked Lake.

A motion was made by Commissioner Holland, seconded by Commissioner Bob, to Defer Ordinance No. 18-24 until the City Attorney obtains an opinion from the Attorney General regarding the legality of annexing the subject property. The motion carried by the following vote:

Aye: 4 - Commissioner Bob; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

Excused: 1 - Commissioner Gnann-Thompson

VII. FUTURE AGENDA ITEMS

Commissioner Holland noted he has been receiving complaints about people speeding through school zones with Capt. Gary Winheim indicating he would increase patrols in the vicinity.

Commissioner Bob commented on the issue the residents of Misty Oaks have with people parking in the neighborhood waiting to pick up students.

Mayor Morin noted a scam call he received with Capt. Winheim reminding everyone that if someone wants you to pay a supposed fine with gift cards or other form, it's a scam. He suggested they Google the phone number to determine if the caller is legitimate.

VIII. COMMENTS

City Commission

Commissioner Holland encouraged everyone to attend the high school football game and support the Panthers.

Vice Mayor Aliberti announced the upcoming "Art Walk".

City Manager

Mr. Howe reminded the Commissioners that the City Manager evaluation forms need to be returned. He then stated the Commission had received information regarding the Byrne Grant award with Mary Montez, City Clerk, explaining the short turnaround time necessitated providing the information to the Commission in order to meet the 30 day criteria. She further explained that the Commission would actually vote on the award at the October 4th meeting.

Patricia Sullivan addressed the Commission noting that her daughter is Representative Jennifer Sullivan. She suggested Rep. Sullivan could help facilitate getting the AGO.

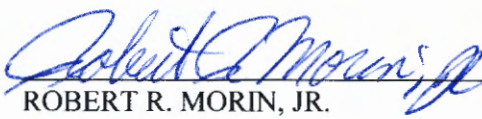
Vice Mayor Aliberti announced that the Open Door fundraiser raised over \$38,000.

City Attorney - None

Mayor - None

IX. ADJOURNMENT - 10:22 p.m.


MARY C. MONTEZ
City Clerk


ROBERT R. MORIN, JR.
Mayor/Commissioner

*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.